

Tab 1	SB 76 by Book; (Similar to CS/H 00551) Transportation Disadvantaged					
Tab 2	SB 368 by Rouson; (Similar to H 00503) Tampa Bay Area Regional Transit Authority					
839638	D	S	RCS	IS, Rouson	Delete everything after	01/27 05:41 PM
619398	AA	S	RCS	IS, Rouson	Delete L.22:	01/27 05:41 PM
Tab 3	SB 422 by Perry; (Compare to CS/H 00343) Recreational Vehicles					
384820	D	S	RCS	IS, Perry	Delete everything after	01/27 05:41 PM
Tab 4	SB 752 by Bean (CO-INTRODUCERS) Book, Cruz; (Identical to H 00705) Emergency Sheltering of Persons with Pets					
955448	D	S	RCS	IS, Bean	Delete everything after	01/27 05:41 PM
Tab 5	SB 844 by Taddeo; (Identical to H 00555) Sales Tax Exemption for Hurricane Shutters and Impact-resistant Windows					
401366	A	S	RCS	IS, Taddeo	Delete L.23 - 38:	01/27 05:41 PM
Tab 6	SB 1000 by Perry (CO-INTRODUCERS) Mayfield; (Identical to H 01371) Traffic and Pedestrian Safety					
308030	A	S	RCS	IS, Perry	Delete L.30:	01/27 05:41 PM
511452	A	S	RCS	IS, Perry	Delete L.50 - 51:	01/27 05:42 PM
Tab 7	SB 1090 by Diaz (CO-INTRODUCERS) Taddeo; (Similar to H 00829) Express Lanes					
Tab 8	SB 1198 by Berman; (Similar to H 00899) Purple Alert					
Tab 9	SB 1258 by Diaz; (Similar to CS/H 00915) Commercial Service Airports					
Tab 10	SB 1352 by Brandes; (Similar to H 01039) Transportation Companies					
416634	A	S	WD	IS, Brandes	Delete L.135 - 149:	01/24 02:52 PM
Tab 11	SB 1464 by Flores; (Similar to CS/H 01095) Underground Facility Damage Prevention and Safety					
661044	D	S	RCS	IS, Flores	Delete everything after	01/27 05:42 PM
820648	AA	S	RCS	IS, Flores	Delete L.407:	01/27 05:42 PM
Tab 12	SR 1572 by Stewart; Climate Change					
786840	D	S	RCS	IS, Stewart	Delete everything after	01/27 05:42 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INFRASTRUCTURE AND SECURITY

Senator Lee, Chair
Senator Perry, Vice Chair

MEETING DATE: Monday, January 27, 2020

TIME: 4:00—6:00 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Lee, Chair; Senator Perry, Vice Chair; Senators Bean, Cruz, Hooper, Hutson, Stewart, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 76 Book (Similar CS/H 551)	Transportation Disadvantaged; Requiring community transportation coordinators, in cooperation with the coordinating board, to plan for and use any available and cost-effective regional fare payment systems that enhance cross-county mobility for specified purposes for the transportation disadvantaged; requiring each coordinating board to evaluate multicounty or regional transportation opportunities to include any available regional fare payment systems that enhance cross-county mobility for specified purposes for the transportation disadvantaged, etc. IS 01/27/2020 Favorable ATD AP	Favorable Yeas 7 Nays 0
2	SB 368 Rouson (Similar H 503)	Tampa Bay Area Regional Transit Authority; Authorizing certain mayors who are members of the governing board of the Tampa Bay Area Regional Transit Authority to appoint a designee to attend a board meeting to act in his or her place with full voting rights on all issues; requiring the designee to be an elected official of the governing body of the mayor's municipality, etc. IS 01/27/2020 Fav/CS CA RC	Fav/CS Yeas 7 Nays 0
3	SB 422 Perry (Compare CS/H 343)	Recreational Vehicles; Defining the terms "category VII liquefied petroleum gas dispenser and recreational vehicle servicer" and "recreational vehicle"; requiring a category VII liquefied petroleum gas dispenser and recreational vehicle operator to pass a written examination administered by the department or its agent, etc. IS 01/27/2020 Fav/CS IT RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Monday, January 27, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 752 Bean (Identical H 705)	Emergency Sheltering of Persons with Pets; Requiring counties to designate at least one shelter that can accommodate persons with pets; specifying requirements for such shelters, etc. IS 01/27/2020 Fav/CS CA RC	Fav/CS Yeas 7 Nays 0
5	SB 844 Taddeo (Identical H 555)	Sales Tax Exemption for Hurricane Shutters and Impact-resistant Windows; Exempting hurricane shutters and impact-resistant windows that are installed by a qualified contractor from the sales and use tax; authorizing the Department of Revenue to adopt emergency rules; providing for expiration of that authority, etc. IS 01/27/2020 Fav/CS FT AP	Fav/CS Yeas 5 Nays 0
6	SB 1000 Perry (Identical H 1371)	Traffic and Pedestrian Safety; Requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to be controlled by traffic control signal devices and pedestrian control signals that conform to specified requirements; requiring, by a specified date, the entity with jurisdiction over a public highway, street, or road with a certain pedestrian crosswalk to ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals, etc. IS 01/27/2020 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 1
7	SB 1090 Diaz (Similar H 829)	Express Lanes; Prohibiting express lanes and tolls on a specified state road; requiring the Department of Transportation to remove all existing express lanes and the imposition of tolls, etc. IS 01/27/2020 Favorable ATD AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Monday, January 27, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1198 Berman (Similar H 899)	Purple Alert; Redefining the term “missing endangered person”; requiring the Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert; authorizing local law enforcement agencies to broadcast information concerning certain missing adults; requiring the local law enforcement agency of jurisdiction to notify certain media and alert subscribers if a Purple Alert is determined to be necessary and appropriate, etc. IS 01/27/2020 Favorable CF RC	Favorable Yeas 5 Nays 0
9	SB 1258 Diaz (Similar CS/H 915)	Commercial Service Airports; Requiring the Auditor General to conduct specified audits of certain airports; requiring members of the governing body of a large-hub commercial service airport to comply with certain financial disclosure requirements; requiring the governing body of a municipality, county, or special district that operates a commercial service airport to establish and maintain a website; requiring commercial service airports to comply with certain contracting requirements, etc. IS 01/27/2020 Favorable CA RC	Favorable Yeas 7 Nays 1
10	SB 1352 Brandes (Similar H 1039)	Transportation Companies; Defining the term “transportation network company digital advertising device”; deleting for-hire vehicles from the list of vehicles that are not considered transportation network company (TNC) carriers or are not exempt from certain registration; authorizing TNC drivers or their designees to contract with a company for the installment of TNC digital advertising devices; requiring companies operating such devices to allocate a specified percentage of advertisement inventory to certain organizations, etc. IS 01/27/2020 Favorable IT RC	Favorable Yeas 6 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Monday, January 27, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1464 Flores (Similar CS/H 1095)	Underground Facility Damage Prevention and Safety; Providing noncriminal violations relating to the transportation of certain hazardous materials; providing that certain incident reports must be transmitted to, and investigated by, the State Fire Marshal, the local fire chief, a local or state law enforcement officer, a government code inspector, or a code enforcement officer; creating an underground facility damage prevention review panel, etc. IS 01/27/2020 Fav/CS BI RC	Fav/CS Yeas 7 Nays 0
12	SR 1572 Stewart	Climate Change; Expressing the Legislature's recognition of this state's susceptibility to climate change and its intention to adopt policies to combat climate change, etc. IS 01/27/2020 Fav/CS EN RC	Fav/CS Yeas 5 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 76

INTRODUCER: Senator Book

SUBJECT: Transportation Disadvantaged

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 76 revises the duties of community transportation coordinators and coordinating boards with respect to services provided to transportation disadvantaged persons. The bill requires community transportation coordinators, in cooperation with their respective coordinating boards, to plan for and use regional fare payment systems, if available and cost effective. The regional fare system must enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires coordinating boards to include in their evaluations of multicounty or regional transportation opportunities regional fare payment systems, if available, that enhance cross-county mobility for the transportation disadvantaged for the same access purposes.

The bill has no impact on state revenues or expenditures. However, there is an indeterminate administrative cost to local coordinators and coordinating boards associated with evaluating, planning and implementing any new regional fare systems. See Section V, "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2020.

II. Present Situation:

The Transportation Disadvantaged Program

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.¹ The TD Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature

¹ 79-180, L.O.F.

created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.² The purpose of the Commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged,³ with the goal of such coordination to assure the cost-effective provision of transportation by qualified community transportation coordinators⁴ or transportation operators.⁵ The program is “a shared-ride service” which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.

Each metropolitan planning organization (MPO), or the designated official planning agency in an area outside the purview of an MPO, recommends to the Commission a single community transportation coordinator.⁶ A “community transportation coordinator” is a transportation entity responsible for ensuring that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.⁷ Currently, 21 counties serve as the coordinator.⁸

Coordinators are currently charged with various powers and duties, including, but not limited to establishing eligibility guidelines and priorities with respect to recipients of nonsponsored transportation disadvantaged services,⁹ developing cost-effective coordination strategies and a service plan for the delivery of services, executing uniform contracts for services, and annually reviewing all transportation operator contracts.¹⁰

Coordinators undergo an annual performance evaluation by the local coordinating board.¹¹ A “coordinating board” is an advisory entity in each designated service area, composed of representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinators relative to the coordination of transportation services.¹² These boards develop local service needs and provide information, advice, and direction to the coordinators.

² 89-376, L.O.F.

³ A “transportation disadvantaged person” is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

⁴ Section 427.011(5), F.S.

⁵ A “transportation operator” is one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan. Section 427.011(6), F.S. A coordinator, through a competitive procurement process, contracts with local transportation operators to provide transportation services to the transportation disadvantaged.

⁶ Section 427.015(2), F.S.

⁷ A “designated service area” is a geographical area recommended to and approved by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged. Rule 41-2.002(4), F.A.C.

⁸ Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, to committee staff, January 22, 2020 (on file in the Senate Infrastructure and Security Committee).

⁹ “Nonsponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund. Section 427.011(12), F.S.

¹⁰ Section 427.0155, F.S.

¹¹ A coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged and must subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. Section 427.015(2), F.S.

¹² Section 427.011(7), F.S.

Section 427.0157, F.S., currently assigns a number of powers and duties to the coordinating boards, including, but not limited to, assisting the coordinators in establishing guidelines and priorities, approving the service plan and services provided in meeting the plan, reviewing coordination strategies, and evaluating multicounty or regional transportation opportunities.

Inter-County Trips and Seamless Regional Travel

Designated service areas may include just one county or multiple counties. However, issues may arise for transportation disadvantaged persons who must travel across county boundaries, for example, to go to work and return home. Coordinators face challenges with respect to providing trips outside of a given county, such as:

- Urban transit systems: If the coordinator is a transit authority, federal law requires it to provide Americans with Disabilities Act (ADA) complementary paratransit services for individuals who, due to a disability, cannot access the fixed-route bus system. The Federal Transit Administration requires these services to be provided within $\frac{3}{4}$ of a mile outside the bus route, but the local transit authority may decide whether or not to provide these services beyond the ADA corridor, including across county lines.¹³
- Local autonomy: The TD Program provides the coordinators and their local coordinating boards with the flexibility of determining their own service area, which includes prioritizing the service needs. Some coordinators may choose to limit the number of trips that go out of county or support a certain activity based on a priority determined by the local program.
- Costs: Out-of-county trips are more expensive and require additional resources, such as drivers and vehicles. Despite this challenge, several coordinators are coordinating such trips, which may be limited to certain days of the week or month to manage costs. Additionally, some coordinators may have to contract with a taxi or transportation network company to provide cross-county trips for individuals who need an “on-demand” service.¹⁴

One solution to such problems may arise in efforts to address regional multimodal travel through fare collection systems that are interoperable. One such effort in South Florida involves an agreement between Tri-Rail,¹⁵ Broward County Transit, and Palm Tran to allow for the use of a pay card and mobile app on any of their respective transportation modes.¹⁶ Such a system, designed to allow a transportation disadvantaged person deemed eligible in his or her county of residence to move freely across county boundaries in the same or another designated service area, could increase mobility for the transportation disadvantaged person.

III. Effect of Proposed Changes:

Section 1 amends s. 427.0155, F.S., to add to the powers and duties of coordinators, in cooperation with their coordinating boards, planning and using regional fare payment systems

¹³ 49 C.F.R. Part 37.

¹⁴ Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, to House committee staff relating to HB 551 (Cross-County Mobility), Follow-up, January 7, 2020 (on file in the Senate Infrastructure and Security Committee.)

¹⁵ Tri-Rail provides commuter rail service in Miami-Dade, Broward, and Palm Beach Counties.

¹⁶ See the Miami-Dade County News Release available at: http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm_source=media&utm_medium=email&utm_campaign=release-distribution&utm_term=transit. (Last visited January 22, 2020).

when available and cost-effective, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county.

Section 2 amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards, to provide additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.¹⁷ This section requires the boards to include evaluations of regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining activities.

Section 3 provides the bill take effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that regional fare payment systems are implemented, transportation disadvantaged persons may benefit from increased mobility.

C. Government Sector Impact:

Coordinators and coordinating boards will experience administrative expenses associated with planning for regional fare payment systems to the extent that such planning is not already taking place. Coordinating boards will experience administrative expenses associated with including regional fare payment systems in their evaluations of multicounty and regional transportation opportunities if these evaluations are not currently being performed. The fiscal impact of implementing regional fare payment

¹⁷ That section requires coordinating boards to meet "at least" quarterly.

systems, if available, is unknown; however, implementation costs may be offset by other program savings as the systems must be cost effective.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 427.0155 and 427.0157.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Book

32-00162-20

202076__

A bill to be entitled

An act relating to the transportation disadvantaged; amending s. 427.0155, F.S.; requiring community transportation coordinators, in cooperation with the coordinating board, to plan for and use any available and cost-effective regional fare payment systems that enhance cross-county mobility for specified purposes for the transportation disadvantaged; amending s. 427.0157, F.S.; requiring each coordinating board to evaluate multicounty or regional transportation opportunities to include any available regional fare payment systems that enhance cross-county mobility for specified purposes for the transportation disadvantaged; providing an effective date.

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

Section 1. Subsection (10) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(10) In cooperation with the coordinating board, plan for and use regional fare payment systems, if available and cost effective, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

Section 2. Section 427.0157, Florida Statutes, is amended

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00162-20

202076__

to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall do each of the following:

(1) Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission.†

(2) Evaluate services provided in meeting the approved plan.†

(3) In cooperation with the community transportation coordinator, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged.†

(4) Assist the community transportation coordinator in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(5) Review the coordination strategies of service provision

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00162-20

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59 to the transportation disadvantaged in the designated service
60 area, ~~and~~

61 (6) Evaluate multicounty or regional transportation
62 opportunities to include regional fare payment systems, if
63 available, which enhance cross-county mobility for the
64 transportation disadvantaged to access employment, health care,
65 education, shopping, or other life-sustaining services across
66 one or more county lines.

67 (7) Work cooperatively with local workforce development
68 boards established in chapter 445 to provide assistance in the
69 development of innovative transportation services for
70 participants in the welfare transition program.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-2020
Meeting Date

SB 76
Bill Number (if applicable)

Topic Transportation Disadvantaged Amendment Barcode (if applicable)

Name Margaret S. Hoyer MSW

Job Title Director of Public Policy and Advocacy

Address 124 Marriott Drive, suite 203 Phone 850-488-4180
Street

Tallahassee FL 32301
City State Zip

Email MargaretH@FDDC.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020
Meeting Date

SB 76
Bill Number (if applicable)

Topic Transportation Disadvantaged

Amendment Barcode (if applicable)

Name Olivia Bobis

Job Title Public Policy Analyst

Address 2473 Care Dr Ste 200
Street

Phone 850-617-9718

Tallahassee FL 32308
City State Zip

Email oliviab@disabilityrights-florida.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Disability Rights Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

From: [Darm, David](#)
To: [Johnson, Stephanie](#)
Subject: RE: HB 551-Cross-County Mobility Follow-up
Date: Tuesday, January 7, 2020 12:08:15 PM

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Stephanie,

I hope your New Year is off to a great start. As we discussed a few weeks ago, the Commission encourages its Community Transportation Coordinators (CTCs) and local planning agencies to promote regional/cross-county transportation to enhance the mobility of their constituents whenever possible. That said, there are challenges that may inhibit certain CTCs from providing trips outside of the county, including:

- Urban transit systems – If the CTC is a transit authority, it is federally required to provide ADA complementary paratransit services for individuals who cannot access the fixed-bus route due to a disability. The FTA requires these services must to be provided within $\frac{3}{4}$ of a mile outside the bus route, but it is up to the local transit authority to determine whether to provide these services beyond the ADA corridor (including across county lines). The Commission does not have authority on this issue (it is a federal and local government policy), but we do encourage transit systems to use TD dollars to fund trips that are outside the ADA corridor.
- Local autonomy – The Transportation Disadvantaged program provides the CTCs and their local coordinating boards with the flexibility of determining their own service area, which includes prioritizing the service needs. Some counties may choose to limit the number of trips that go out of county or support a certain activity based on a priority determined by the local program, such as trips to dialysis treatment centers.
- Costs – Out-of-county trips are more expensive and require more resources (i.e., drivers and vehicles) for the provider to deliver. Despite this challenge, several CTCs are coordinating out-of-county trips, but may be limited to certain days of the week or month to manage these costs. Also, some CTCs may have to contract with a taxi or transportation network company to provide cross-county trips for individuals who need an “on-demand” service.

I hope this information is helpful. Please let me know if you have further questions. Thank you and good luck this session!

Sincerely,

David Darm

Executive Director

Florida Commission for the Transportation Disadvantaged

Cell: (850) 688-2953

David.Darm@dot.state.fl.us

“Public business must always be done by somebody... if wise men decline it, others will not; if honest

men refuse it, others will not.” John Adams

From: Johnson, Stephanie <Stephanie.Johnson@myfloridahouse.gov>

Sent: Monday, January 6, 2020 8:59 AM

To: Darm, David <David.Darm@dot.state.fl.us>

Subject: HB 551-Cross-County Mobility Follow-up

EXTERNAL SENDER: Use caution with links and attachments.

Thank you for the previous information and discussions of cross-county mobility. Could you please tell me some of the challenges associated with providing cross-county mobility to the transportation disadvantaged?

Thanks,

Stephanie Johnson

Policy Analyst

Transportation & Infrastructure Subcommittee

Florida House of Representatives

(850) 717-5470

Stephanie.johnson@myfloridahouse.gov

From: [Darm, David](#)
To: [Johnson, Stephanie](#)
Cc: [Somerset, Karen](#)
Subject: RE: HB 551-Follow-up
Date: Friday, December 20, 2019 10:38:53 AM
Attachments: [2019-20 Innovation and Service Development Grant Approved Projects.pdf](#)

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Stephanie,

I have attached the spreadsheet that summarizes the projects the Commission approved under this year's Transportation Disadvantaged Innovation and Service Development Grant (i.e., MCORES funding). Approved projects must meet one or more of the following objectives, as provided in SB 7068 (s. 338.2278(8)(e), F.S.):

1. Increase a transportation disadvantaged person's access to job training, employment, health care, education and other life-sustaining activities;
2. Enhance regional connectivity and cross-county mobility; or
3. Reduce the difficulty in connecting a transportation disadvantaged person to a transportation hub.

The projects that proposed supporting cross-county transportation under this grant include: Citrus, Hernando, Indian River, Lafayette, Nassau, and two projects in Union.

Please let me know if you have any question. Hope you and your family have a wonderful Holiday Season!

Sincerely,

David Darm

Executive Director

Florida Commission for the Transportation Disadvantaged

Cell: (850) 688-2953

David.Darm@dot.state.fl.us

"Public business must always be done by somebody... if wise men decline it, others will not; if honest men refuse it, others will not." John Adams

From: Johnson, Stephanie <Stephanie.Johnson@myfloridahouse.gov>
Sent: Friday, December 20, 2019 9:17 AM
To: Darm, David <David.Darm@dot.state.fl.us>
Subject: HB 551-Follow-up

EXTERNAL SENDER: Use caution with links and attachments.

Good Morning;

I just wanted to follow-up on our telephone conversation from earlier this week. Do you have any information on the TD grants associated with the MCORES funding that CTD received this fiscal year.

Thanks,

Stephanie Johnson
Policy Analyst
Transportation & Infrastructure Subcommittee
Florida House of Representatives
(850) 717-5470
Stephanie.johnson@myfloridahouse.gov

From: [Darm, David](#)
To: [Johnson, Stephanie](#)
Subject: RE: HB 551-TD Funding
Date: Wednesday, January 8, 2020 6:35:16 PM
Attachments: [image001.png](#)

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good evening Stephanie,

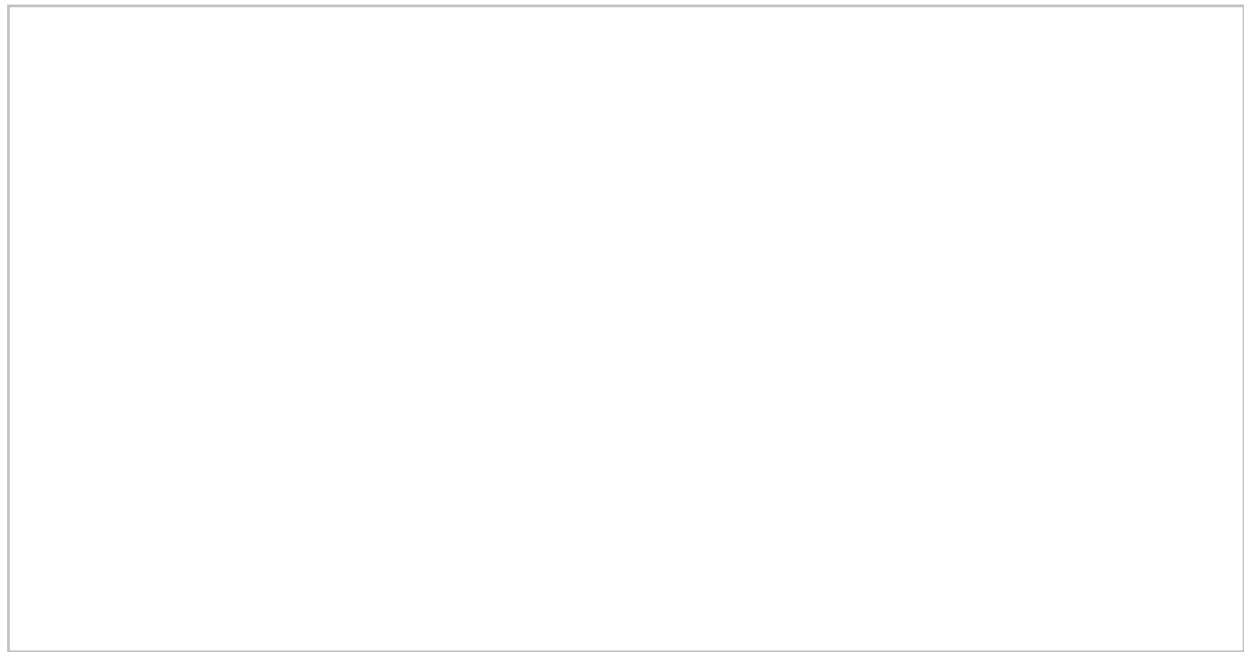
Sure. The TD program is funded through the Transportation Disadvantaged Trust Fund (TDTF), which the Commission administers pursuant to s. 427.0159, F.S. In FY 2019-20, the Commission received a total of \$65.6 million in revenue through the TDTF. The pie chart below provides a breakdown of the revenues. The largest source of revenue comes from the fees collected for license tag registrations through the Department of Highway Safety and Motor Vehicles (HSMV). The Commission also receives \$10 million in recurring funding from Senate Bill 1998 during the 2012 Session and \$10 million in recurring funding from last year's M-CORES legislation (SB 7068).

The Commission disburses the TDTF funding through four grant programs. With the exception of the Planning Grant, the Commission requires a 10% local match from the grantees.

- **Trip and Equipment Grant** (\$52.2 million in FY19-20) – The Commission allocates funding each year to the Community Transportation Coordinators (CTCs) to provide trips to individuals who are transportation disadvantaged (due to disability, income or age) to access health care, employment, education, and other life-sustaining activities. The CTCs may use up to 25% of this funding to purchase capital equipment as well.
- **Planning Grant** (\$1.7 million) – The funding from this grant is used to support planning activities by the MPO or Designated Official Planning Agency pursuant to s. 427.015, F.S.
- **“Shirley Conroy” Grant** (\$1.4 million) – The Commission awards this funding each year to assist rural communities in purchasing capital equipment for delivery of TD services.
- **Innovation and Service Development** (\$10 million) – The funding received through the Multi-Use Corridors for Regional Economic Significance (M-CORES) program is administered through this grant. The Commission awards competitive grants to CTCs or Transportation Network Companies (TNCs) that propose innovative projects that accomplish one or more of the objectives outlined in s. 338.2278(8)(e), F.S.), including enhancing regional/cross-county transportation activities.

The Commission also received \$500,000 this year to administer the “Advantage Ride” Pilot Program to fund on-demand transportation services for individuals with developmental disabilities in the Tampa Bay area. The remainder of funds are used to support the Commission’s day-to-day operations.

I hope this information is helpful. Please let me know if you have any more questions. Thank you!



David Darm

Executive Director

Florida Commission for the Transportation Disadvantaged

Cell: (850) 688-2953

David.Darm@dot.state.fl.us

"Public business must always be done by somebody... if wise men decline it, others will not; if honest men refuse it, others will not." John Adams

From: Johnson, Stephanie <Stephanie.Johnson@myfloridahouse.gov>

Sent: Wednesday, January 8, 2020 4:18 PM

To: Darm, David <David.Darm@dot.state.fl.us>

Subject: HB 551-TD Funding

EXTERNAL SENDER: Use caution with links and attachments.

I am in the process drafting my bill analysis for HB 551. I cannot find anything on the Commission's website describing how TD is funded. Could you summarize for me how the TD program is funded in Florida.

Thanks,

Stephanie Johnson

Policy Analyst

Transportation & Infrastructure Subcommittee

Florida House of Representatives

(850) 717-5470

Stephanie.johnson@myfloridahouse.gov

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 368

INTRODUCER: Senator Rouson

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 368:

- Renames the Tampa Bay Area Regional Transit Authority (TBARTA) Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) as the CCC;
- Authorizes mayors who are members of the board to appoint a designee to attend a board meeting to act in their place with full voting rights on all issues;
- Requires the mayor's designee to be an elected official of the governing body of the mayor's municipality and be voted on by such body;
- Provides that a simple majority of board members constitutes a quorum and a simple majority of the voting members present will be necessary for any action to be taken by the board;
- Deletes an obsolete provision related to the TBARTA committees;
- Deletes requirement that TBARTA present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Deletes requirement that TBARTA coordinate plans and projects with the TBARTA MPO CCC and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Deletes requirement that TBARTA provide administrative support and direction to the CCC.

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

II. Present Situation:

Tampa Bay Area Regional Transit Authority

Part V of ch. 343, F.S., creates the TBARTA. The TBARTA covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation.¹ The TBARTA's express purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve, with the consent of the Governor or designee, as the recipient of federal funds supporting an intercountry project or an intracounty capital project that represents a phase of an intercountry project that exists in a single county within the designated region.²

The Membership of the TBARTA's 13-Member Governing Board (the Board) consists of:

- One county commissioner from each of the boards of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties. Members appointed serve 2-year terms with not more than three consecutive terms being served by any person; and
- The Mayors of the two largest municipalities within the service area of each of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority, or their legislatively created successor agencies; and
- Four members of the regional business community appointed by the Governor, each of whom must reside in one of the counties governed by the authority, and none of whom may be an elected official. They serve a 2-year term with not more than three consecutive terms being served by any person; and
- Two members appointed from the governing boards of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority, or their legislatively created successor agencies. Each member appointed will serve a 2-year term with not more than three consecutive terms being served by any person.³

Seven members of the Board are required to constitute a quorum, and the vote of seven members is necessary for any action to be taken by the TBARTA. The TBARTA may meet upon the constitution of a quorum and a vacancy does not impair the right of a quorum of the Board to exercise all rights and the ability to perform all duties of the TBARTA.⁴

Beginning July 1, 2017, the Board was required to evaluate the abolishment, continuance, modification, or establishment of the following committees:⁵

- Planning committee;
- Policy committee;

¹ Section 343.91(1)(a), F.S.

² 343.922(1), F.S.

³ Section 343.92(2)(b), F.S.

⁴ Section 343.92(8), F.S.

⁵ Section 343.92(9), F.S.

- Finance committee;
- Citizens advisory committee;
- TBARTA MPO CCC;
- Transit management committee; and
- Technical advisory committee.

After the Board completed its evaluation, it was required to submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.⁶

The TBARTA MPO CCC was created within the TBARTA, composed of the MPO's serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The TBARTA is required to provide administrative support and direction to the CCC. The CCC must, at a minimum:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.⁷

The CCC conducts two meetings a year, one in the summer and one in the fall. Every year, the CCC receives public comment and adopts the West Central Florida Regional Roadway Network, Transportation Regional Incentive Program Priority Projects, and Regional Multi-Use Trail Priority Projects. The CCC transmits these priorities to the District 1 and 7 offices of the Florida Department of Transportation. The CCC also makes a yearly recommendation to the TBARTA Board for the TBARTA Regional Priority Projects.⁸

III. Effect of Proposed Changes:

The CS amends s. 339.175(6), F.S., to:

- Modify the organization of the CCC so it is no longer created within the TBARTA;
- Modify the name TBARTA MPO CCC to only the CCC, with the composition of the CCC remaining the same; and
- Remove the requirement that the TBARTA provide administrative support and direction to the CCC.

The CS amends s. 343.92(2)(b), F.S., to provide that a mayor may appoint a designee to attend a TBARTA meeting to act in his or her place with full voting rights on all issues. The designee

⁶ *Id.*

⁷ Section 339.175(6)(i), F.S.

⁸ Tampa Bay Area Regional Transit Authority, *MPOs Chairs Coordinating Committee*, available at <https://tbarta.com/en/boards-committees/mpo-chairs-coordinating-committee/> (last visited January 27, 2020).

must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council.

The CS amends s. 343.92(8), F.S. to allow for a simple majority of the TBARTA board to constitute a quorum, and a simple majority of the voting members present to be necessary for any action to be taken by the board.

The CS amends s. 343.92(9), F.S., to remove language, which no longer serves a purpose with the passage of the 2018 Regular Legislative Session, that required the TBARTA to evaluate the abolishment, continuance, modification, or establishment of select TBARTA committees and submit those recommendations to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.

The CS amends s. 343.922(3), F.S., to remove the:

- Requirement that TBARTA present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Requirement that TBARTA coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Requirement that TBARTA provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

TBARTA may realize a cost savings and improvement in efficiency from not having to:

- Cancel a noticed meeting due to a lack of quorum;
- Present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following sections of the Florida Statutes: 339.175, 343.92, and 343.922

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

- Renames the TBARTA MPO CCC as the CCC;
- Authorizes mayors who are members of the board to appoint a designee to attend a board meeting to act in their place with full voting rights on all issues;
- Requires the mayor's designee to be an elected official of the governing body of the mayor's municipality and be voted on by such body;
- Provides that a simple majority of board members constitutes a quorum and a simple majority of the voting members present will be necessary for any action to be taken by the board;

- Deletes an obsolete provision related to the TBARTA committees;
- Deletes requirement that TBARTA present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Deletes requirement that TBARTA coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Deletes requirement that TBARTA provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

B. Amendments:

None.



839638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
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	.	
	.	

The Committee on Infrastructure and Security (Rouson)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (i) of subsection (6) of section
339.175, Florida Statutes, is amended to read

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
privileges, and authority of an M.P.O. are those specified in
this section or incorporated in an interlocal agreement



839638

authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(i) ~~There is created the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transit Authority,~~ composed of the M.P.O.'s serving ~~Citrus,~~ Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. ~~The authority shall provide administrative support and direction to the committee.~~ The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 2. Paragraph (b) of subsection (2) and subsections (8) and (9) of section 343.92, Florida Statutes, are amended to read



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343.92 Tampa Bay Area Regional Transit Authority.—

(2) The governing board of the authority shall consist of 13 voting members appointed no later than 45 days after the creation of the authority.

(b) The 13 voting members of the board shall be as follows:

1. The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties shall each appoint one county commissioner to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph within 90 days.

2.a. Two members of the board shall be the mayor, or the mayor's designated alternate, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. The mayor's designated alternate must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council. In the event the mayor is unable to attend a meeting, the mayor's designated alternate shall attend the meeting on the mayor's behalf and has the full right to vote.

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from



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the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

4. The Governor shall appoint to the board four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall serve 2-year terms, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

(8) A simple majority ~~Seven members~~ of the board shall constitute a quorum, and a simple majority of the voting members present shall be necessary for any action to be taken by the board ~~the vote of seven members is necessary for any action to be taken by the authority~~. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of



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a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

~~(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of the following committees:~~

~~(a) Planning committee.~~

~~(b) Policy committee.~~

~~(c) Finance committee.~~

~~(d) Citizens advisory committee.~~

~~(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.~~

~~(f) Transit management committee.~~

~~(g) Technical advisory committee.~~

~~The board must submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.~~

Section 3. Paragraphs (e), (f), and (g) of subsection (3) of section 343.922, Florida Statutes, are amended to read
343.922 Powers and duties.—

(3)

~~(e) The authority shall present the original regional transit development plan and updates to the governing bodies of the counties within the designated region, to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, and to the legislative delegation members representing those counties within 90 days after adoption.~~



839638

~~(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.~~

~~(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).~~

Section 4. This act shall take effect July 1, 2020.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Tampa Bay Area Regional Transit Authority; amending s. 339.175, F.S.; modifying the composition of the Chairs Coordinating Committee; deleting a requirement that the Tampa Bay Area Regional Transit Authority provide the committee with administrative support and direction; amending s. 343.92, F.S.; providing that a mayor's designated alternate may be a member of the governing board of the authority; requiring that the alternate be an elected member of the city council of the mayor's municipality and be approved by the municipality's city council; requiring a mayor's designated alternate to attend meetings under certain circumstances, in



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which case the alternates have full voting rights;
providing that a simple majority of board members
constitutes a quorum and that a simple majority of
those members present is necessary for any action to
be taken; deleting obsolete language; amending s.
343.922, F.S.; deleting a provision requiring that the
authority present the original regional transit
development plan and updates to specified entities;
deleting a provision requiring that the authority
coordinate plans and projects with the TBARTA
Metropolitan Planning Organization Chairs Coordinating
Committee and participate in the regional M.P.O.
planning process to ensure regional comprehension of
the authority's mission, goals, and objectives;
deleting a provision requiring that the authority
provide administrative support and direction to the
TBARTA Metropolitan Planning Organization Chairs
Coordinating Committee; providing an effective date.



619398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Rouson)
recommended the following:

**Senate Amendment to Amendment (839638) (with title
amendment)**

Delete line 22
and insert:

~~Authority~~, composed of the M.P.O.'s serving Citrus,
Hernando,

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

And the title is amended as follows:



619398

11 Delete line 145
12 and insert:
13 organization of the Chairs Coordinating Committee;

By Senator Rouson

19-00634-20

2020368__

A bill to be entitled

An act relating to the Tampa Bay Area Regional Transit Authority; amending s. 343.92, F.S.; authorizing certain mayors who are members of the governing board of the Tampa Bay Area Regional Transit Authority to appoint a designee to attend a board meeting to act in his or her place with full voting rights on all issues; requiring the designee to be an elected official of the governing body of the mayor's municipality; providing that a certain number of board members constitutes a quorum whether those members attend physically, telephonically, or electronically; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) and subsection (8) of section 343.92, Florida Statutes, are amended to read:
343.92 Tampa Bay Area Regional Transit Authority.—

(2) The governing board of the authority shall consist of 13 voting members appointed no later than 45 days after the creation of the authority.

(b) The 13 voting members of the board shall be as follows:

1. The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties shall each appoint one county commissioner to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

19-00634-20

2020368__

board to be filled as provided in this subparagraph within 90 days.

2. Two members of the board shall be the mayor of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census. If a mayor under this subparagraph is unable to attend a meeting, the mayor may appoint a designee to attend the meeting to act in his or her place with full voting rights on all issues. The designee must be an elected official of the governing body of the mayor's municipality.

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

4. The Governor shall appoint to the board four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

19-00634-20

2020368__

59 serve 2-year terms, and one shall serve a term as the initial
60 chair as provided in subsection (5). Thereafter, a member
61 appointed under this subparagraph shall serve a 2-year term with
62 not more than three consecutive terms being served by any
63 person.

64
65 Appointments may be staggered to avoid mass turnover at the end
66 of any 2-year or 4-year period. A vacancy during a term shall be
67 filled within 90 days in the same manner as the original
68 appointment for the remainder of the unexpired term.

69 (8) Seven members of the board, whether in attendance
70 physically, telephonically, or electronically, shall constitute
71 a quorum, and the vote of seven members is necessary for any
72 action to be taken by the authority. The authority may meet upon
73 the constitution of a quorum. A vacancy does not impair the
74 right of a quorum of the board to exercise all rights and the
75 ability to perform all duties of the authority.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

\$ 1/27/20

Meeting Date

368

Bill Number (if applicable)

Topic TBARTA

Amendment Barcode (if applicable)

Name Ron Pierce

Job Title

Address 235 W. Brandon Blvd., Suite 640

Phone 813-777-5578

Street

Brandon

FL

33511

City

State

Zip

Email ron@rsaconsultingllc.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing TBARTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 422

INTRODUCER: Senator Perry

SUBJECT: Recreational Vehicles

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			IT	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 422:

- Defines “recreational vehicle” (RV) to mean a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle;
- Requires the Department of Agriculture and Consumer Services (DACS) by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Requires the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs;
- Provides that any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I activities solely related to the service and repair of RVs; and
- Requires that in order to apply for certification as a master qualifier, each applicant must meet certain experience or certification criteria, and employment and examination requirements.

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

II. Present Situation:

Liquefied Petroleum Gas

The DACS Bureau of Compliance is the primary agency charged with regulating the LP gas industry, including licensing, inspection, training, and examination requirements, in accordance with ch. 527, F.S. These responsibilities enable DACS to ensure that those persons engaged in LP gas-related business activities in this state are trained and that compliance with acceptable safety codes and standards is achieved statewide.¹

LP gas is defined in statute as any material composed predominantly of any of the following hydrocarbons, or mixtures of the same:

- Propane;
- Propylene;
- Butanes (normal butane or isobutane); and
- Butylenes.²

Propane, the most widely used LP gas, is an energy source for hotels, restaurants, schools, hospitals, nursing homes, universities, private homes, recreational vehicles, agricultural and industrial facilities, and is used as an alternative fuel for vehicles.³

Business Licenses

Current law provides licensing requirements for businesses that engage in certain LP gas-related activities, including sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities. DACS is required to license applicants that it determines to be competent, qualified, and trustworthy. Violations for willfully operating without a license is a third degree felony.

The license categories and associated fees are as follows:

<i>License Categories</i>	<i>License Fee Per Year</i>
Category I LP gas dealer	\$400
Category II LP gas dispenser	\$400
Category III LP gas cylinder exchange unit operator	\$65
Category IV dealer in appliances and equipment	\$65
Category V LP gas installer	\$200

¹ Florida Department of Agriculture and Consumer Services, *Safe Dispensing of Propane, Propane Dispensing Unit Operator Training Manual*, <https://www.fdacs.gov/content/download/78592/file/Safe-Dispensing-of-Propane-Manual.pdf> (last visited January 22, 2020).

² Section 527.01(1), F.S.

³ Florida Department of Agriculture and Consumer Services, *supra* note 2, at 4.

<i>License Categories</i>	<i>License Fee Per Year</i>
Category VI miscellaneous operator	\$200 ⁴

Licensees may elect to renew their license annually, biennially, or triennially, and are required to meet the same requirements and conditions, including fee amounts, for each licensed year. An expired license will become inoperative, and the fee for restoration of an expired license is equal to the original license fee, and must be paid before the licensee is allowed to resume operations.⁵

Training and Examinations

DACS is responsible for enforcing reasonable standards of competency, including, but not limited to, the training, licensure, testing, and qualifying of persons participating in the LP gas industry.⁶ DACS is also authorized to adopt rules that are:⁷

- In the interest of public health, safety, and welfare and to promote the safe handling of LP gas, equipment, and systems; and
- Reasonably necessary to assure the competence of persons to safely engage in the business of LP gas.

According to the DACs website, training is required for all employees of an LP gas-related business, and refresher training must be conducted at three-year intervals.⁸

In addition, any person applying for a license to engage in category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) activities must prove competency by passing a written examination administered by DACS or its agent.⁹

The DACS does not currently have a rule that provides for a separate written competency examination process for licensees engaged in RV related LP gas services or repairs that would be different than that taken by other types of applicants in a license category.

Qualifiers

Each category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) licensee is required to employ a full-time employee who has received a qualifier certificate from DACS. Qualifiers are required to function in a supervisory capacity, and a separate qualifier must be present for every ten employees.

⁴ Section 527.02, F.S.

⁵ Section 527.03, F.S.

⁶ Section 527.055(1)(b), F.S.

⁷ Section 527.06

⁸ Florida Department of Agriculture and Consumer Services, *LP Gas Training*, <https://www.fdacs.gov/Business-Services/LP-Gas-Inspection/LP-Gas-Training> (last visited January 22, 2020).

⁹ Section 527.0201(1), F.S.

An applicant for a qualifier certificate must:

- Be employed by a category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) licensee;
- Submit to DACS a nonrefundable \$20 examination fee; and
- Pass a competency examination with a grade of 70 percent or above in each area tested.

Qualifier registration expires three years after the date of issuance. Qualifiers must renew their qualification 30 calendar days before expiration, upon:

- Application to DACS;
- Payment of a \$20 renewal fee; and
- Documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by DACS rule, during the previous three-year period.

Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish qualifier status.¹⁰

Master Qualifiers

In addition to the qualifier requirements, each category I (LP gas dealer) and V (LP gas installer) licensee is required to have a manager, owner, or employee at each licensed location who has received a master qualifier certificate from DACS. The master qualifier must be a manager, owner or someone otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to DACS.

An applicant for a master qualifier certificate must:

- Be employed by a category I (LP gas dealer) or V (LP gas installer) licensee;
- Submit to DACS a nonrefundable \$30 examination fee.
- Have been a registered qualifier for at least three years immediately preceding the application; and
- Pass a master qualifier competency examination with a grade of 70 percent or above in each area tested.¹¹

Master qualifier registration expires three years after the date of issuance. Master qualifier registration renewals may be renewed by submitting to DACS:

- Proof of employment;
- Payment of a \$30 certificate renewal fee;
- Documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous three-year period.¹²

¹⁰ Section 527.0201(1)-(4), F.S.

¹¹ Section 527.0201(5), F.S.

¹² Section 527.0201(5)(c), F.S.

Recreational Vehicle Dealers or installers

Propane is widely used in RVs to regulate temperature, cook meals, provide hot water, and refrigerate food. Typically, motorized RVs have a fixed propane tank and towable RVs have a removable propane tank.¹³ In Florida, the refilling, repairing, or replacing of propane gas and equipment must be completed by a properly trained employee of a licensed LP gas-related business.¹⁴

Prior to July 2018, RV dealers and installers were classified separately in Florida law as a “category IV LP gas dispenser and recreational vehicle servicer,” and were defined as:

“any person engaging in the business of operating a liquefied petroleum gas dispensing unit for the purpose of serving liquid product to the ultimate consumer for industrial, commercial, or domestic use, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, and whose services include the installation, service, or repair of recreational vehicle liquefied petroleum gas appliances and equipment.”

RVs were defined as:

“a motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, which has its own propulsion or is mounted on or towed by another motor vehicle.”

In order to engage in LP gas-related activities, category IV (LP gas dispenser and recreational vehicle servicer) businesses were required to obtain licensure from DACS by meeting all applicable requirements within the chapter of law governing the LP gas industry, including training, examination, initial and renewal license fees, insurance coverage, and qualifiers.¹⁵

However, legislation passed during the 2018 Legislative Session that became effective July 2018, resulted in the category IV (LP gas dispenser and recreational vehicle servicer) license type being deleted from statute.¹⁶ According to DACS, the changes were sought to meet current business practices, to simplify the registration process and to streamline the regulatory structure.

Since July 2018, depending on the type of work being performed, a RV dealer/installer is now required to obtain either a category I (LP gas dealer), II (LP gas dispenser), or V (LP gas installer) license, and meet all applicable licensing and examination requirements in order to operate lawfully in the state. Current law does not provide a separate LP gas license category specifically for RV dealers and installers.

¹³ Winnebagolife, *An Easy Guide to Finding Propane for Your RV*, <https://winnebagolife.com/2019/05/finding-propane-for-your-rv> (last visited January 22, 2020).

¹⁴ See ch. 527, F.S.

¹⁵ See ch. 527, F.S. (2017).

¹⁶ Ch. 2018-84, Laws of Fla.

According to DACS, RV dealers and installers are required to obtain a category V (LP gas installer) license, and if the RV dealer/installer also dispenses LP gas, a category II (LP gas dispenser) license must also be obtained. In lieu of multiple licenses, RV dealers and installers may obtain a category I (LP gas dealer) license that allows them to perform both service and dispensing functions.¹⁷

According to DACS, there are 50 licensed RV dealers and installers in the state.¹⁸

III. Effect of Proposed Changes:

The CS amends s. 527.01, F.S., to define an RV to mean a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

The CS amends s. 527.0201, F.S., to:

- Require the DACS by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Require the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs, which must include and ensure competency in the following activities as they relate to recreational vehicles:
 - Operating a LP gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;
 - Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of LP gas; and
 - Installing, servicing, or repairing RV LP gas appliances and equipment.
- Allow any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I (LP gas dealer) activities solely related to the service and repair of RV; and
- Require that in order to apply for certification as a master qualifier, each applicant must:
 - Have a minimum of 3 years of verifiable LP gas experience or hold a professional certification by an LP gas manufacturer as adopted by DACS rule immediately preceding submission of the application;
 - Must be employed by a licensed category I (LP gas dealer) or category V (LP gas installer) licensee or an applicant for such license; and
 - Must pass a master qualifier competency examination administered by the DACS or its agent.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁷ *Supra* note 1, p. 1 (Oct. 8, 2019).

¹⁸ *Supra* note 1, p. 3 (Oct. 8, 2019).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following sections of the Florida Statutes: 527.01 and 527.0201

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

- Requires the DACS by rule to specify the requirements for agents qualified to administer the written competency examinations required for qualifiers and master qualifiers;
- Requires the DACS to establish by rule a separate written competency examination for persons applying for a license to solely engage in the service and repair of RVs;
- Provides that any qualifier or master qualifier who has passed the category I RV dealer and installer examination may engage in category I activities solely related to the service and repair of RVs; and
- Requires that in order to apply for certification as a master qualifier, each applicant must meet certain experience or certification criteria, and employment and examination requirements.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (18) is added to section 527.01,
Florida Statutes, to read:

527.01 Definitions.—As used in this chapter:

(18) "Recreational vehicle" means a motor vehicle that is
designed to provide temporary living quarters for recreational,
camping, or travel use and that has its own propulsion or is



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mounted on or towed by another motor vehicle.

Section 2. Subsection (1) and paragraph (a) of subsection (5) of section 527.0201, Florida Statutes, are amended to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, a any person applying for a license to engage in category I, category II, or category V activities must prove competency by passing a written examination administered by the department or its agent with a grade of 70 percent or above in each area tested. Each applicant for examination shall submit a \$20 nonrefundable fee.

(a) The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(b) The department shall by rule specify the requirements for agents qualified to administer the written competency examinations required by this part.

(c) The department shall by rule establish a separate written competency examination for persons applying for a license to engage in category I activities solely related to the service and repair of recreational vehicles. The category I recreational vehicle dealer/installer examination shall include and ensure competency in the following activities as they relate to recreational vehicles:

1. Operating a liquefied petroleum gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;

2. Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas; and



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40 3. Installing, servicing, or repairing recreational vehicle
41 liquefied petroleum gas appliances and equipment.

42 (d) Any qualifier or master qualifier who has passed the
43 category I recreational vehicle dealer/installer examination may
44 engage in category I activities solely related to the service
45 and repair of recreational vehicles.

46 (5) In addition to all other licensing requirements, each
47 category I and category V licensee must, at the time of
48 application for licensure, identify to the department one master
49 qualifier who is a full-time employee at the licensed location.
50 This person shall be a manager, owner, or otherwise primarily
51 responsible for overseeing the operations of the licensed
52 location and must provide documentation to the department as
53 provided by rule. The master qualifier requirement shall be in
54 addition to the requirements of subsection (1).

55 (a) In order to apply for certification as a master
56 qualifier, each applicant must have ~~been a registered qualifier~~
57 ~~for~~ a minimum of 3 years of verifiable LP gas experience or hold
58 a professional certification by an LP gas manufacturer as
59 adopted by department rule immediately preceding submission of
60 the application, must be employed by a licensed category I or
61 category V licensee, ~~or an~~ applicant for such license, and must
62 pass a master qualifier competency examination administered by
63 the department or its agent. Master qualifier examinations shall
64 be based on Florida's laws, rules, and adopted codes governing
65 liquefied petroleum gas safety, general industry safety
66 standards, and administrative procedures. The applicant must
67 successfully pass the examination with a grade of 70 percent or
68 above. Each applicant for master qualifier registration must



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submit to the department a nonrefundable \$30 examination fee before the examination.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to recreational vehicles; amending s. 527.01, F.S.; defining the term "recreational vehicle"; amending s. 527.0201, F.S.; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a written competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; authorizing certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; requiring verifiable LP gas experience or professional certification by an LP gas manufacturer in order to apply for certification as a master qualifier; providing an effective date.

By Senator Perry

8-00265-20

2020422__

1 A bill to be entitled
 2 An act relating to recreational vehicles; amending s.
 3 527.01, F.S.; defining the terms "category VII
 4 liquefied petroleum gas dispenser and recreational
 5 vehicle servicer" and "recreational vehicle"; amending
 6 s. 527.0201, F.S.; requiring a category VII liquefied
 7 petroleum gas dispenser and recreational vehicle
 8 operator to pass a written examination administered by
 9 the department or its agent; authorizing the
 10 department to contract with not-for-profit, industry-
 11 specific trade associations for such examinations;
 12 amending s. 527.02, F.S.; conforming a cross-
 13 reference; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Section 527.01, Florida Statutes, is reordered
 18 and amended to read:
 19 527.01 Definitions.—As used in this chapter:
 20 (12)(1) "Liquefied petroleum gas" means any material that
 21 ~~which~~ is composed predominantly of any of the following
 22 hydrocarbons, or mixtures of the same: propane, propylene,
 23 butanes (normal butane or isobutane), and butylenes.
 24 (14)(2) "Person" means any individual, firm, partnership,
 25 corporation, company, association, organization, or cooperative.
 26 (8)(3) "Consumer" means the person last purchasing
 27 liquefied petroleum gas in its liquid or vapor state for
 28 industrial, commercial, or domestic use.
 29 (9)(4) "Department" means the Department of Agriculture and

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30 Consumer Services.
 31 (16)(5) "Qualifier" means any person who has passed a
 32 competency examination administered by the department and is
 33 employed by a licensed category I, category II, or category V
 34 business.
 35 (1)(6) "Category I liquefied petroleum gas dealer" means
 36 any person selling or offering to sell by delivery or at a
 37 stationary location any liquefied petroleum gas to the consumer
 38 for industrial, commercial, or domestic use; any person leasing
 39 or offering to lease, or exchanging or offering to exchange, any
 40 apparatus, appliances, and equipment for the use of liquefied
 41 petroleum gas; any person installing, servicing, altering, or
 42 modifying apparatus, piping, tubing, appliances, and equipment
 43 for the use of liquefied petroleum or natural gas; any person
 44 installing carburetion equipment; or any person requalifying
 45 cylinders.
 46 (2)(7) "Category II liquefied petroleum gas dispenser"
 47 means any person engaging in the business of operating a
 48 liquefied petroleum gas dispensing unit for the purpose of
 49 serving liquid products to the consumer for industrial,
 50 commercial, or domestic use, and selling or offering to sell, or
 51 leasing or offering to lease, apparatus, appliances, and
 52 equipment for the use of liquefied petroleum gas, including
 53 maintaining a cylinder storage rack at the licensed business
 54 location for the purpose of storing cylinders filled by the
 55 licensed business for sale or use at a later date.
 56 (3)(8) "Category III liquefied petroleum gas cylinder
 57 exchange operator" means any person operating a storage facility
 58 used for the purpose of storing filled propane cylinders of not

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more than 43.5 pounds propane capacity or 104 pounds water capacity, while awaiting sale to the consumer, or a facility used for the storage of empty or filled containers that which have been offered for exchange.

~~(4)(9)~~ "Category IV dealer in appliances and equipment" means any person selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas.

~~(5)(10)~~ "Category V LP gas installer" means any person who is engaged in the liquefied petroleum gas business and whose services include the installation, servicing, altering, or modifying of apparatus, piping, tubing, tanks, and equipment for the use of liquefied petroleum or natural gas and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum or natural gas.

~~(6)(11)~~ "Category VI miscellaneous operator" means any person who is engaged in operation as a manufacturer of LP gas appliances and equipment; a fabricator, repairer, and tester of vehicles and cargo tanks; a requalifier of LP gas cylinders; or a pipeline system operator.

(7) "Category VII liquefied petroleum gas dispenser and recreational vehicle servicer" means a person who operates a liquefied petroleum gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use, and sells or offers to sell, or leases or offers to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, and whose services include the installation, service, or repair of recreational vehicle liquefied petroleum

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gas appliances and equipment.

~~(13)(12)~~ "Manufacturer of liquefied petroleum gas appliances and equipment" means any person in this state manufacturing and offering for sale or selling tanks, cylinders, or other containers and necessary appurtenances for use in the storage, transportation, or delivery of such gas to the consumer, or manufacturing and offering for sale or selling apparatus, appliances, and equipment for the use of liquefied petroleum gas to the consumer.

~~(19)(13)~~ "Wholesaler" means any person, ~~as defined by subsection (2)~~, selling or offering to sell any liquefied petroleum gas for industrial, commercial, or domestic use to any person except the consumer.

(17) "Recreational vehicle" means a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

~~(18)(14)~~ "Requalifier of cylinders" means any person involved in the retesting, repair, qualifying, or requalifying of liquefied petroleum gas tanks or cylinders manufactured under specifications of the United States Department of Transportation.

~~(10)(15)~~ "Fabricator, repairer, and tester of vehicles and cargo tanks" means any person involved in the hydrostatic testing, fabrication, repair, or requalifying of any motor vehicles or cargo tanks used for the transportation of liquefied petroleum gases, when such tanks are permanently attached to or forming a part of the motor vehicle.

~~(15)(16)~~ "Pipeline system operator" means any person who

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owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the customer and that serves 10 or more customers.

~~(11)-(17)~~ "License period" means the period 1 to 3 years from the issuance of the license.

Section 2. Subsection (1) of section 527.0201, Florida Statutes, is amended, and paragraph (c) is added to subsection (2) of that section, to read:

527.0201 Qualifiers; master qualifiers; examinations.—

(1) In addition to the requirements of s. 527.02, any person applying for a license to engage in category I, category II, ~~or~~ category V, or category VII activities must prove competency by passing a written examination administered by the department or its agent with a grade of 70 percent or above in each area tested. Each applicant for examination shall submit a \$20 nonrefundable fee. The department shall by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(2) Application for examination for competency may be made by an individual or by an owner, a partner, or any person employed by the license applicant. Upon successful completion of the competency examination, the department shall register the examinee.

(c) The department may contract with a not-for-profit, industry-specific trade association to conduct the training and examinations required by this section.

Section 3. Subsection (1) of section 527.02, Florida Statutes, is amended to read:

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527.02 License; penalty; fees.—

(1) It is unlawful for any person to engage in this state in the activities defined in s. 527.01(1)-(7) ~~s. 527.01(6)-(11)~~ without first obtaining from the department a license to engage in one or more of these businesses. The sale of liquefied petroleum gas cylinders with a volume of 10 pounds water capacity or 4.2 pounds liquefied petroleum gas capacity or less is exempt from the requirements of this chapter. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to intentionally or willfully engage in any of said activities without first obtaining appropriate licensure from the department.

Section 4. This act shall take effect July 1, 2020.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

422

Bill Number (if applicable)

Topic Recreational Vehicles

Amendment Barcode (if applicable)

Name Angela Bonds

Job Title _____

Address 215 S Monroe Ste 815

Phone 8503452277

Street

Tallahassee FL 32301

City

State

Zip

Email abonds@deanreed.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida RV Trade Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-20

Meeting Date

422 as amended

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title Executive Director

Address PO Box 11026

Phone 850 6810496

Street

Tallahassee

FL

32302

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Propane Gas Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 752

INTRODUCER: Senators Bean and Book

SUBJECT: Emergency Sheltering of Persons with Pets

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 752 requires:

- The Department of Education (DOE) and the Department of Agriculture and Consumer Services (DACS) to assist the Division of Emergency Management (DEM) in determining strategies for the emergency sheltering of persons with pets;
- A county which maintains any designated shelters, to also designate and operate at least one shelter that can accommodate persons with pets; and
- Shelters to be in compliance with any applicable disaster assistance policies and procedures of the Federal Emergency Management Agency (FEMA) and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

The CS may contain a local mandate and require the approval of two-thirds of the membership in each house of the Legislature. See Section IV. Constitutional Issues for details.

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

II. Present Situation:

On October 6, 2006, the federal Pets Evacuation and Transportation Standards (PETS) Act was signed into law, amending Section 403 and 502 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (Stafford Act).¹ The PETS Act requires state and local emergency preparedness authorities to plan for how they will accommodate the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency when presenting their plans to the FEMA. Section 403, as amended by the PETS Act, authorizes the FEMA to provide rescue, care, shelter, and essential needs for individuals with household pets and service animals and to the household pets and animals themselves following a major disaster or emergency.

FEMA Disaster Assistance Policy (DAP) 9523.19 provides:

- Household pet to mean a domesticated animal, such as a dog, cat, bird, rabbit, rodent, or turtle that is traditionally kept in the home for pleasure rather than for commercial purposes, can travel in commercial carriers, and be housed in temporary facilities. Household pets do not include reptiles (except turtles), amphibians, fish, insects and arachnids, farm animals (including horses), and animals kept for racing purposes; and
- Service animal to mean any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.^{2 3}

In addition, FEMA DAP 9523.19 identifies the expenses related to state and local governments' emergency pet evacuation and sheltering activities that may be eligible for reimbursement to include:

- Household pet rescue (may include overtime for regular full-time employees, regular and overtime for contract labor, and use of owned or leased equipment); and
- Congregated household pet sheltering (may include facilities, supplies and commodities, labor, equipment, emergency veterinary services, transportation, shelter safety and security, cleaning and restoration, removal and disposal of animal carcasses, and cataloging and tracking system for pets).⁴

For state and local governments to qualify for federal disaster funding from FEMA's Public Assistance Grant Program, they must comply with the PETS Act requirements in their disaster preparedness plans.

The DEM, with the assistance of the DACS, is required to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and must include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans.⁵

¹ 42 U.S.C 5170b, 42 U.S.C. 5192; the Pets Evacuation and Transportation Standards Act (PETS Act) of 2006, P.L. No. 109-308, § 4, 120 Stat. 1725 (2006); and 44 CFR §§ 206.223(a), 206.225(a).

² Department of Justice, Americans with Disabilities Act (ADA), 42 USC 1201 et seq, implementing regulations at 28 CFR § 36.104.

³ Federal Emergency Management Agency, *FEMA Disaster Assistance Policy*, available at <https://www.fema.gov/pdf/government/grant/pa/policy.pdf> (last visited January 23, 2020).

⁴ *Id.*

⁵ Section 252.3568, F.S.

During the 2018 Legislative Session, the need for a minimum number of pet shelters per-county was discussed by the House Select Committee on Hurricane Response and Preparedness, and their final report contained the following policy recommendation:

- Determine the adequacy of communications about and the availability of pet shelters, and consider means to improve communication and the merits of requiring a standard population-based minimum number of pet shelters or ratio of pet and non-pet shelters.⁶

The 2014 State of Florida Comprehensive Emergency Management Basic Plan addresses the sheltering of pets or service animals, and states:

“A person with who uses a service animal must be allowed to bring his or her service animal into a general population or special needs shelter and has the right to be accompanied by a service animal in all areas of a public accommodation (See sections 252.355(3) and 413.08, Florida Statutes). In developing these strategies, the state considers the following:

- Locating pet-friendly shelters within buildings with restrooms, running water, and proper lighting.
- Allowing pet owners to interact with their animals and care for them.
- Ensuring animals are properly cared for during the emergency.”⁷

III. Effect of Proposed Changes:

The CS requires:

- The DOE and the DACS to assist the DEM in determining strategies for the emergency sheltering of persons with pets;
- A county which maintains any designated shelters, to also designate and operate at least one shelter that can accommodate persons with pets; and
- Shelters that can accommodate persons with pets must be in compliance with any applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Under Article VII, s. 18(a), Florida Constitution, a mandate includes a general bill requiring counties or municipalities to spend funds. The CS would require counties to

⁶ Florida House of Representatives, Select Committee on Hurricane Response & Preparedness Final Report (January 16, 2018), at page 63, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2978&Session=2018&DocumentType=General%20Publications&FileName=SCHRP%20-%20Final%20Report%20online.pdf> (last visited January 23, 2020).

⁷ The Division of Emergency Management, *2014 State of Florida Comprehensive Emergency Management Basic Plan*, available at <https://www.floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited January 23, 2020).

take action that may require the expenditure of an indeterminate amount of funds due to the requirements in the CS that a county which maintains any designated shelters, must also designate and operate at least one shelter that can accommodate persons with pets that is in compliance with any applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans. As such, the CS may contain a mandate. If the CS does contain a mandate, it must be approved by a two-thirds vote of each house of the Legislature to be binding on counties and municipalities. However, the mandates requirements do not apply to laws having an insignificant impact,^{8,9} which is \$2.2 million or less for Fiscal Year 2020-2021.¹⁰

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The CS may have an indeterminate negative fiscal impact on a county which maintains a designated shelter, because the CS requires such a county to also designate and operate at least one shelter that can accommodate persons with pets that is in compliance with any

⁸ FLA. CONST. art. VII, s. 18(d).

⁹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 28, 2020).

¹⁰ Based on the Demographic Estimating Conference's population adopted on July 8, 2019. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited January 28, 2020).

applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.. The number of counties with shelters that accommodate pets and which meet the CS's requirements is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following sections of the Florida Statutes: 252.3568

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

- Requires the DOE and the DACS to assist the DEM in determining strategies for the emergency sheltering of persons with pets;
- Requires a county which maintains any designated shelters, to also designate and operate at least one shelter that can accommodate persons with pets; and
- Requires shelters to be in compliance with any applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

B. Amendments:

None.



955448

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 252.3568, Florida Statutes, is amended
to read:

252.3568 Emergency sheltering of persons with pets.—

(1) In accordance with s. 252.35, the division shall
address strategies for the evacuation of persons with pets in
the shelter component of the state comprehensive emergency



955448

management plan and shall include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services and the Department of Education shall assist the division in determining strategies regarding this activity.

(2) If a county maintains any designated shelters, it must also designate and operate at least one shelter that can accommodate persons with pets. The shelter must be in compliance with any applicable disaster assistance policies and procedures of the Federal Emergency Management Agency and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to emergency sheltering of persons with pets; amending s. 252.3568, F.S.; requiring the Department of Education to assist the Division of Emergency Management in determining strategies regarding the evacuation of persons with pets; requiring counties that meet specified criteria to designate and operate at least one shelter that can accommodate persons with pets; specifying requirements



955448

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for such shelters; providing an effective date.

By Senator Bean

4-01107-20

2020752__

A bill to be entitled

An act relating to emergency sheltering of persons with pets; amending s. 252.3568, F.S.; requiring counties to designate at least one shelter that can accommodate persons with pets; specifying requirements for such shelters; providing an effective date.

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

Section 1. Section 252.3568, Florida Statutes, is amended to read:

252.3568 Emergency sheltering of persons with pets.—

(1) In accordance with s. 252.35, the division shall address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and shall include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services shall assist the division in determining strategies regarding this activity.

(2) Each county must designate at least one shelter that can accommodate persons with pets. The pets must be contained in secure enclosures in an area of the facility separate from the sheltering public. The shelter must be in compliance with safety procedures regarding the sheltering of pets established in the shelter component of the state comprehensive emergency management plan.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27

Meeting Date

752

Bill Number (if applicable)

955448

Amendment Barcode (if applicable)

Topic SB 752

Name Jared Rosenstein

Job Title Legislative Affairs Director

Address 2555 Shumard Oak Blvd

Street

Tallahassee

City

State

FL

Zip

32301

Phone 786-247-8716

Email Jared.Rosenstein

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FDEM

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 27, 2020

Meeting Date

752

Bill Number (if applicable)

Topic SHELTERING WITH PETS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title _____

Address PO Box 1201

Street

Tallahassee, Fl

City

State

32302

Zip

Phone 850/570-1967

Email danbhendrickson@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20
Meeting Date

752

~~172~~

Bill Number (if applicable)

Topic Emergency Sheltering of Persons w/ Pets

Amendment Barcode (if applicable)

Name Lauren Appan

Job Title Event Coordinator

Address 5 N. Q St

Phone 850-281-1786

Pensacola FL 32505
City State Zip

Email volunteer@pensacolahumane.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Pensacola Humane Society

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/27/20

Meeting Date

752
~~772~~

Bill Number (if applicable)

Topic Emergency Sheltering of Persons of Pets

Amendment Barcode (if applicable)

Name Jennifer Bitner - Pensacola Humane Society

Job Title Executive Director

Address 5 N A Street

Phone 850-339-2149

Street

Pensacola

FL

32505

City

State

Zip

Email jennifer@pensacola-humane.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Pensacola Humane Society

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

752

Bill Number (if applicable)

Topic Emergency Sheltering of Runaway Pets

Amendment Barcode (if applicable)

Name Katie MacFall

Job Title State Director

Address 11024 Mulholland Cir.

Phone 850 508-1001

Street

Tallahassee

FL

City

State

Zip

Email kmacfall@hsus.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Humane Society of the United States

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

752

Bill Number (if applicable)

Topic SB 752 - Emergency Shelters of Persons

with

Amendment Barcode (if applicable)

Name Jared Moskowitz

Pets

Job Title Director

Address 2555 Shumard Oak Blvd

Phone 954-600-4949

Street

Tallahassee

FL

32301

City

State

Zip

Email Jared@em.myfloridz.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

FDEM

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

SB 752

Bill Number (if applicable)

Topic Emergency Sheltering of Persons w/ Pets

Amendment Barcode (if applicable)

Name Dorene Barker

Job Title Associate State Director

Address 215 S Monroe St, Suite 603

Street

Tallahassee FL 32308

City

State

Zip

Phone 850-228-6387

Email dobarker@aarpro.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AARP FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 844

INTRODUCER: Senator Taddeo

SUBJECT: Sales Tax Exemption for Hurricane Shutters and Impact-resistant Windows

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 844 provides, beginning July 1, 2020, for an exemption from state sales tax and local discretionary sales surtaxes on the first \$100 of each hurricane shutter and impact-resistant window that will be used for residential purposes and that are installed by a qualified contractor.

The CS defines the terms:

- Hurricane shutter;
- Impact-resistant window; and
- Qualified contractor.

The CS authorizes the Department of Revenue to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the CS. The CS also provides that notwithstanding any other law, emergency rules adopted to implement the CS are effective for 6 months after adoption and may be renewed. The CS provides for an expiration date of July 1, 2021, for emergency rule making authority.

The Revenue Estimating Conference met on January 24, 2020, to discuss proposed language for House Bill 555, identical to the CS. The proposed language was determined to have a negative fiscal impact to the General Revenue Fund and to local government. See Section V. Fiscal Impact Statement for details.

The CS may have a local mandate and require the approval of two-thirds of the membership in each house of the Legislature. See Section IV. Constitutional Issues for details.

The CS takes effect upon becoming law.

II. Present Situation:

Florida Sales Tax

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,¹ admissions,² transient rentals,³ and a limited number of services. Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁴ Sales tax receipts accounted for approximately 77 percent of the state's General Revenue in Fiscal Year 2018-2019.⁵

Section 212.055, F.S., authorizes counties to impose local discretionary sales surtaxes in addition to the state sales tax. A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202."⁶ The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered. Discretionary sales surtax rates currently levied vary by county in a range of 0.5 to 2.5 percent.⁷

"Disaster Preparedness" Sales Tax Holidays

Florida has enacted a "disaster preparedness" sales tax holiday six times since 2006, exempting specified items in preparation for the Atlantic hurricane season that officially begins June 1 of each year. The types and values of exempted items have varied, and the length of the exemption periods have varied from 3 to 12 days.⁸

Florida Building Commission

The Florida Building Commission (FBC) develops, maintains, and interprets the Florida Building Code through a consensus-building process within a 25-member technical body. The FBC makes a continual study of the operation of the Florida Building Code and other laws relating to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, and facilities, including manufactured buildings, and code

¹ Section 212.05(1)(a)1.a, F.S.

² Section 212.04(b), F.S.

³ Section 212.03(1)(a), F.S.

⁴ *See* s. 212.07(2), F.S.

⁵ Office of Economic and Demographic Research, *Florida Tax Handbook*, 16 (2019), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2019.pdf> (last visited January 23, 2020).

⁶ Section 212.054(2)(a), F.S.

⁷ *Supra* note 5, at 225-226.

⁸ *Id.* at 160.

enforcement, to ascertain their effect upon the cost of building construction and determine their effectiveness.⁹

The FBC updates the Florida Building Code every 3 years, determines the types of products which may be approved for statewide use and provides for the evaluation and approval of those products, materials, devices, and methods of construction for statewide use. The FBC may prescribe by rule a schedule of reasonable fees to provide for evaluation and approval of products, materials, devices, and methods of construction.¹⁰

Hurricane Shutters and Impact-Resistant Windows

According to the National Oceanic and Atmospheric Administration's (NOAA) Hurricane Research Division, the best type of shutters are those:

“that are affordable, are easy to install, and offer the greatest protection. Which of these properties is most important to (a person) depends on individual circumstances. For a disabled or elderly person it may be ease of installation with either an automatic closing mechanism or accordion type shutters. For those with limited incomes plywood shutters (at least 5/8 inch exterior grade) may be the only affordable option. For most people the best compromise would be steel panels, which offer good protection, but are expensive and take effort to install. Aluminum panels are lighter and easier to install, but offer less protection and may not meet the building code. Whichever type (a person) decides on it is important to remember that shutters are only as good as the quality of their installation. Ensure that the shutters or their anchors are installed by qualified workmen and that quality materials that meet the building code are used.”¹¹

Impact Resistant windows utilize impact-resistant glazing. Impact-resistant glazing is available as laminated glass and is also considered a type of safety glazing. Laminated glass consists of two or more panes of clear glass bonded together with clear plastic-like film (usually polyvinyl butyral) sandwiched between the two. This inner “filling” ranging in thickness from .015 to .090 inches, which can be ordered in various colored tints to help reduce UV damage in the home, tends to hold the glass together upon impact. If cracked or broken, the glass fragments tend to adhere to the plastic interlayer thus preventing water, wind or wind-borne debris from entering the structure.¹²

It is worth noting that the frames for laminated glass are generally heavier than for regular residential windows, because although the glass may not break, a strong force could hit the window hard enough to cause the entire frame to give way. When undergoing testing, the window is tested as a unit that includes the glass, frame, attachment hardware, and the

⁹ Section 553.77, F.S.

¹⁰ *Id.*

¹¹ National Oceanic and Atmospheric Administration's (NOAA) Hurricane Research Division, *Hurricane Shutters FAQ*, available at <https://www.aoml.noaa.gov/hrd/shutters/index1.html> (last visited January 23, 2020).

¹² Florida Building Commission, *Window Systems* (May 2006), available at http://www.floridabuilding.org/fbc/publications/Fact_Sheets_0307/WindowSystems061506revised.pdf (last visited January 23, 2020).

installation method. In addition, all glass other than impact-resistant window glass, even if tempered, reinforced or insulated needs to be protected during severe wind events.¹³

According to the National Oceanic and Atmospheric Administration's (NOAA) Hurricane Research Division, plastic film and shatter resistant windows:

“are remarkable products that are being improved every year, (although) they are no substitute for shutters. If (a person) has windows that for some reason, such as access, can't be shuttered then (they) may wish to consider using the film or installing shatter resistant glass ... the film only protects the glass. The frame is still under pressure and the whole window could fail. Windows with these treatments will still suffer damage from the impact of debris and may have to be replaced after a storm, whereas a shutter would take most or all of the energy of such an impact. Films and special glasses also might not meet the building code.”¹⁴

III. Effect of Proposed Changes:

The CS provides that effective July 1, 2020, an exemption is provided for state sales tax and local discretionary sales surtaxes on the first \$100 of each hurricane shutter and impact-resistant window that will be used for residential purposes and that are installed by a qualified contractor.

The CS defines a “hurricane shutter” to mean a product manufactured and marketed specifically for the purpose of preventing window or door damage to buildings or structures during a storm and which is rated for impact resistance and resistance to blow-off in accordance with any of the following most recent sets of test methods, standards, and specifications:

- ASTM International E1886 and E1996;
- American Architectural Manufacturers Association 506; or
- Florida Building Code Testing Application Standards 201, 202, and 203.

The CS defines a “impact-resistant window” to mean a laminated or polycarbonate glazing system designed to resist wind and windborne debris forces and which is rated for impact resistance and wind pressure in accordance with any of the following most recent sets of test methods, standards, and specifications:

- ASTM International E1886 and E1996;
- American Architectural Manufacturers Association 506; or
- Florida Building Code Testing Application Standards 201, 202, and 203.

The CS defines “qualified contractor” to mean a contractor licensed and bonded pursuant to chapter 489.

The CS authorizes the Department of Revenue to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the CS. The CS also provides that notwithstanding any other law, emergency rules adopted to implement the CS are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt

¹³ *Id.*

¹⁴ *Supra*, note 11.

permanent rules addressing the subject of the emergency rules. The CS provides for an expiration date of July 1, 2021, for emergency rule making authority.

The CS takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of s. 18, Art. VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The CS exempts the first \$100 of each hurricane shutter and impact-resistant window that will be used for residential purposes and that are installed by a qualified contractor from state sales tax and local discretionary sales surtaxes. However, the mandates requirements do not apply to laws having an insignificant impact,^{15, 16} which is \$2.2 million or less for Fiscal Year 2020-2021.¹⁷

The Revenue Estimating Conference met on January 24, 2020, to discuss proposed language for House Bill 555, identical to the CS. For Fiscal Year 2020-2021 the proposed language was determined to have a negative \$2.1 million cash impact, and a negative \$2.3 million recurring fiscal impact to local government discretionary sales surtax revenue.¹⁸ The CS may have a local mandate and require the approval of two-thirds of the membership in each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁵ FLA. CONST. art. VII, s. 18(d).

¹⁶ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 23, 2020).

¹⁷ Based on the Demographic Estimating Conference's population adopted on July 8, 2019. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited January 23, 2020).

¹⁸ Office of Economic and Demographic Research, *01/24/20 Revenue Impact Results* (HB 555 – Proposed Language), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2020/_pdf/page311-315.pdf (last visited January 28, 2020).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Those purchasing exempted hurricane shutters and impact-resistant windows for residential purposes and having them installed by a qualified contractor will not have to pay state sales tax and local discretionary sales surtaxes on the first \$100 of each hurricane shutter and impact-resistant window.

C. Government Sector Impact:

The Revenue Estimating Conference met on January 24, 2020, to discuss proposed language for House Bill 555, identical to the CS. The proposed language was determined to have a negative fiscal impact to the General Revenue Fund and to local government as follows:¹⁹

Fiscal Year	General Revenue	Total Local Impact²⁰	Total Impact
2020-21	(13.8)	(4.0)	(17.8)
2021-22	(13.8)	(4.1)	(17.9)
2022-23	(13.9)	(4.1)	(18.0)
2023-24	(13.9)	(4.1)	(18.0)
2024-25	(14.0)	(4.1)	(18.1)

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Revenue provided the following additional comments:

¹⁹ *Id.*

²⁰ Total Local Impact is inclusive of Revenue Sharing under s. 218.23, F.S., Local Government Half-Cent Sales Tax under s. 218.64, F.S., and Local Government Discretionary Sales Surtaxes under s. 212.055, F.S.

- For the exemption provided, the CS does not specify who can make the purchase exempt from tax. It only stipulates that the hurricane shutters and impact-resistant windows have to be installed by a qualified contractor.
- To assure the proper exempt use of the hurricane shutter and impact-resistant windows, the selling dealer would have to obtain from the purchaser a certificate attesting to the exempt nature of the sale transactions.
- Relating to the installation of the hurricane shutters and impact-resistant windows by a qualified contractor, no timeframe for the installation period is established.²¹

VIII. Statutes Affected:

This CS substantially amends the following sections of the Florida Statutes: 212.08

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

- Limits the sales tax exemption to the first \$100 of each hurricane shutter and impact-resistant window that will be used for residential purposes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²¹ Florida Department of Revenue, Agency Analysis of SB 844 (December 10, 2019).



401366

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
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	.	
	.	

The Committee on Infrastructure and Security (Taddeo)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 23 - 38
and insert:

1. The first \$100 of the purchase price of each hurricane shutter and impact-resistant window that will be used for residential purposes and that is installed by a qualified contractor is exempt from the tax imposed by this chapter.

2. As used in this paragraph, the term:

a. "Hurricane shutter" means a product manufactured and



401366

11 marketed specifically for the purpose of preventing window or
12 door damage to buildings or structures during a storm and which
13 is rated for impact resistance and resistance to blow-off in
14 accordance with any of the following most recent sets of test
15 methods, standards, and specifications:

16 (I) ASTM International E1886 and E1996;

17 (II) American Architectural Manufacturers Association 506;

18 or

19 (III) Florida Building Code Testing Application Standards
20 201, 202, and 203.

21 b. "Impact-resistant window" means a laminated or
22

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

24 And the title is amended as follows:

25 Delete lines 4 - 6

26 and insert:

27 212.08, F.S.; exempting a specified portion of the
28 purchase price of certain hurricane shutters and
29 impact-resistant windows from the sales and use tax;
30 defining terms;

By Senator Taddeo

40-00337C-20

2020844

A bill to be entitled

An act relating to a sales tax exemption for hurricane shutters and impact-resistant windows; amending s. 212.08, F.S.; exempting hurricane shutters and impact-resistant windows that are installed by a qualified contractor from the sales and use tax; defining terms; authorizing the Department of Revenue to adopt emergency rules; providing for expiration of that authority; providing effective dates.

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

Section 1. Effective July 1, 2020, paragraph (u) is added to subsection (5) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(u) Hurricane shutters and impact-resistant windows.—

1. Hurricane shutters and impact-resistant windows that are installed by a qualified contractor are exempt from the tax imposed by this chapter.

2. As used in this paragraph, the term:

a. "Hurricane shutters" means a product manufactured and marketed specifically for the purpose of preventing window or door damage to buildings or structures during a storm and which

40-00337C-20

2020844

is rated for impact resistance and resistance to blow-off in accordance with any of the following most recent sets of test methods, standards, and specifications:

(I) ASTM International E1886 and E1996;

(II) American Architectural Manufacturers Association 506;

or

(III) Florida Building Code Testing Application Standards 201, 202, and 203.

b. "Impact-resistant windows" means a laminated or polycarbonate glazing system designed to resist wind and windborne debris forces and which is rated for impact resistance and wind pressure in accordance with any of the following most recent sets of test methods, standards, and specifications:

(I) ASTM International E1886 and E1996;

(II) American Architectural Manufacturers Association 506;

or

(III) Florida Building Code Testing Application Standards 201, 202, and 203.

c. "Qualified contractor" means a contractor licensed and bonded pursuant to chapter 489.

Section 2. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering this act.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

40-00337C-20

2020844__

59 (3) This section expires July 1, 2021.
60 Section 3. Except as otherwise expressly provided in this
61 act, this act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-19

Meeting Date

SB 844

Bill Number (if applicable)

Topic

Hurricane Shelters / Impact Glass

Amendment Barcode (if applicable)

Name

Kari Hebrank

Job Title

Address

215 S. Monroe St.

Phone

906-7824

Street

Tallahassee

State

FL

Zip

32301

Email

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

PGT Innovations, FLOR

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 1000

INTRODUCER: Infrastructure and Security Committee and Senators Perry and Mayfield

SUBJECT: Traffic and Pedestrian Safety

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1000 requires a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road (midblock crosswalk) to be controlled by coordinated traffic control signal devices and pedestrian control signals that conform to the requirements of Chapters 4D and 4E of the most recent Manual on Uniform Traffic Control Devices (MUTCD) and other applicable Florida Department of Transportation (FDOT) specifications.

The bill requires that the traffic control signal devices and pedestrian control signals at midblock crosswalk locations be coordinated according to all of the following requirements:

- Vehicular traffic approaching the crosswalk is required to come to a complete stop before pedestrians are permitted to enter the crosswalk.
- Traffic control signal devices at intersections adjacent to the crosswalk are taken into consideration as provided in the most recent MUTCD and other applicable FDOT specifications.

By October 1, 2024, the entity with jurisdiction over a public highway, street, or road with a described midblock crosswalk which is in existence on July 1, 2020, must ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals, as required by the bill. Alternatively, the entity with jurisdiction may remove any the existing crosswalk.

Lastly, the bill recites the Legislature's finding and declaration that the bill fulfills an important state interest.

The bill is expected to have a significant negative fiscal impact on state and local government expenditures. However, the extent of the impact is indeterminate because the number of midblock crosswalk locations and their current traffic control design treatments is unknown. Additionally, the number of locations that will be modified to comply with the bill's requirement and the number of midblock crosswalks to be removed is unknown. See the "Fiscal Impact Statement" for additional information.

The bill takes effect July 1, 2020.

II. Present Situation:

The MUTCD and FDOT Specifications

The MUTCD "is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals." States are currently required to adopt the 2009 edition of the MUTCD (which includes revisions and interim approvals) as the legal state standard for traffic control devices.¹ Pursuant to direction to the FDOT in s. 316.0745, F.S., the MUTCD is adopted as the uniform system of traffic control devices for use on the streets and highways of this state.² The FDOT has additional specifications that apply to given roadway markings, highway signs, and traffic signals that are recognized by the Federal Highway Administration.³

The MUTCD provides the transportation engineer with information necessary to make appropriate decisions regarding the use of all traffic control devices. There are both mandatory provisions and provisions requiring the use of engineering judgment. Part 4 of the MUTCD addresses highway traffic signals and recites a basic tenant found throughout the MUTCD: "The selection and use of traffic control signals should be based on an engineering study of roadway, traffic, and other conditions." Further, "Engineering judgment should be applied in the review of operating traffic control signals to determine whether the type of installation and the timing program meet the current requirements of all forms of traffic."⁴

¹ See FHWA, *Manual on Uniform Traffic Control Devices for Streets and Highways*, available at <https://mutcd.fhwa.dot.gov/index.htm> (last visited January 24, 2020).

² See FHWA, *MUTCDs & Traffic Control Devices Information by State*, available at https://mutcd.fhwa.dot.gov/resources/state_info/index.htm (last visited January 24, 2020).

³ See FHWA, *Florida, MUTCD State Information*, available at https://mutcd.fhwa.dot.gov/resources/state_info/florida/fl.htm (last visited January 24, 2020).

⁴ Section 4B.02 of Chapter 4B of Part 4 of the MUTCD at p. 434, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020).

The MUTCD contains a series of “signal warrants,” established following “careful analysis of traffic operations, pedestrian and bicyclist needs, and other factors at a large number of signalized and unsignalized locations, coupled with engineering judgment, that define the *minimum* conditions under which installing a traffic control signal might be justified.”⁵ The MUTCD directs transportation engineers to conduct an analysis of conditions related to operation and safety at a given location, the potential to improve those conditions, and the factors contained in any of those signal warrants. The MUTCD describes the eight signal warrants as follows:

- Eight-hour vehicular volume,
- Four-hour vehicular volume,
- Peak hour,
- Pedestrian volume,
- School crossing,
- Coordinated signal system,
- Crash experience,
- Roadway network, and
- Intersection near a grade crossing.

However, “The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal.”⁶ Other engineering considerations are required with respect to midblock crosswalks.

Midblock Crosswalks

Crosswalks at any location other than at an intersection are referred to as “midblock” crosswalks, crossings, or locations in the MUTCD. The design treatment of traffic control and pedestrian signals take various forms and can range, for example, from a flashing yellow pedestrian crossing signal to use of full (red, yellow, and green displays) traffic control signals. Concerns have been raised over use of what are called pedestrian hybrid beacons⁷ at midblock crossings, some of which display only flashing yellow lights to vehicular traffic when activated by a pedestrian crossing a highway, street, or road. Use of these hybrid beacons may result in confusion for both drivers to drive through and for pedestrians to use the crosswalk in a safe manner.

⁵ *Id.*

⁶ Section 4C.01 of Chapter 4C of Part 4 of the MUTCD at p. 436, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020).

⁷ The MUTCD defines a pedestrian hybrid beacon as “a special type of hybrid beacon used to warn and control traffic at an unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk,” which “may be considered for installation...at a location that does not meet traffic signal warrants but a decision is made not to install a traffic control signal.” Section 4F.01 of Chapter 4F of Part 4 of the MUTCD at p. 509, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020).

The MUTCD contains a number of provisions relating to installing traffic control signals at mid-block crosswalks. For example, these provisions direct the entity with jurisdiction over the crosswalk to consider detailed criteria related to:

- The distances to the nearest traffic control signal, side streets and highways; and the number of vehicles,⁸ and
- The number of vehicles per hour using the street and the number of pedestrians crossing the street per hour.⁹

The MUTCD contains other applicable provisions. However, the focus of the MUTCD is that installation of a traffic control signal at any location, including midblock locations, must be based on an engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the particular location. The same focus is present in the MUTCD with respect to related pedestrian signals at any location, including midblock locations. “The design and operation of traffic control signals shall take into consideration the needs of pedestrians as well as vehicular traffic.”¹⁰

III. Effect of Proposed Changes:

The bill, notwithstanding any law to the contrary, requires a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to be controlled by coordinated traffic control signal devices and pedestrian control signals that conform to Chapters 4D and 4E¹¹ of the most recent MUTCD and other applicable FDOT specifications.

The bill requires that the traffic control signal devices and pedestrian control signals at midblock crosswalk locations be coordinated according to all of the following requirements:

- Vehicular traffic approaching the crosswalk is required to come to a complete stop before pedestrians are permitted to enter the crosswalk.
- Traffic control signal devices at intersections adjacent to the crosswalk are taken into consideration as provided in the most recent MUTCD and other applicable FDOT specifications.

By October 1, 2024, the entity with jurisdiction over a public highway, street, or road with a described midblock crosswalk which is in existence on July 1, 2020, must ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals, as required by the bill. Alternatively, the entity with jurisdiction may remove any existing midblock crosswalk.

⁸ Section 4D.01 of Chapter 4D of Part 4 the MUTCD at p. 449, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020).

⁹ MUTCD, Section 4C.05 of Part 4 at p. 442, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020).

¹⁰ MUTCD, Section 4D.03 at p. 450, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020).

¹¹ MUTCD, Figure 4D-2. at p. 458 and Figure 4E-1. at p. 496, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited January 24, 2020). These are the traffic control signals with Red/Yellow/Green light displays, and the Walk/Don't Walk pedestrian signals, customarily seen at intersections.

The bill also includes a Legislative finding and declaration that the bill fulfills an important state interest.

The bill conflicts with the MUTCD's requirement that installation of traffic control signals and related pedestrian signals at midblock crosswalk locations be based on an engineering study, as the bill mandates a given design treatment of such signals at these locations in the absence of any engineering analysis. Under the bill, jurisdictional entities must comply with the mandate by October 1, 2024, or remove any non-compliant midblock crosswalk. Going forward, new midblock crosswalks would have to comply with the mandated design treatment.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None. Article VII, section 18(a) of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless, among other exceptions, the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments. The bill applies to both state and local governments and therefore includes a Legislative determination that it fulfills an important state interest as required by the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The number of midblock crosswalks in Florida, whether under the jurisdiction of the FDOT or a local jurisdictional entity, is unknown. However, the FDOT provided¹² two examples of the cost of installation of traffic control lights and pedestrian signals at midblock crosswalks:

- Monroe Street at Lake Ella in Tallahassee: \$386,658.
- 5 midblock crosswalks along U.S. 98 in Destin between Airport Road and Stahlman Avenue: \$1,035,661.

The bill is expected to have a significant negative fiscal impact on state and local government expenditures. However, the extent of the impact is indeterminate because the number of midblock locations and their design and treatment is unknown. Additionally, the number of locations that will be modified to comply with the bill's requirement and the number of midblock crosswalks to be removed is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT notes that the bill would prohibit some important pedestrian midblock crossing countermeasures that are proven to reduce vehicle-pedestrian crashes, serious injuries, and fatalities, while minimizing vehicle and pedestrian delay. These include marked crosswalks, flashing beacons, rectangular rapid flashing beacons, in-roadway warning lights, and in-street pedestrian signs.¹³

VIII. Statutes Affected:

This bill creates section 316.0756 of the Florida Statutes:

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

The committee substitute:

- Specifies the type of traffic control signals (Red/Yellow/Green lights) and pedestrian control devices (Walk/Don't Walk) required for midblock pedestrian crossings by including references to the specific chapters of the MUTCD.

¹² See the FDOT email to committee staff, October 22, 2019 (on file in the Senate Infrastructure and Security Committee.)

¹³ See the FDOT email to committee staff, October 18, 2019 (on file in the Senate Infrastructure and Security Committee.)

- Includes a Legislative finding and declaration that the bill fulfills an important state interest.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



308030

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment

Delete line 30
and insert:
that conform to the requirements of Chapters 4D and 4E of the
most recent Manual on



511452

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 50 - 51
and insert:
alternatively remove any such existing crosswalk.

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

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

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

And the title is amended as follows:



511452

11 Delete line 16
12 and insert:
13 alternatively remove any such crosswalk; providing a
14 declaration of important state interest; providing an

By Senator Perry

8-00654-20

20201000__

A bill to be entitled

An act relating to traffic and pedestrian safety; creating s. 316.0756, F.S.; requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to be controlled by traffic control signal devices and pedestrian control signals that conform to specified requirements; providing coordination requirements for such devices and signals; requiring, by a specified date, the entity with jurisdiction over a public highway, street, or road with a certain pedestrian crosswalk to ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals; authorizing such entity to alternatively remove any such crosswalk; providing an effective date.

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

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

316.0756 Traffic control signal devices and pedestrian control signals at crosswalks other than at intersections.—

(1) Notwithstanding any law to the contrary, a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road must be controlled by coordinated traffic control signal devices and pedestrian control signals

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00654-20

20201000__

that conform to the requirements of the most recent Manual on Uniform Traffic Control Devices and other applicable Department of Transportation specifications. Traffic control signal devices and pedestrian control signals at crosswalk locations described in this section must be coordinated according to all of the following requirements:

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

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

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

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

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

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1-27-2020

Meeting Date

SB 1000

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Becky Alfonso

Job Title Executive Director

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Street

Oldsmar

City

FL

State

34677

Zip

Phone 813-748-1513

Email Becky@FloridaBicycle.org
~~becky.alfonso@floridabicycle.org~~

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/27/20
Meeting Date

1000
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 104-2 CAEST ST
Street
TLH FL 32301
City State Zip

Phone 941-323-2404

Email cullen5ea@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing ADVOCACY INSTITUTE FOR CHILDREN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020
Meeting Date

1000
Bill Number (if applicable)

Topic Traffic and Pedestrian Safety

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Advocate

Address _____

Phone 701-3701

Street Tallahassee FL 32302
City State Zip

Email jeff.j.branch@flcourts.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

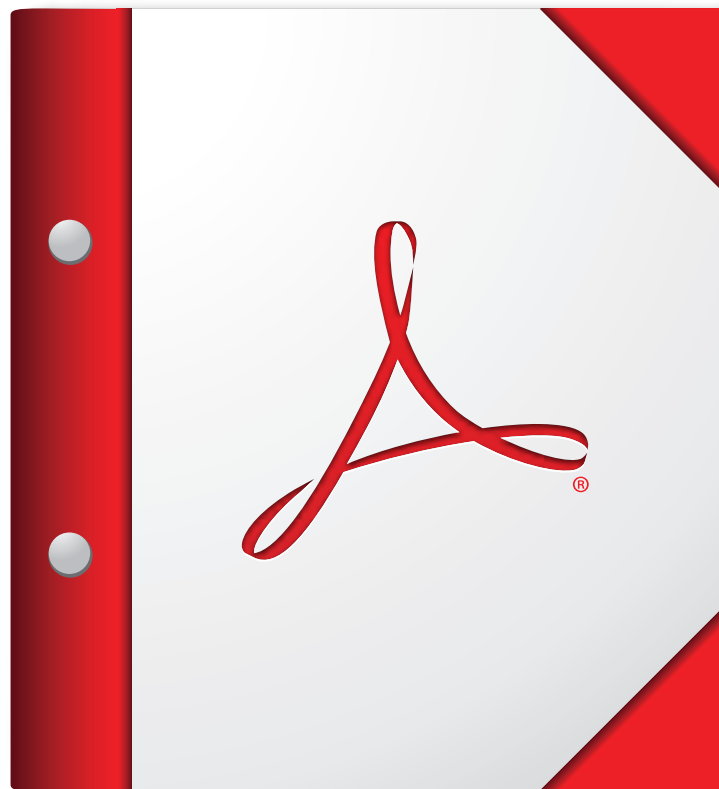
Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

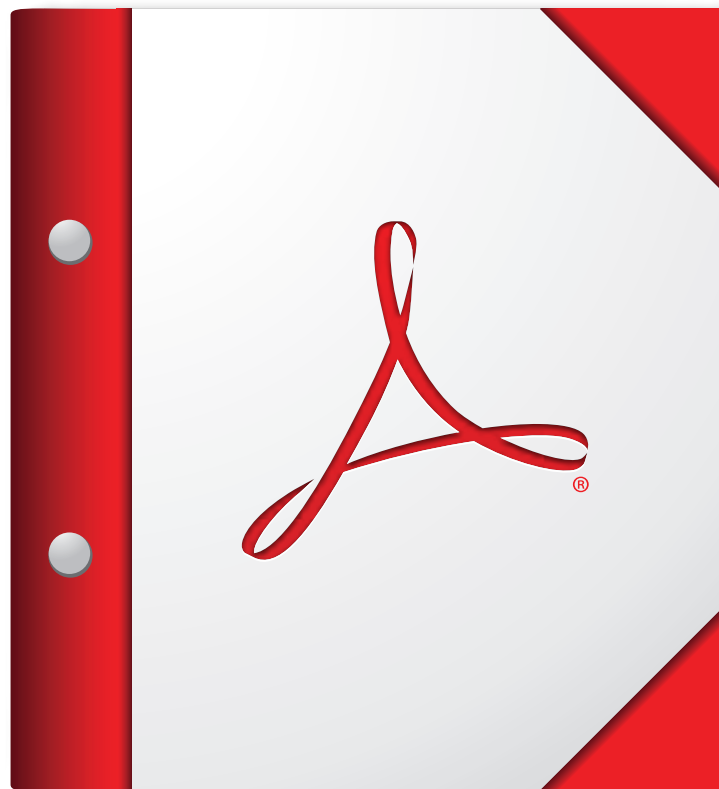
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 1090

INTRODUCER: Senators Diaz and Taddeo

SUBJECT: Express Lanes

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1090 prohibits the Florida Department of Transportation (FDOT), effective July 1, 2020, from operating any express lanes or imposing any tolls on State Road 826, notwithstanding any other law. Additionally, as of the same date, the bill requires the FDOT to remove all express lanes on State Road 826, convert those lanes to general purpose lanes, and remove the imposition of any tolls.

The bill is expected to result in a significant but indeterminate negative fiscal impact to the FDOT. See the Fiscal Impact Statement for details.

The bill takes effect July 1, 2020.

II. Present Situation:

Express Lanes

Section 338.166, F.S., authorizes the FDOT to operate tolled express lanes and to request the Division of Bond Finance to issue bonds secured by toll revenues collected on tolled high-occupancy-vehicle lanes (HOT lanes) or express lanes established on FDOT-owned facilities. The FDOT is authorized to continue to collect the tolls on HOT lanes or express lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system.

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

State Road 826/Palmetto Expressway

State Road 826 is an FDOT-owned facility having two express lanes some 10 miles in length in either direction between approximately West Flagler Street and Northwest 154th Street in Miami-Dade County, for which tolls are currently being collected.¹ The amount of the toll varies depending on traffic volume and congestion levels. The FDOT advises the existing express lanes on State Road 826 are schedule to be extended south to U.S. Highway 1, and north and east to the Golden Glades interchange, following completion of an in-progress Project Development and Environment (PD&E) Study.² According to the FDOT,

Express lanes on State Road 826 are intended and expected to provide enhanced mobility and improved service on the facility. Speed, travel-time and traffic volume data show that the express lanes on State Road 826 provide a distinct benefit to the express lane users, some benefit to the general purpose lane users, and show an increase in overall traffic flow.³

Operation and Maintenance

As noted, after discharge of any debt, tolls collected from the express lanes on State Road 826 must first be used to pay for operations and maintenance, the costs for which are approximately \$7 million a year and escalating. Renewal and replacement costs are approximately \$4 million each seven to nine years. The FDOT advises the facility currently owes the State Transportation Trust Fund (STTF)⁴ approximately \$7 million for costs of operation and maintenance above the tolls collected, and projected excess revenues over costs for fiscal year 2020 are expected to reduce the amount owed by approximately \$4 million. The remaining \$3 million is expected to be paid off in fiscal year 2021.⁵

III. Effect of Proposed Changes:

The bill creates s. 338.167, entitled *Prohibition of express lanes and tolls on specified facilities*. Notwithstanding any other provision of law, and effective July 1, 2020, the bill prohibits the FDOT from operating any express lanes or imposing any tolls on State Road 826. As of the same date, the FDOT is required to remove all express lanes on State Road 826, convert those express lanes to general purpose (toll-free) lanes, and remove the imposition of tolls.

The bill would eliminate toll revenues effective July 1, 2020. Use of toll revenues to repay the operations and maintenance costs, including renewal and replacement costs, will be eliminated, meaning that these costs would have to be paid from the STTF going forward. The bill also has the effect of eliminating the current source of repayment of the approximate \$3 million owed to the STTF for past operation and maintenance costs of the State Road 826 express lanes.

¹ See the FDOT website, *SR 826/Palmetto Express Lanes*, available at <http://www.fdotmiamidade.com/current-projects/expressways/sr-826palmetto-express-lanes.html>, and *Palmetto Express*, available at <http://palmettoexpresslanes.com/> (last visited January 23, 2020).

² See the FDOT's 2020 Legislative Bill Analysis for SB 1090 (on file in the Senate Infrastructure and Security Committee).

³ *Id.*

⁴ The trust fund is created in s. 206.46, F.S.

⁵ *Supra* note 2.

The FDOT's work program could be impacted, as costs previously supported by toll revenues would have to be replaced by STTF dollars, resulting in the potential delay of other projects.

See "Related Issues" below for additional information.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Payment of a toll would no longer be required for users of the express lanes converted to general purpose lanes. However, removal of the express lanes may increase congestion on State Road 826. According to the FDOT, this would result in a reduction in travel speeds in all lanes and a travel time higher than 18 minutes for all vehicles in the peak period.⁶ Other projects that may reduce congestion may be delayed because STTF revenues would have to replace payment of costs relating to State Road 826 currently paid by toll revenues.

C. Government Sector Impact:

The bill would eliminate State Road 826 toll revenues effective July 1, 2020. These toll revenues will not be available to repay the operations and maintenance costs, including

⁶ *Id.*

renewal and replacement costs, for the express lanes. These future costs would have to be paid from other STTF resources. The bill also eliminates the current source of repayment of the approximate \$3 million owed to the STTF for past operation and maintenance costs of the express lanes.

Other fiscal impacts of the bill are indeterminate. The FDOT notes expenses associated with:

- Evaluating costs associated with prior installation of tolling equipment and removal of such equipment.
- Revising signage on State Road 826.
- Upgrading tolling software, including analysis, business rule changes, coding, unit, system and integration testing, and implementation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT notes the following additional concerns relating to the impact of the bill's requirements:

- Beyond project delays, the FDOT notes "there likely would be further impacts concerning the Department's ability to issue bonds for projects in that region which are backed by toll revenues."⁷
- Potential use of excess revenues to pay the costs of operation, maintenance, or improvement of other facilities within Miami-Dade County will be removed.
- Potential use of express bus service in the express lanes on State Road 826 would be eliminated.
- Future capital improvements to other toll facilities in the region would have generated additional eligible expenditures and helped the FDOT meet the federally-required Maintenance of Effort test with respect to earning toll credits. Toll credits may be used toward the non-Federal matching share (the required state match) for eligible Federal-aid highway projects. The FDOT advises of its need to be able to project the amount of toll revenue available and the associated matching funds that will be earned through future capital expenditures. The bill's implications in this regard are not fully identified, according to the FDOT.⁸

VIII. Statutes Affected:

This bill creates section 338.167 of the Florida Statutes.

⁷ *Id.*

⁸ See the FHWA, *Federal-aid Matching Strategies*, for additional information on toll credits, available at https://www.fhwa.dot.gov/ipd/finance/tools_programs/federal_aid/matching_strategies/toll_credits.aspx (last visited January 2020).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Diaz

36-00666C-20

20201090__

A bill to be entitled

An act relating to express lanes; creating s. 338.167, F.S.; prohibiting express lanes and tolls on a specified state road; requiring the Department of Transportation to remove all existing express lanes and the imposition of tolls; providing an effective date.

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

Section 1. Section 338.167, Florida Statutes, is created to read:

338.167 Prohibition of express lanes and tolls on specified facilities.—Notwithstanding any other provision of law to the contrary, effective July 1, 2020, the department may not operate any express lanes or impose any tolls on State Road 826. As of July 1, 2020, the department shall remove all express lanes on State Road 826 and convert those lanes to general purpose lanes and remove the imposition of all tolls.

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

THE FLORIDA SENATE

APPEARANCE RECORD

1-27-20

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1090

Meeting DateBill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)Name JESS MCCARTYJob Title ASSISTANT COUNTY ATTORNEYAddress 111 NW 1ST STREET, SUITE 2810Phone 305-979-7110StreetMIAMIFL33128CityStateZipEmail JMM2@MIAMIDADE.GOVSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing MIAMI-DADE COUNTYAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020

Meeting Date

SB 1090

Bill Number (if applicable)

Topic Express lanes

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko (see-res-co)

Job Title retired

Address 7550 SW 61 St.

Phone 305 321 0016

Street

Miami

City

FL

State

33143

Zip

Email aciereszko@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Transportation

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB1090
BILL TITLE:	Express Lanes
BILL SPONSOR:	Sen. Diaz
EFFECTIVE DATE:	July 1, 2020

<u>COMMITTEES OF REFERENCE</u>
1)
2)
3)
4)
5)

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	12/02/19
LEAD AGENCY ANALYST	Amanda Marsh, LPO, 850-414-5207
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	
FISCAL ANALYST:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The proposed bill will prohibit toll collection on State Road 826 and will require the Department to convert any existing express lanes on that facility to toll-free general-purpose lanes.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The Department is authorized by s. 338.166, Florida Statutes, to operate tolled express lanes on Department facilities and to issue bonds secured by the toll revenues. Currently, State Road 826 has two express lanes in each direction between approximately West Flagler Street and North West 154th Street. Following completion of a PD&E study, the existing express lanes on State Road 826 are scheduled to be extended south to US Highway 1 and north & east to the Golden Glades interchange. Express lanes on State Road 826 are intended and expected to provide enhanced mobility and improved service on the facility. Speed, travel-time and traffic volume data show that the express lanes on State Road 826 provide a distinct benefit to the express lane users, some benefit to the general purpose lane users, and show an increase in overall traffic flow.

2. EFFECT OF THE BILL:

The proposed bill will prohibit continuing construction of tolled express lanes on State Road 826 and will require the Department to convert the express lanes that have been constructed to toll-free, general-purpose lanes. The bill may require termination of the current PD&E study. Conversion of the already constructed express lanes to general purpose lanes appears inconsistent with the assumptions and recommendations of the previous PD&E study that was performed as a precondition for the addition of the tolled lanes to the facility.

The proposed bill would also eliminate the potential for use of express bus service on State Road 826. Additionally, the proposed bill would eliminate the potential for use of State Road 826 toll revenues to pay the costs of operation, maintenance or improvement of other facilities within Miami-Dade County.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	n/a
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	n/a

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

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5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	n/a
Date Due:	n/a
Bill Section Number(s):	n/a

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	n/a
Board Purpose:	n/a
Who Appoints:	n/a
Changes:	n/a
Bill Section Number(s):	n/a

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☒ N ☐

Revenues:	<p>The proposed bill will have an indeterminate negative financial impact to the Department. SR 826 (Palmetto Expressway) currently contains express lanes and is collecting tolls.</p> <p>Currently, the facility owes the State Transportation Trust Fund (STTF) approximately \$7M for Operating & Maintenance (O&M) costs above the tolls collected. The projected excess revenues over costs for FY20 are expected to reduce the amount owed by approximately \$4M. The remaining \$3M owed STTF is expected to be paid off in FY 21. Future projected excess revenues will no longer be available for Miami-Dade projects.</p> <p>The removal of tolls on this facility would have a negative impact on the work program. In addition to loss of revenue to pay for maintenance of the facility and the expansion of SR 826, there likely would be further impacts concerning the Department's ability to issue bonds for projects in that region which are backed by toll revenues.</p> <p>If SR 826 expansions are to occur due to congestion, then this loss of revenue will cause other projects to defer either in this region or throughout the state if SR 826 remains a higher priority.</p>
Expenditures:	Indeterminate negative impacts. The proposed bill will eliminate toll revenues effective 7/1/2020, the approximately \$3M owed to the STTF will not be paid. In addition, the O&M, as well as periodic Renewal &

	Replacement (R&R) costs, planned to be paid from tolls collected would then be paid from STTF. O&M is approximately \$7M a year and escalating, while R&R will be approximately \$4 M each 7-9 years. There is also the cost of the tolling equipment for express lanes that will need to be evaluated. Changes to signage and equipment will additionally have a negative impact on the Department.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	n/a

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☒ N ☐

Revenues:	None known
Expenditures:	Indeterminate
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☒ N ☐

If yes, explain impact.	Eliminates tolls for the use of State Road 826
Bill Section Number:	Section 1

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	Tolling software would need to be updated and business rules changed. This work effort would include analysis, business rule changes, coding, unit, system and integration testing, and implementation. Roadside toll equipment (gantries, toll equipment buildings, etc.) would be de-commissioned and removed.
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FEDERAL IMPACT**1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.	The implications of the required adjustment of existing facilities on the administrative approval for the previous expansion of State Road 826 are not fully identified, but the change may be inconsistent with the expansion approval. This reduction in toll revenues will negatively affect FDOT's ability to re-pay financial obligations that were incurred in good faith that the tolls would remain in place for future operational and maintenance costs. Future capital improvements to other toll facilities in the region would have generated additional eligible expenditures and helped FDOT meet the Maintenance of Effort determination in earning toll credits. FDOT needs to be able to project the amount of toll revenue available and the associated matching funds that will be earned through future capital expenditures.
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ADDITIONAL COMMENTS

- If the express lanes were converted to general use lanes, they would carry less traffic and the thru traffic would now mix with the local traffic, creating more congestion. The result would be a reduction in travel speeds in all lanes resulting in a travel time higher than 18 minutes for all vehicles in the peak period.

Travel Times PM Peak, Northbound from SW 8 Street to NW 154 Street (13-mile stretch)

- 2014 General Purpose Lanes 18 minutes
- 2019 General Purpose Lanes 17 minutes
- 2019 Express Lanes 9 minutes

Traffic Count on the Palmetto North of Okeechobee Road

- 2014 186,000 vehicles per day
- 2019 248,000 vehicles per day

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 1198

INTRODUCER: Senator Berman

SUBJECT: Purple Alert

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			CF	
3.			RC	

I. Summary:

SB 1198 establishes criteria and processes for the issuance of Purple Alerts containing information about missing adults with certain mental or cognitive disabilities; physical, mental, or emotional disabilities not related to substance abuse; or any combination of these.

The fiscal impact to state and local expenditures is indeterminate. See the “Fiscal Impact Statement” for additional details.

The bill takes effect July 1, 2021, except as otherwise expressly provided and except for the effective date section, which takes effect July 1, 2020.

II. Present Situation:

Florida Statutory Alerts

Section 937.021, F.S., requires law enforcement agencies (LEAs) in this state to adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. Section 784.071, F.S., authorizes Blue Alerts with respect to a law enforcement officer who has been killed or assaulted with a deadly weapon, has suffered serious bodily injury, or is missing while in the line of duty under circumstances evidencing concern for the officer’s safety. Section 937.022, F.S., creates the Missing Endangered Persons Information Clearinghouse (MEPIC) within the FDLE “to serve as a central repository of information regarding missing endangered persons.” That section requires every state, county, or municipal LEA to submit to the clearinghouse information on missing endangered persons, which information must be “collected and disseminated to assist in the location of missing endangered persons.”

A Missing Child Alert is intended to enable law enforcement to quickly communicate information on a missing child believed to be in life-threatening danger, but there is no indication

that the child has been abducted.¹ A Missing Child Alert may result in an AMBER Alert if investigation produces an indication that the child has been abducted.² A state Silver Alert is intended to aid law enforcement in the rescue or recovery of a missing elderly person who suffers from irreversible deterioration of intellectual faculties³ and becomes lost while driving a vehicle.⁴

Generally, in each case, the local LEA with jurisdiction contacts the FDLE's MEPIC. The FDLE works with the local LEA to determine whether information will be broadcast on a regional or statewide basis and prepares information for public distribution through the Emergency Alert System, wireless emergency alerts, the FDOT's 511 traveler information system⁵ and dynamic message signs, lottery machines, and email, as appropriate.⁶

With respect to use of the FDOT's dynamic message signs, after contact from the FDLE, the appropriate FDOT Regional Transportation Management Center is ultimately responsible for displaying alert messages on those signs. If the alert message is:

- A Missing Child Alert or a Silver Alert, the message is displayed for a maximum of six hours and is re-activated if FDLE requests it, but only in the specific area the law enforcement believes the child may be located.
- An AMBER Alert, the message is displayed until the child is recovered or for a maximum of 24 hours, again re-activated upon FDLE's request only in the specific area law enforcement believes the child may be located.⁷

Section 937.021(5), F.S., provides immunity from civil liability for complying in good faith with a request to record, report, transmit, display, or release Missing Child, AMBER, and Silver Alert information.

The FLDE, in conjunction with the Florida Highway Patrol, the FDOT, and the Department of Lottery, broadcasts information to the public through the Emergency Alert System on television and radio when information about an offender would help avert further harm or assist in apprehending a suspect in connection with killing or harming a law enforcement officer.⁸ In such cases, dynamic message signs are also used to display Blue Alerts.⁹ These alerts use the technologies employed for Amber Alerts.¹⁰ At the request of a local LEA, the FDLE Intelligence Watch and Warning Regional Special Agency Supervisor works with the investigating agency to

¹ FDLE Missing Endangered Persons Information Clearinghouse, *Florida's Missing Child Alert*, available at <http://www.fdle.state.fl.us/mcicsearch/MCApage.asp> (last visited January 23, 2020).

² FDLE Missing Endangered Persons Information Clearinghouse, *AMBER Alerts*, available at <http://www.fdle.state.fl.us/mcicsearch/Amber.asp> (last visited January 23, 2020).

³ FDLE Missing Endangered Persons Information Clearinghouse, *Florida's Silver Alert Plan*, available at <http://www.fdle.state.fl.us/mcicsearch/SilverAlerts.asp> (last visited January 23, 2020).

⁴ See *Florida Missing Persons and Blue Alert Plans*, Florida Department of Law Enforcement and Florida Department of Transportation, p. 1. (On file in the Senate Infrastructure and Security Committee.) See also FDLE, *Florida's Silver Alert Plan*, available at <http://www.fdle.state.fl.us/Silver-Alert-Plan/Silver-Alert-Plan> (last visited January 23, 2020).

⁵ See s. 334.044(31) and s. 334.60, F.S. The 511 System is used only while dynamic message signs are displayed. *Id.* at p. 4.

⁶ *Supra* note 4 at pp. 1-5.

⁷ *Supra* note 4 at pp. 4-5.

⁸ *Supra* note 4.

⁹ Section 784.071, F.S.

¹⁰ FDLE, *Florida Blue Alert Notification System*, available at <http://floridabluealert.com/> (last visited January 23, 2020.)

prepare information for public release, include suspect and/or vehicle information. The FDLE will issue a Blue Alert if a law enforcement officer has been killed, suffered serious bodily injury, or been assaulted with a deadly weapon; or is missing while in the line of duty or under circumstances indicating concern for an officer's safety; and the suspect has fled the scene and poses an imminent threat to the public or to other law enforcement officers. The FDLE works with the FDOT's Regional Transportation Management Center, which is ultimately responsible for displaying Blue Alert messages on the dynamic message signs. Again, the alert is displayed for a maximum of six hours, with re-activation upon FDLE request in the specific area that law enforcement believes the person may be located.¹¹

The FDOT observes the following orders of priority with respect to these alert messages on dynamic message signs:

- If there are multiple alerts activated during the same time: AMBER, Missing Child, Blue, and Silver.
- If there are multiple AMBER, Missing Child, or Blue Alerts activated during the same time, each one is displayed on every other dynamic message sign.¹²

Missing Endangered Persons

Section 937.0201, F.S., defines the term "missing endangered person" for purposes of missing person investigations to mean:

- A missing child,
- A missing adult younger than 26 years of age;
- A missing adult 26 years of age or older who is suspected by an LEA of being endangered or the victim of criminal activity, or
- A missing adult who meets the criteria for activation of the Silver Alert Plan¹³ of the FDLE.

III. Effect of Proposed Changes:

The bill establishes criteria and processes for Purple Alerts

Section 1 of the bill amends s. 937.0201, F.S., relating definitions for purposes of missing person investigations. The bill includes in the definition of "missing endangered person" a missing adult who meets the criteria for activation of the Purple Alert of the FDLE pursuant to s. 937.0205, F.S., created by the bill.

¹¹ *Supra* note 4 at pp. 4-5.

¹² *Id.* at p. 5.

¹³ Both local (missing on foot) and state (missing in vehicle) Silver Alerts are currently used to locate missing persons suffering from an irreversible deterioration of intellectual faculties. *See* FDLE, *Silver Activation Steps*, available at <http://www.fdle.state.fl.us/Silver-Alert-Plan/Activation-Steps> (last visited January 23, 2020). This site lists the criteria for both local and state Silver Alerts.

Section 2 creates s. 937.0205, entitled *Purple Alert*. The bill expresses the following Legislative findings:

- A standardized state system is necessary to aid in the search of certain missing adults (identified and discussed below).
- A coordinated local law enforcement and state agency response with prompt and widespread sharing of information will improve the chances of finding the person.

The bill also recites the Legislature's intent to establish the Purple Alert, implemented in a manner that, to the extent practicable, safeguards the privacy rights and related health diagnostic information of such missing adults.

The bill directs the FDLE, in cooperation with the FDOT, the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery (DOL), and local LEAs, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of such missing adults by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Provide that the broadcasting and dissemination of alerts and related information be limited to the geographic areas where such missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding the missing adult's disappearance to indicate that activating the alert is likely to help locate the missing adult.

The bill authorizes (but does not require) a local LEA, under a Purple Alert, to broadcast to the media and to persons who subscribe to receive alert notifications information concerning a missing adult:

- Who has a mental or cognitive disability; an intellectual disability or a development disability, as those terms are defined in s. 393.063;¹⁴ a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local LEA;
- Who cannot be returned to safety without law enforcement intervention; and

¹⁴ That section defines "intellectual disability" to mean significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which manifests before the age of 18 and can reasonably be expected to continue indefinitely. For the purposes of this definition, the term: (a) "Adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of his or her age, cultural group, and community; (b) "Significantly subaverage general intellectual functioning" means performance that is two or more standard deviations from the mean score on a standardized intelligence test specified in the rules of the agency. "Developmental disability" means a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

- Who does not meet the criteria for activation of a local Silver Alert or the Silver Alert Plan of the FDLE.¹⁵

If a Purple Alert is determined to be necessary and appropriate, the local LEA of jurisdiction is required to notify the media and subscribers in the jurisdiction or jurisdictions where the missing adult is believed to or may be located. The local jurisdictional LEA may also request that the Purple Alert notification be broadcast on lottery terminals within the geographic regions where the missing adult may reasonably be, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets.

The local jurisdictional LEA is also authorized to request that a case be opened with the FDLE's MEPIC. To enhance local or regional efforts when the investigation indicates that an identifiable vehicle is involved, the MEPIC is required to coordinate with the FDOT and the DHSMV for the activation of dynamic message signs on state highways and the immediate distribution of critical information to the public regarding the missing adult in accordance with the alert.

The bill requires the Purple Alert process to include procedures to monitor the use, activation, and results of alerts and a strategy for informing and educating law enforcement, the media, and other stakeholders concerning the alert. Lastly, this section of the bill authorizes the FDLE to adopt rules to implement and administer the new section of law.

Section 3 amends s. 937.021, F.S., relating to missing child and missing adult reports, to include Purple Alerts in the existing provisions relating to immunity from civil liability for law enforcement agencies, broadcasters, and other entities acting in good faith when involved in issuing Missing Child Alerts, AMBER Alerts, and Silver Alerts.

Section 4 amends s. 937.022, F.S., relating to the MEPIC, under which only the LEA having jurisdiction over a case may make a request to the MEPIC for the activation of a state Silver Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert Plan. The bill includes Purple Alerts in this provision; only the jurisdictional LEA may request the MEPIC for activation of a Purple Alert if the criteria for issuance are met.

Section 5 amends s. 429.918, F.S., relating to licensure designation as a specialized Alzheimer's services adult day care center, under which, among other requirements:

- Employees hired to provide direct care to ADRD participants¹⁶ must receive and review an orientation plan that includes information on the Silver Alert Plan, and
- ADRD participants (or caregivers) must be provided a copy of the participant's plan of care and information regarding resources to assist in ensuring the safety and security of a participant, which must include (among other items) information on the Silver Alert Plan.

The bill includes Purple Alerts in these provisions currently relating only to the Silver Alert Plan.

¹⁵ *Supra* note 13. See also FDLE Missing Endangered Persons Information Clearinghouse, *Florida's Silver Alert Plan*, available at <http://www.fdle.state.fl.us/mcicsearch/SilverAlerts.asp> (last visited January 23, 2020).

¹⁶ Section 429.918, F.S., defines the term "ADRD participant" to mean a participant who has a documented diagnosis of Alzheimer's disease or a dementia-related disorder (ADRD) from a license physician, licensed physician assistant, or a licensed advanced practice registered nurse.

Section 6, effective July 1, 2020, appropriates for the 2020-2021 fiscal year the sums of \$152,836 in recurring funds and \$170,000 in nonrecurring funds from the General Revenue Fund to the FDLE, and authorizes three full-time equivalent positions with an associated salary rate of 83,779, for purposes of implementing the act.

Section 7 provides the act takes effect July 1, 2021, except as otherwise expressly provided and except for section 7, which takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Missing adults who meet the criteria for activation of a Purple Alert, their caregivers and families, as well as the general public may benefit from improved communication of emergency information through Purple Alerts. However, to receive Purple Alerts, individuals must be subscribers in the jurisdiction or jurisdictions where the missing adult is believed to or may be located, see the alerts on lottery terminals in gas stations, convenience stores, or supermarkets or on dynamic message signs along the State Highway System, or otherwise gain knowledge of a Purple Alert following notification of the media by the local jurisdictional LEA.

C. Government Sector Impact:

The FDLE advises it will be required to create policies and procedures on how to activate and cancel Purple Alerts, including the requirement to monitor the use and activation of the system and the results from its use, as well as a strategy for informing and educating law enforcement, the media, and other stakeholders about the alert. However, the FDLE 2020 Legislative Bill Analysis for SB 1198 assigns no dollar value to such activities.¹⁷

The FDLE does, however, note an increased workload as a result of the bill's provisions and indicates its need for three Crime Intelligence Analyst I FTE positions totaling \$168,204 (\$156,519 recurring). Additionally, the FDLE indicates that the cost of necessary modifications to existing information technology will total \$170,000 and take approximately 12 months to complete.

The fiscal impact to the FDOT relating to display of Purple Alerts on dynamic message signs is indeterminate, as the potential increase in volume of alerts to be displayed on the signs is indeterminate.

The DHSMV notes the bill will result in a significant workload increase for the Florida Highway Patrol, especially the regional communications center ultimately assigned to coordinate Purple Alerts. The workload increase is expected to be absorbed within existing resources.¹⁸

Local jurisdictional LEAs will incur indeterminate expenses associated with notifying the media and subscribers as authorized under the bill, and with developing any necessary policies and training and establishing or enhancing necessary infrastructure and systems.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 937.0201, 937.021, 937.022, and 429.918.

This bill creates the following sections of the Florida Statutes: 937.0205.

¹⁷ See the FDLE 2020 Legislative Bill Analysis for SB 1198 available at <http://abar.laspbs.state.fl.us/ABAR/ABAR.aspx> (last visited January 23, 2020).

¹⁸ See the DHSMV 2020 Legislative Bill Analysis for SB 1198 available at <http://abar.laspbs.state.fl.us/ABAR/ABAR.aspx> (last visited January 23, 2020).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Berman

31-00038D-20

20201198__

1 A bill to be entitled
 2 An act relating to the Purple Alert; amending s.
 3 937.0201, F.S.; redefining the term "missing
 4 endangered person"; creating s. 937.0205, F.S.;
 5 providing legislative findings and intent; requiring
 6 the Department of Law Enforcement, in cooperation with
 7 the Department of Transportation, the Department of
 8 Highway Safety and Motor Vehicles, the Department of
 9 the Lottery, and local law enforcement agencies, to
 10 establish and implement the Purple Alert; specifying
 11 minimum requirements for the Purple Alert; authorizing
 12 local law enforcement agencies to broadcast
 13 information concerning certain missing adults;
 14 requiring the local law enforcement agency of
 15 jurisdiction to notify certain media and alert
 16 subscribers if a Purple Alert is determined to be
 17 necessary and appropriate; authorizing the local law
 18 enforcement agency of jurisdiction which broadcasts
 19 the notification to request that a case be opened with
 20 the Department of Law Enforcement's Missing Endangered
 21 Persons Information Clearinghouse; requiring the
 22 clearinghouse to coordinate with the Department of
 23 Transportation and the Department of Highway Safety
 24 and Motor Vehicles in the activation of dynamic
 25 message signs on state highways and the immediate
 26 distribution of certain critical information under
 27 certain circumstances; requiring the Purple Alert to
 28 include certain procedures and an information and
 29 education strategy; authorizing the Department of Law

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Enforcement to adopt rules; amending s. 937.021, F.S.;
 31 providing that the Department of Law Enforcement, as
 32 the Purple Alert coordinator, and certain agencies,
 33 employees, individuals, and entities are immune from
 34 civil liability for damages when performing certain
 35 actions in good faith; providing that the presumption
 36 of good faith is not overcome under certain
 37 circumstances; providing construction; amending s.
 38 937.022, F.S.; authorizing only the law enforcement
 39 agency having jurisdiction over a case to make a
 40 request to the clearinghouse for the activation of a
 41 Purple Alert involving a missing adult under certain
 42 circumstances; amending s. 429.918, F.S.; conforming
 43 provisions to changes made by the act; providing an
 44 appropriation; providing effective dates.
 45
 46 Be It Enacted by the Legislature of the State of Florida:
 47
 48 Section 1. Subsection (4) of section 937.0201, Florida
 49 Statutes, is amended to read:
 50 937.0201 Definitions.—As used in this chapter, the term:
 51 (4) "Missing endangered person" means any of the following:
 52 (a) A missing child~~;~~
 53 (b) A missing adult younger than 26 years of age~~;~~
 54 (c) A missing adult 26 years of age or older who is
 55 suspected by a law enforcement agency of being endangered or the
 56 victim of criminal activity~~;~~~~or~~
 57 (d) A missing adult who meets the criteria for activation
 58 of the Silver Alert Plan of the Department of Law Enforcement.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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(e) A missing adult who meets the criteria for activation of the Purple Alert of the Department of Law Enforcement pursuant to s. 937.0205.

Section 2. Section 937.0205, Florida Statutes, is created to read:

937.0205 Purple Alert.—

(1) The Legislature finds that a standardized state system is necessary to aid in the search for a missing adult identified in paragraph (4) (a). The Legislature also finds that a coordinated local law enforcement and state agency response with prompt and widespread sharing of information will improve the chances of finding the person.

(2) It is the intent of the Legislature to establish the Purple Alert, to be implemented in a manner that, to the extent practicable, safeguards the privacy rights and related health and diagnostic information of such missing adults.

(3) The Department of Law Enforcement, in cooperation with the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of the Lottery, and local law enforcement agencies, shall establish and implement the Purple Alert. At a minimum, the Purple Alert must:

(a) Be the only viable means by which the missing adult is likely to be returned to safety;

(b) Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of such missing adults by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;

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(c) Provide that the broadcasting and dissemination of alerts and related information be limited to the geographic areas where such missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and

(d) Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding the missing adult's disappearance to indicate that activating the alert is likely to help locate the missing adult.

(4) (a) Under a Purple Alert, a local law enforcement agency may broadcast to the media and to persons who subscribe to receive alert notifications under this section information concerning a missing adult:

1. Who has a mental or cognitive disability; an intellectual disability or a developmental disability, as those terms are defined in s. 393.063; a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;

2. Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;

3. Who cannot be returned to safety without law enforcement intervention; and

4. Who does not meet the criteria for activation of a local Silver Alert or the Silver Alert Plan of the Department of Law Enforcement.

(b) If a Purple Alert is determined to be necessary and

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appropriate, the local law enforcement agency of jurisdiction shall notify the media and subscribers in the jurisdiction or jurisdictions where the missing adult is believed to or may be located. The local law enforcement agency of jurisdiction may also request that the Purple Alert notification be broadcast on lottery terminals within the geographic regions where the missing adult may reasonably be, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets.

(c) Under the Purple Alert, the local law enforcement agency of jurisdiction may also request that a case be opened with the Department of Law Enforcement's Missing Endangered Persons Information Clearinghouse. To enhance local or regional efforts when the investigation indicates that an identifiable vehicle is involved, the clearinghouse must coordinate with the Department of Transportation and the Department of Highway Safety and Motor Vehicles for the activation of dynamic message signs on state highways and the immediate distribution of critical information to the public regarding the missing adult in accordance with the alert.

(5) The Purple Alert process must include procedures to monitor the use, activation, and results of alerts and a strategy for informing and educating law enforcement, the media, and other stakeholders concerning the alert.

(6) The Department of Law Enforcement may adopt rules to implement and administer this section.

Section 3. Paragraphs (c), (d), and (e) of subsection (5) of section 937.021, Florida Statutes, are amended to read:

937.021 Missing child and missing adult reports.—

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(5)

(c) Upon receiving a request to record, report, transmit, display, or release Silver Alert or Purple Alert information from the law enforcement agency having jurisdiction over the missing adult, the Department of Law Enforcement as the state Silver Alert and Purple Alert coordinator, any state or local law enforcement agency, and the personnel of these agencies; any radio or television network, broadcaster, or other media representative; any dealer of communications services as defined in s. 202.11; or any agency, employee, individual, or entity is immune from civil liability for damages for complying in good faith with the request and is presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing Silver Alert or Purple Alert information pertaining to the missing adult.

(d) The presumption of good faith is not overcome if a technical or clerical error is made by any agency, employee, individual, or entity acting at the request of the local law enforcement agency having jurisdiction, or if the Amber Alert, Missing Child Alert, missing child information, missing adult information, or Silver Alert or Purple Alert information is incomplete or incorrect because the information received from the local law enforcement agency was incomplete or incorrect.

(e) Neither this subsection nor any other provision of law creates a duty of the agency, employee, individual, or entity to record, report, transmit, display, or release the Amber Alert, Missing Child Alert, missing child information, missing adult information, or Silver Alert or Purple Alert information received from the local law enforcement agency having

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jurisdiction. The decision to record, report, transmit, display, or release information is discretionary with the agency, employee, individual, or entity receiving the information.

Section 4. Paragraph (b) of subsection (3) of section 937.022, Florida Statutes, is amended to read:

937.022 Missing Endangered Persons Information Clearinghouse.—

(3) The clearinghouse shall:

(b) Provide a centralized file for the exchange of information on missing endangered persons.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information concerning missing endangered persons.

2. Any person having knowledge may submit a missing endangered person report to the clearinghouse concerning a child or adult younger than 26 years of age whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child or adult missing to the appropriate law enforcement agency within the county in which the child or adult became missing, and subsequent to entry by the law enforcement agency of the child or person into the Florida Crime Information Center and the National Crime Information Center databases. The missing endangered person report shall be included in the clearinghouse database.

3. Only the law enforcement agency having jurisdiction over the case may submit a missing endangered person report to the clearinghouse involving a missing adult age 26 years or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.

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4. Only the law enforcement agency having jurisdiction over the case may make a request to the clearinghouse for the activation of a state Silver Alert or a Purple Alert involving a missing adult if circumstances regarding the disappearance have met the criteria for activation of the Silver Alert Plan or the Purple Alert.

Section 5. Paragraph (d) of subsection (6) and subsection (9) of section 429.918, Florida Statutes, are amended to read:

429.918 Licensure designation as a specialized Alzheimer's services adult day care center.—

(6)

(d) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:

1. Procedures to locate an ADRD participant who has wandered from the center. These procedures shall be reviewed regularly with all direct care staff.

2. Information on the Silver Alert program and the Purple Alert in this state.

3. Information regarding available products or programs used to identify ADRD participants or prevent them from wandering away from the center, their home, or other locations.

(9) An adult day care center having a license designated under this section must give to each person who enrolls as an ADRD participant in the center, or the caregiver, a copy of the ADRD participant's plan of care, as well as information regarding resources to assist in ensuring the safety and security of the ADRD participant, which must include, but need not be limited to, information pertaining to driving for those

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persons affected by dementia, available technology on wandering-
prevention devices and identification devices, the Silver Alert
program and the Purple Alert in this state, and dementia-
specific safety interventions and strategies that can be used in
the home setting.

Section 6. Effective July 1, 2020, for the 2020-2021 fiscal
year, the sums of \$152,836 in recurring funds and \$170,000 in
nonrecurring funds are appropriated from the General Revenue
Fund to the Department of Law Enforcement, and three full-time
equivalent positions with an associated salary rate of 83,779
are authorized, for the purpose of implementing this act.

Section 7. Except as otherwise expressly provided in this
act and except for this section, which shall take effect July 1,
2020, this act shall take effect July 1, 2021.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-20

Meeting Date

1198

Bill Number (if applicable)

Topic

Purple Alert

Amendment Barcode (if applicable)

Name

Barbara Deane

Job Title

MS

Address

625 E. Brevard St

Phone

251-4280

Street

Tallahassee

FL

32308

Email

barbadeane@jfk.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL Alliance for Retired Americans

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-2020

Meeting Date

SB 1198

Bill Number (if applicable)

Topic Purple Alert

Amendment Barcode (if applicable)

Name Margaret J. Hooper MSW

Job Title Director of Public Policy and Advocacy

Address 124 Marriott Drive #203

Phone 850-488-4180

Tallahassee FL 32301

City

State

Zip

Email MargaretD@FDDC.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Developmental Disabilities Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

January 27, 2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1198

Bill Number (if applicable)

Topic PURPLE ALERT PRIVACY PROTECTIONS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president, Tallahassee Veterans Legal Collaborative

Address PO Box 1201

Street

Tallahassee, Fl

City

State

32302

Zip

Phone 850/570-1967

Email danbhendrickson@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020
Meeting Date

SB 1198
Bill Number (if applicable)

Topic Purple Alert

Amendment Barcode (if applicable)

Name Olivia Babis

Job Title Public Policy Analyst

Address 2473 Care Dr. Ste 200
Street
Tallahassee FL 32308
City State Zip

Phone 850-617-9718

Email oliviab@disabilityrights
florida.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Disability Rights Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

Florida Missing Persons and Blue Alert Plans

Florida Department of Law Enforcement and Florida Department of Transportation

AMBER, Missing Child, and Silver Alert Plans

In 2000, the Florida Department of Law Enforcement (FDLE), along with our state, local, and private partners, developed a plan to establish the Florida AMBER Alert. The AMBER Alert provides law enforcement with a tool to quickly and effectively notify the general public of critical information regarding a child who has been abducted and is endangered. It is disseminated to the public through the Emergency Alert System (EAS) by broadcasting the alert on television and radio in addition to the Florida Department of Transportation's (FDOT) highway Dynamic Message Signs (DMS) and other highway advisory methods and/or Department of Lottery's (DOL) lottery machines.

In 2003, as part of the Florida AMBER Plan, FDLE also established the Missing Child Alert. This alert can be used when a child is missing and law enforcement has reason to believe that their life is in danger, but there is no indication that the child has been abducted.

Together these tools provide Florida's residents and visitors with information that can help to save the life of a child and keep their communities safe.

To sign up to receive email alerts when an AMBER or Missing Child Alert is activated, visit www.missingchildrenalert.com.

In 2008, FDLE established the Silver Alert Program Plan. The Silver Alert is a plan to help law enforcement officers rescue persons with Alzheimer's or dementia who become lost while driving in a vehicle.

To sign up to receive email alerts when a Silver Alert is activated, visit <https://lists.elderaffairs.org/listmanager/listinfo/silveralert>

For more information please visit <http://www.fdle.state.fl.us/MCICSearch/Index.asp> or contact us by phone at 1-888-356-4774.

Blue Alert Plan

In 2011, the Florida Legislature established the Florida Blue Alert Plan. The Blue Alert utilizes the technologies employed by the Amber Alert Plan to notify the public of critical information when a law enforcement officer is killed, suffered serious bodily injury, or is missing while in the line of duty and the suspect, who is considered to pose an imminent threat to the public, is still at large. In some of these cases, additional information is available for broadcast such as a detailed description of the suspect's vehicle or other means of escape, and/or the license plate of the suspect's vehicle.

Under the Blue Alert Plan, the FDLE in conjunction with the Florida Department of Highway Safety and Motor Vehicles' Florida Highway Patrol (FHP), FDOT and DOL would immediately broadcast important information about the offender when this information would help avert further harm or assist in the apprehension of the suspect. A Blue Alert is disseminated to the public through the EAS by broadcasting the alert on television, radio, and dynamic message signs located along the state's highways.

To sign up to receive email alerts when a Blue Alert is activated, visit <http://www.floridabluealert.com/register>

For more information please visit <http://www.floridabluealert.com/> or contact us by phone 850-410-7645.

AMBER Alert Criteria

To activate an AMBER alert the following five (5) criteria must be met:

- The child must be under 18 years of age.
- There must be a clear indication of an abduction.
- The law enforcement agency's preliminary investigation must conclude that the child's life is in danger.
- There must be a detailed description of child, abductor and/or vehicle to broadcast to the public.
- The activation must be recommended by the local law enforcement agency of jurisdiction.

Activation Process:

- The local law enforcement agency will contact the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
- The FDLE works in conjunction with the local law enforcement agency of jurisdiction to determine if information is to be broadcast on a regional or statewide basis.
- The FDLE, working in conjunction with the local law enforcement agency of jurisdiction, prepares information for public distribution.
- The FDLE ensures, based on its content, that the information is broadcast through the EAS, DMS (requires license plate information), lottery machines, wireless emergency alert (WEA), email through www.missingchildrenalert.com and other appropriate resources.

Available MEPIC Resources:

- Local media outlets
- Local Crime Stoppers
- A Child is Missing, Inc. 1-888-875-2246
- FBI National Center for the Analysis of Violent Crime 1-800-634-4097
- National Center for Missing and Exploited Children 1-800-843-5678 (Florida Branch 1-561-848-1900)

The AMBER Review Process

All AMBER Alert activations are brought before a special committee of state agency partners, law enforcement representatives, and broadcasters to ensure that the program's goals are being met and that each activation meets the criteria and is conducted in a timely manner.

Missing Child Alert Criteria

To activate a Missing Child Alert, the following four (4) criteria must be met:

- The child must be under 18 years of age.
- The law enforcement agency's preliminary investigation must conclude that the child's life is in danger.
- Descriptive information and a photograph of the child must be available.
- The agency of jurisdiction must approve the issuance of the Missing Child Alert.

Activation Process:

- The local law enforcement agency will contact the FDLE MEPIC at 1-888-356-4774.
- The FDLE, working in conjunction with the local law enforcement agency of jurisdiction, prepares information for public distribution.
- The FDLE ensures, based on its content, that the information is broadcast through DMS (requires license plate information), lottery machines, email through www.missingchildrenalert.com and other appropriate resources.

Available MEPIC Resources:

- Local media outlets
- Local Crime Stoppers
- National Center for Missing and Exploited Children 1-800-843-5678 (Florida Branch 1-561-848-1900)
- A Child is Missing, Inc. 1-888-875-2246

State Silver Alert Criteria

- The person must be 60 years and older; or, the person must be 18-59 and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person.
- The person suffers from an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.
- The person is driving a motor vehicle with an identified tag.
- Local law enforcement has determined that the person's disappearance poses a credible threat to his/her welfare and safety.

Available MEPIC Resources

- Florida Department of Elder Affairs 850-414-2000
- Media Alert 813-282-8612
- A Child is Missing, Inc. 1-888-875-2246
- Florida Department of Highway Safety Motor Vehicles [Medical Reporting Form](#)

Activation Process:

- The local law enforcement agency will contact the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
- The FDLE, working in conjunction with the local law enforcement agency of jurisdiction, prepares information for public distribution.
- The FDLE ensures, based on its content, that the information is broadcast through the DMS (requires license plate information), lottery machines, email through <https://lists.elderaffairs.org/listmanager/listinfo/silveralert> and other appropriate resources.

Activations from Law Enforcement

1. The local law enforcement agency calls the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
2. The FDLE works in conjunction with the local law enforcement agency of jurisdiction to determine if information is to be broadcast via radio, television, displayed on FDOT's message signs and/or DOL's LED and 07 messages on lottery machines on a regional or statewide basis.
3. The FDLE works in conjunction with the local law enforcement agency of jurisdiction to prepare information (i.e., child, suspect, and/or vehicle, contact information) for public distribution using approved format(s) for broadcasters, FDOT and DOL.
4. The FDLE records the Amber Alert information on the EAS equipment located in the MEPIC area.
5. The FDOT staff (available 24-hours) ensures that the road signs are activated and cancelled.
6. If FDLE determines if the FDOT DMS are to be used, FDLE contacts the Florida Highway Patrol Communications Center Shift Commander in Orlando at 407-737-2271 in order to alert duty officers and other call takers of the Amber Alert. The FDLE then emails all available information concerning the missing/abducted child to the FHP Communications Center in Orlando. FHP Shift Commander in Orlando is then responsible for relaying all information via telephone and fax to the appropriate to the Shift Commander(s) at appropriate FHP Communications Center(s) in the region(s) where the activation is occurring.
7. If FDLE determines the FDOT DMS and 511 System are to be used, FDLE contacts FDOT's Orlando Regional Transportation Management Center (RTMC) by calling 407-736-1900. FDLE emails the actual DMS Message to the Orlando RTMC at D5.RTMC@DOT.state.fl.us, using the attached format.
8. The Orlando RTMC staff relays the request to appropriate RTMC staff in the State to activate the Florida Amber Plan. FDOT displays the alert message on all requested DMS unless a traffic emergency occurs that requires an individual or group of DMS to display a motorist safety message. DOT will record a brief AMBER Alert message on the 511 System. The 511 System is used only while the DMS are displayed.
9. The FDOT displays the AMBER Alert message until the child is recovered or for a maximum of 24 hours. If the child is still missing after the maximum display hours, the FDLE will contact FDOT to re-activate the DMS only in the specific area that Law Enforcement believes the child may be located.
10. The FDOT displays the Missing Child Alert message for a maximum of 6 hours. If the child is still missing after the maximum display hours, the FDLE will contact FDOT to re-activate the DMS only in the specific area that Law Enforcement believes the child may be located.

11. The FDOT displays the Blue Alert message for a maximum of 6 hours. If the suspect has not been located after the maximum display hours, the FDLE will contact DOT to re-activate the DMS only in the specific area that Law Enforcement believes the person may be located.
12. The FDOT displays the Silver Alert message for a maximum of 6 hours. If the missing person has not been located after the maximum display hours, the FDLE will contact DOT to re-activate the DMS only in the specific area that Law Enforcement believes the person may be located.
13. If there are multiple alerts activated during the same time the FDOT follows this order of priority: AMBER Alert, Missing Child Alert, Blue Alert and Silver Alert.
14. If there are multiple AMBER Alerts, Missing Child Alerts, or Blue Alerts activated during the same time, the FDOT will display each one on every other DMS.
15. FDLE follows the same activation steps listed above if an additional activation is required containing revised vehicle information and/or broadcast area.
16. Once FDLE is contacted by local law enforcement that a child has been recovered/located, the FDLE immediately contacts all partner agencies.

Changes to the AMBER Plan Process

If the formats or tools used to activate, update, or cancel an AMBER/Missing Child Alert change, the FDLE will communicate with the broadcast partners to make the necessary adjustments.

If changes are necessary, good faith efforts should be made by the FDLE and all partners to ensure these changes do not adversely impact the AMBER/Missing Child Alert or the partners' business practices.

Blue Alerts

The local law enforcement agency will contact the FDLE Intelligence Watch and Warning at 850-410-7645 to request activation. The on-call Special Agent Supervisor from the region will determine if the case meets the below criteria:

Officer Killed/Injured

- A law enforcement officer been killed, suffered serious bodily injury, or assaulted with a deadly weapon.
- The suspect has fled the scene of the offense.
- The investigating agency determined that the suspect poses an imminent threat to the public or other law enforcement officers.
- There is a detailed description of the suspect's vehicle, or other means of escape, and/or the license plate of the suspect's vehicle are available for broadcast.
- The dissemination of this available information to the public will help avert further harm or assist in the apprehension of the suspect.

Officer Missing

- OR -

- A law enforcement officer is missing in the line of duty.

- The officer is missing under circumstances evidencing concern for the officer's safety.
- There is information about the officer's physical description, and the description of any vehicle involved, including the license plate number or other identifying information, to be broadcast to the public and other law enforcement agencies, which could assist in locating the missing law enforcement officer.

Alert Activations from Law Enforcement

1. The local law enforcement agency contacts the FDLE Intelligence Watch and Warning at 850-410-7645 to request activation. The on-call Special Agent Supervisor from the region determines if the case meets the criteria.
2. The IWW will work with the investigating agency to prepare for information for public release, including suspect and/or vehicle information. This includes:
 - Notifying law enforcement agencies throughout the state
 - Displaying vehicle information on DMS (requires license plate information), lottery machines, and the 511 system
 - Activating the Emergency Alert System on the radio and television in the surrounding area the event occurred
 - Emailing members of the public who have registered to receive blue alert notifications through FloridBlueAlert.com

For additional information please contact FDLE at 850-410-8585 or toll-free at 1-888-356-4774.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 1258

INTRODUCER: Senator Diaz

SUBJECT: Commercial Service Airports

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1258 requires the Auditor General to conduct an operational and financial audit of each large-hub commercial service airport in the state. The bill additionally requires each member of the governing body of such airports to comply with the full and public disclosure of financial interests set out in section 8, Article II of the State Constitution.

The bill also requires the governing body of each commercial service airport to establish and maintain a website to post specified information relating to operation of the airport, and subjects such airports to the requirements of Ch. 287, F.S., relating to procurement. After opportunity for public comment, a governing body must approve 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 \$65,000. Approval 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 part II of Ch. 112, F.S., relating to the Code of Ethics for Public Officers and Employees, and must comply with the requirements for full and public disclosure of financial interests set out in section 8, Article II of the State Constitution. The bill also imposes on each member of a governing body certain annual ethics training requirements.

Beginning November 1, 2021, and each November 1 thereafter, the bill requires each commercial service airport to submit specified information to the Florida Department of Transportation (FDOT). The FDOT is required to review the information submitted by such airports and posted on the required websites to determine the accuracy of the information. Beginning January 15, 2022, and each January 15 thereafter, the FDOT must submit to the Governor, the Senate President, and the Speaker of the House of Representatives a report summarizing commercial service airport compliance with the bill's provisions. The FDOT is prohibited from expending any funds allocated to a commercial service airport, unless pledged for debt service, until such airport demonstrates its compliance.

The bill appears to have no impact on state or local revenues. The fiscal impact on state and local expenditures is indeterminate. See the Fiscal Impact Statement for details.

The bill takes effect July 1, 2020.

II. Present Situation:

Twenty commercial service airports and 109 general aviation airports,¹ as well as hundreds of small private airports, currently operate in Florida. Commercial service airports are publicly-owned airports having at least 2,500 passenger boardings each year and receiving scheduled passenger service. General aviation airports are airports that do not have scheduled service or have less than 2,500 passenger boardings each year.²

Commercial service airports operating in this state range in size from large-hub airports,³ with over 20 million annual passenger boardings, to small municipal airports with approximately 10,000 annual passenger boardings.⁴ Commercial service airports in Florida support approximately 1.1 million jobs, have a total annual payroll of approximately \$47.3 billion, and a total annual economic impact of approximately \$144 billion.⁵

Airport Oversight

The Federal Aviation Administration (FAA) is responsible for planning and developing a safe and efficient national airport system, including all programs related to airport safety and inspections and standards for airport design, construction, and operation. Federal law requires each commercial service airport to operate under a federal certificate and comply with federal aviation requirements. The FAA is responsible for national airport planning and environmental and social requirements and establishes policies related to airport rates and charges, compliance with grant assurances, and airport privatization.⁶

In Florida, the FDOT is responsible for planning airport systems and overseeing the public airport system.⁷ The owner or lessee of a proposed public airport⁸ must receive FDOT approval before site acquisition, construction, or establishment of a public airport facility.⁹ The FDOT is

¹ Florida Department of Transportation, *Florida Aviation System Plan Introduction*, available at <https://www.fdot.gov/aviation/FASP2035> (last visited January 22, 2020).

² 49 U.S.C. s. 47102.

³ A subsection of commercial airports are large-hub airports. Large-hub airports are commercial service airports that have at least 1 percent of the passenger boardings in the United States.

⁴ See FAA, Commercial Service Airports, Rank Order based on calendar year 2018, December 20, 2019, available at https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/media/cy18-commercial-service-enplanements.pdf (last visited January 22, 2020).

⁵ Florida Department of Transportation, *Florida Statewide Aviation Economic Impact Study*, March 2019, Executive Summary at p. 7, available at <https://www.fdot.gov/aviation/economicimpact.shtm> (last visited January 22, 2020).

⁶ See the FAA website, *Airports*, available at https://www.faa.gov/about/office_org/headquarters_offices/arp/ (last visited January 22, 2020).

⁷ Section 332.001, F.S.

⁸ Section 330.27(6), F.S. For purposes of FDOT approval and licensure, the term “public airport” means a publicly or privately owned airport for public use.

⁹ Section 330.30(1), F.S.

also responsible for licensing public airport facilities prior to the operation of aircraft to or from the facility and must inspect such facilities prior to licensing or license renewal.¹⁰ Current law authorizes local governments to establish and operate airports¹¹ and governs airport zoning and land use issues.¹²

Neither state nor federal law establish requirements for airport governance or ownership. As such, Florida airports operate under either a government department model (where the airport operates as a department of the local government) or an airport authority model (where the airport authority is created as either an independent or a dependent special district). Airport operation and administration is generally governed as part of the local government or special district that owns the airport.

FDOT Airport Funding

The FDOT's work program identifies aviation development projects and discretionary capacity improvement projects. To the maximum extent possible, the FDOT's work program must remain consistent with the Florida Aviation System Plan and any approved and applicable local government comprehensive plans. The FDOT's work program also includes any project with funds administered by the FDOT, but undertaken and implemented by the airport operator. The FDOT's aviation program provides assistance to airports in the areas of access, economic enhancement, development, improvement, and land acquisition in the way of matching funds. These matching funds assist local governments and airport authorities in planning, designing, purchasing, constructing, and maintaining public use aviation facilities.¹³

For commercial service airports, DOT may provide up to 50 percent of the non-federal share if federal funding is available and up to 50 percent of the total project costs if federal funding is not available.¹⁴ For Fiscal Year 2019-2020, DOT was appropriated \$266 million from the State Transportation Trust Fund for Aviation Development Grants,¹⁵ available to both commercial service airports and general aviation airports.¹⁶

Auditor General

The position of the Auditor General is established by Article III, section 2 of the State Constitution.¹⁷ The Auditor General is appointed to office to serve at the pleasure of the Legislature, by a majority vote of the members of the Joint Legislative Auditing Committee, subject to confirmation by both houses of the Legislature.¹⁸ The Auditor General must conduct audits, examinations, or reviews of government programs as well as audit the accounts of state agencies, state universities, state colleges, district school boards, and others as directed by the

¹⁰ Section 330.30(2), F.S.

¹¹ See chapter 332, F.S.

¹² See chapter 333, F.S.

¹³ Section 332.007(2), F.S.

¹⁴ FDOT website available at <https://www.fdot.gov/aviation/workProgram.shtm> (last visited January 22, 2020).

¹⁵ Chapter 2019-115, L.O.F., Specific Appropriation 1940.

¹⁶ FDOT Fiscal Year 2020 Aviation Work Program available at

<https://fdotewp1.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=WP&CT=I&FY=TRUE|FALSE|FALSE|FALSE|FALSE&RP=ITEM> (last visited January 22, 2020).

¹⁷ Art. III, s. 2, Fla. Const.

¹⁸ Section 11.42(2), F.S.

Joint Legislative Auditing Committee.¹⁹ The Auditor General conducts operational and performance audits on public records and information technology systems and reviews all audit reports of local governmental entities, charter schools, and charter technical career centers.²⁰

A financial audit is an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements.²¹ An operational audit is an audit whose purpose is to evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines.²²

In 2017, the Auditor General conducted an operational audit of Tampa International Airport's 2012 Master Plan Capital Project.²³ More recently, at its meeting on December 12, 2019, the Joint Legislative Auditing Committee directed the Auditor General to perform a targeted operational audit of the Greater Orlando Aviation Authority.²⁴ However, the Auditor General has not conducted financial and operational audits of an entire airport's operation.²⁵

Financial Disclosure

Florida ethics laws provide for two tiers of financial disclosure for public officers, candidates for public office, and certain public employees: a full and public disclosure of financial interests (Form 6) and a statement of financial interests (Form 1).²⁶ The Florida Commission on Ethics oversees the financial disclosure filing process with the assistance of local qualifying officers.

Article 2, section 8(a) of the State Constitution requires all elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees to file a Form 6. Additionally, members of certain expressway authorities, transportation authorities, bridge authorities, toll authorities, or expressway agencies are required to comply with these financial disclosure requirements.²⁷ Form 6 requires the filer to disclose his or her net worth and identify each asset and liability in excess of \$1,000 and its value together with either a copy of the person's most recent federal income tax return, or a sworn statement identifying each separate source and amount of income exceeding \$1,000.

¹⁹ Section 11.45(2)(d)-(f), F.S.

²⁰ Section 11.45(7)(b), F.S.

²¹ Section 11.45(1)(d), F.S.

²² Section 11.45(1)(i), F.S.

²³ Chapter 2017-70, L.O.F. This audit was provided for in proviso language to Specific Appropriation 1862 in the 2017 General Appropriations Act.

²⁴ Joint Legislative Auditing Committee, Meeting Summary, December 12, 2019, available at <http://www.leg.state.fl.us/Data/Committees/Joint/JCLA/Meetingsummaries/121219.pdf> (last visited January 22, 2020).

²⁵ Email from Bruce Jeroslow, General Counsel, Florida Auditor General, to House committee staff, relating to HB 915, January 6, 2020 (on file in the Senate Infrastructure and Security Committee.)

²⁶ Sections 112.3144 and 112.3145, F.S.

²⁷ Section 112.3144(1)(b), F.S.

Form 1 requires less detail than Form 6 and is filed by certain state and local officers not subject to the full and public disclosure of financial interests, including local officers²⁸ and specified state employees. Form 1 requires filers to disclose their primary sources of income (other than from their public position), secondary sources of income (in certain circumstances), real property in Florida (other than a residence or vacation home in Florida), intangible personal property, liabilities, and interests in specified businesses.²⁹

Procurement

Chapter 287, F.S., provides statutory requirements for the procurement of goods and service by the state. The Legislature recognizes that fair and open competition is a basic tenet of public procurement. It is essential to the effective and ethical procurement of commodities and contractual services that there be a system of uniform procedures utilized by state agencies in managing and procuring commodities and contractual services, that detailed justification of agency decisions in the procurement of commodities and contractual services be maintained, and that adherence by the agency and the vendor to specific ethical considerations be required.³⁰

Depending on the cost and characteristics of the needed goods or services, agencies may utilize a variety of procurement methods, which include:³¹

- Single source contracts, which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- Invitations to bid, which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- Requests for proposal, which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- Invitations to negotiate, which are used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services.

For contracts for commodities or services in excess of \$35,000 (CATEGORY TWO), agencies must utilize a competitive solicitation process;³² however, certain contractual services and commodities are exempt from this requirement.³³

²⁸ Section 112.3145(1)(a), F.S., defines the term "local officer" to include every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office and any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state.

²⁹ Section 112.3145(3), F.S.

³⁰ Section 287.001, F.S.

³¹ See ss. 287.012(6) and 287.057, F.S.

³² Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold contained in s. 287.017, F.S., to be competitively bid.

³³ See s. 287.057(3), F.S.

Code of Ethics for Public Officers and Employees

Part III of chapter 112, F.S., contains the Code of Ethics for Public Officers and Employees. The intent of the code is to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.³⁴ Included in the code are provisions relating to doing business with one's agency,³⁵ conflicting employment or contractual relationships,³⁶ post-employment restrictions,³⁷ and requirements for ethics training for specified constitutional officers and elected municipal officers and commissioners.³⁸

III. Effect of Proposed Changes:

The bill provides for additional transparency and accountability of commercial service airports.

Section 1 amends s. 11.45(2)(m), F.S., requiring the Auditor General, at least once every five years, to conduct an operational and financial audit of each large-hub commercial service airport. The bill defines the term "large-hub commercial service airport" for purposes of paragraph (m) to mean a publicly owned airport that has at least one percent of the annual passenger boardings in the United States as reported by the FAA.

Section 2 amends s. 112.3144(1)(c), F.S., requiring each member of the governing body of a large-hub commercial service airport to comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. For purposes of paragraph (c), the bill defines the term "large-hub commercial service airport" to mean a publicly owned airport that has at least 1 percent of the annual passenger boardings in the United States as reported by the FAA.

Based on the definitions in the bill, there are 20 commercial service airports in Florida, four of which are large-hub commercial service airports (Orlando, Miami, Fort Lauderdale, and Tampa International). The Auditor General would be required to conduct a financial and operational audit of these four airports at least once every five years.

Each member of the governing body of a large-hub commercial service airport would be required to comply with the full and public disclosure of their financial interests set out in section 8, Article II of the State Constitution (Form 6). Because the Miami and Fort Lauderdale airports are operated by Miami-Dade and Broward counties, respectively, in which county commissioners are already subject to the constitutional financial disclosure requirements (Form 6), this provision only impacts the governing bodies of the Orlando and Tampa airports, which are governed as independent special districts.

³⁴ Florida Commission on Ethics, *Guide to the Sunshine Amendment and the Code of Ethics for Public Employees*. 2019, p.1., available at <http://www.ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=20191213> (last visited January 22, 2020).

³⁵ Section 112.313(3), F.S.

³⁶ Section 112.313(7), F.S.

³⁷ Section 112.313(9), F.S.

³⁸ Section 112.313(9), F.S.

Section 3 creates s. 332.0075, F.S., entitled *Commercial service airports; transparency and accountability; penalty*, providing the following definitions for purposes of the new section:

- “Commercial service airport” means a publicly owned airport that has at least 2,500 passenger boardings each calendar year and receives scheduled passenger service as reported by the FAA.
- “Department” means the Department of Transportation.
- “Governing body” means the governing body of the municipality, county, or special district that operates a commercial service airport.

The bill requires the governing body of each commercial service airport to establish and maintain a website to post information relating to the operation of such airport, including

- All published notices of meetings and published meeting agendas for the governing body.
- The official minutes of each meeting of the governing body, which must be posted within three business days after the date of the meeting in which the minutes are approved.
- The approved budget for the commercial service airport for the current fiscal year, which must be posted on the website, which must be posted within seven days after the date of adoption. Budgets must remain on the website for two years after the conclusion of the fiscal year in which they were adopted.
- All commercial service airport planning documents and all financial and statistical reports submitted to the FAA, which must be posted upon submission.
- Any contract or contract amendment executed by or on behalf of the airport in excess of \$35,000,³⁹ which must be posted on the website no later than seven days before the governing body votes to approve the contract or amendment.
- Position and rate information for each employee, including, at a minimum, the employee’s position title, position description, and annual or hourly salary.

The bill provides that commercial service airports are subject to the requirements of chapter 287, F.S., relating to procurement of personal property and services, notwithstanding any other law.

All contracts executed by or on behalf of the commercial service airport in excess of \$65,000⁴⁰ must be approved by the governing body of the airport as a separate line item on the agenda after providing a reasonable opportunity for public comment. The bill prohibits approving such contracts as part of a consent agenda.

The bill reiterates that members of the governing body and employees of a commercial service airport are subject to the Code of Ethics for Public Officers and Employees.⁴¹

Beginning January 1, 2021, each member of a governing body of a commercial service airport will be required to complete four hours of ethics training each calendar year which addresses, at a minimum, section 8, Article II of the State Constitution, relating to ethics in government; the Code of Ethics for Public Officers and Employees; and the public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or

³⁹ This is the CATEGORY TWO purchasing threshold in s. 287.017, F.S.

⁴⁰ This is the CATEGORY THREE purchasing threshold in s. 287.017, F.S.

⁴¹ Part III of chapter 112, F.S.

other continuing professional education class, seminar, or presentation, if the required subject material is covered by the class.⁴²

Beginning November 1, 2021, and each November 1 thereafter, the bill requires each commercial service airport to submit to the FDOT the following information:

- Its approved budget for the current fiscal year.
- Any financial reports submitted to the FAA during the previous calendar year.
- A link to the website for the commercial service airport.
- A statement that the commercial service airport has complied with part III of chapter 112, F.S., relating to the Code of Ethics for Public Officers and Employees; chapter 287, F.S., relating to procurement; and the statutory provisions created in the bill. This statement must be verified as provided in section 92.525, F.S.

The FDOT is required to review the submitted and website-posted information to determine the information's accuracy. Beginning January 15, 2022, and each January 15 thereafter, the FDOT is required to 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 these provisions. The bill prohibits the FDOT from expending any funds allocated to a commercial service airport as contained in the FDOT's adopted work program, unless pledged for debt service, until the airport demonstrates its compliance.

Section 4 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18(a), Article VII, of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless certain exemptions or exceptions are met. Article VII, section 18(d) of the Florida Constitution provides laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, *laws having insignificant fiscal impact*,⁴³ and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section. For Fiscal Year 2020-2021, an insignificant impact is forecast at slightly over \$2.1 million.⁴⁴

⁴² This requirement is identical to the ethics training required for constitutional officers, elected municipal officers, and commissioners of community redevelopment agencies contained in s. 112.3142(2), F.S.

⁴³ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, Interim Report 2012-115: Insignificant Impact, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 22, 2020).

⁴⁴ Based on the Florida Demographic Estimating Conference's December 3, 2019, population forecast for 2020 of 21,555,986. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited January 22, 2020).

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply to the bill's requirements when the commercial service airport is a government department model (where the airport operates as a department of the local government) or possibly an airport authority model (for dependent special districts⁴⁵). The insignificant impact exemption may apply if the cost of compliance with the bill's provisions does not exceed \$2.1 million in the aggregate.

The fiscal impact of the bill to local governments is indeterminate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no apparent impact to state or local government revenues.

Local government entities operating commercial service airports may incur expenditures associated with compliance with the provisions of the bill; however, the amount of these expenditures would vary from airport to airport based on how the bill's requirements exceed current operational and administrative practices. The total fiscal impact to local government is therefore indeterminate.

⁴⁵ For example, a "dependent special district" can mean a special district in which the membership of its governing body is identical to that of the governing body of a single county. *See* s. 189.012(2), F.S.

The FDOT may not expend any funds allocated to a commercial service airport as contained in the FDOT's adopted work program, unless pledged for debt service, until the airport demonstrates its compliance. However, the fiscal impact of any non-compliance, and the effect of such non-compliance on the FDOT's adopted work program, is indeterminate.

The FDOT will incur administrative expenses and use of resources associated with the bill's provisions. According to the FDOT, to fully administer such a program, the FDOT would need to establish rules and procedures to establish the processes for submission and review of the required information, thresholds for compliance, and timelines to reasonably accomplish tasks without impairing project production schedules. Other funding needs include but are not limited to technology costs for data storage, electronic file exchange, and websites.⁴⁶ However, the agency analysis assigns no estimated dollar value for such costs. The fiscal impact to the FDOT appears to be indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 11.45 and 112.3144.

This bill creates the following sections of the Florida Statutes: 332.0075.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴⁶ See the FDOT's analysis of similar HB 915 (2020) available at <http://abar.laspbs.state.fl.us/ABAR/ABAR.aspx> (last visited January 22, 2019).

By Senator Diaz

36-00603A-20

20201258__

1 A bill to be entitled
 2 An act relating to commercial service airports;
 3 amending s. 11.45, F.S.; requiring the Auditor General
 4 to conduct specified audits of certain airports;
 5 defining the term "large-hub commercial service
 6 airport"; amending s. 112.3144, F.S.; requiring
 7 members of the governing body of a large-hub
 8 commercial service airport to comply with certain
 9 financial disclosure requirements; defining the term
 10 "large-hub commercial service airport"; creating s.
 11 332.0075, F.S.; defining terms; requiring the
 12 governing body of a municipality, county, or special
 13 district that operates a commercial service airport to
 14 establish and maintain a website; requiring the
 15 governing body to post certain information on the
 16 website; requiring commercial service airports to
 17 comply with certain contracting requirements;
 18 providing approval requirements for certain contracts;
 19 requiring governing body members and employees of a
 20 commercial service airport to comply with certain
 21 ethics requirements; requiring governing body members
 22 to complete annual ethics training; requiring
 23 commercial service airports to submit certain
 24 information annually to the Department of
 25 Transportation; requiring the department to review
 26 such information and submit an annual report to the
 27 Governor and the Legislature; prohibiting the
 28 expenditure of certain funds unless specified
 29 conditions are met; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00603A-20

20201258__

30
 31 Be It Enacted by the Legislature of the State of Florida:
 32
 33 Section 1. Paragraph (m) is added to subsection (2) of
 34 section 11.45, Florida Statutes, to read:
 35 11.45 Definitions; duties; authorities; reports; rules.-
 36 (2) DUTIES.-The Auditor General shall:
 37 (m) At least once every 5 years, conduct an operational and
 38 financial audit of each large-hub commercial service airport.
 39 For purposes of this paragraph, the term "large-hub commercial
 40 service airport" means a publicly owned airport that has at
 41 least 1 percent of the annual passenger boardings in the United
 42 States as reported by the Federal Aviation Administration.
 43
 44 The Auditor General shall perform his or her duties
 45 independently but under the general policies established by the
 46 Legislative Auditing Committee. This subsection does not limit
 47 the Auditor General's discretionary authority to conduct other
 48 audits or engagements of governmental entities as authorized in
 49 subsection (3).
 50 Section 2. Paragraph (c) is added to subsection (1) of
 51 section 112.3144, Florida Statutes, to read:
 52 112.3144 Full and public disclosure of financial
 53 interests.-
 54 (1)
 55 (c) Each member of the governing body of a large-hub
 56 commercial service airport shall comply with the applicable
 57 financial disclosure requirements of s. 8, Art. II of the State
 58 Constitution. For purposes of this paragraph, the term "large-

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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hub commercial service airport" means a publicly owned airport that has at least 1 percent of the annual passenger boardings in the United States as reported by the Federal Aviation Administration.

Section 3. Section 332.0075, Florida Statutes, is created to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

(1) As used in this section, the term:

(a) "Commercial service airport" means a publicly owned airport that has at least 2,500 passenger boardings each calendar year and receives scheduled passenger service as reported by the Federal Aviation Administration.

(b) "Department" means the Department of Transportation.

(c) "Governing body" means the governing body of the municipality, county, or special district that operates a commercial service airport.

(2) Each governing body shall establish and maintain a website to post information relating to the operation of a commercial service airport, including:

(a) All published notices of meetings and published meeting agendas of the governing body.

(b) The official minutes of each meeting of the governing body, which shall be posted within 3 business days after the date of the meeting in which the minutes were approved.

(c) The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 days after the date of adoption. Budgets must remain on the website for 2 years after the conclusion of the fiscal year in which

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they were adopted.

(d) All commercial service airport planning documents submitted to the Federal Aviation Administration, which shall be posted upon submission to the Federal Aviation Administration.

(e) All financial and statistical reports required to be submitted to the Federal Aviation Administration, which shall be posted upon submission to the Federal Aviation Administration.

(f) Any contract or contract amendment executed by or on behalf of the commercial service airport in excess of the threshold amount provided for in s. 287.017 for CATEGORY TWO, which shall be posted no later than 7 days before the governing body votes to approve the contract or contract amendment.

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary.

(3) (a) Notwithstanding any other provision of law to the contrary, commercial service airports are subject to the requirements of chapter 287.

(b) A governing body must approve each contract executed by or on behalf of a commercial service airport in excess of the threshold amount provided for in s. 287.017 for CATEGORY THREE as a separate line item on the agenda after providing a reasonable opportunity for public comment. Such contracts may not be approved as part of a consent agenda.

(4) (a) Members of a governing body and employees of a commercial service airport are subject to part III of chapter 112.

(b) Beginning January 1, 2021, each member of a governing

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body must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subject material is covered therein.

(5) (a) Beginning November 1, 2021, and each November 1 thereafter, each commercial service airport shall submit the following information to the department:

1. Its approved budget for the current fiscal year.
2. Any financial reports submitted to the Federal Aviation Administration during the previous calendar year.
3. A link to its website.
4. A statement, verified as provided in s. 92.525, that it has complied with part III of chapter 112, chapter 287, and this section.

(b) The department shall review the information submitted by the commercial service airport and posted on the airport's website to determine the accuracy of such information. Beginning January 15, 2022, and each January 15 thereafter, the department shall 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 this section.

(6) The department may not expend any funds allocated to a commercial service airport as contained in the adopted work program, unless pledged for debt service, until the commercial service airport demonstrates its compliance with this section.

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146 Section 4. This act shall take effect July 1, 2020.

THE FLORIDA SENATE

APPEARANCE RECORD

1-27-20

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1258

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title ASSISTANT COUNTY ATTORNEY

Address 111 NW 1ST STREET, SUITE 2810

Phone 305-979-7110

Street

MIAMI

FL

33128

City

State

Zip

Email JMM2@MIAMIDADE.GOV

Speaking: ☐ For ☒ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.***This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-20
Meeting Date

SB 1258
Bill Number (if applicable)

Topic Commercial service Airports

Amendment Barcode (if applicable)

Name Chad Rosenstein

Job Title Director of Government Affairs & Grants

Address How Terminal Access Rd.
Street

Phone 590-4611
239-462-79

Fort Myers FL 33913
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Lee County Port Authority

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

From: [BRUCE JEROSLOW](#)
To: [Johnson, Stephanie](#)
Cc: [FLAUDGEN](#)
Subject: FW: HB 915-Auditor General Impact
Date: Monday, January 6, 2020 12:49:29 PM

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Stephanie,

Thanks again for speaking with me this morning about HB 915 requiring the audit of large-hub commercial service airports. Regarding whether there would be a fiscal or operational impact associated with a requirement that the Auditor General audit each of the four airports on a five-year rotation, the short answer is that it potentially impacts both. The bill requires financial and operational audits of these operations. Our only experience with airports, however, involved a specifically targeted audit of the Hillsborough County Aviation Authority's Master Plan. Financial and operational audit of an entire airport operation, on the other hand, would be a comparatively major undertaking, especially if the bill contemplates a "top to bottom" variety of audit.

As we discussed, these airports currently have financial audits performed pursuant to Section 218.39, Florida Statutes. Tampa and Orlando's airports are operated by special districts and are submitted accordingly while Fort Lauderdale and Miami's are submitted as part of the financial audit of the City and the County, respectively. We routinely perform financial audits of entities of comparable scale, including school districts, colleges, universities, and State government. Financial audits of larger school districts are performed on a three-year cycle. Section 11.45, Florida Statutes, requires us to finish those financial audits within nine months of the end of those entities' fiscal years. The bill would require that the airports' financial audits be completed with nine months as well.

A potential concern, however, is with the somewhat expansive requirement that an operational audit be performed of what appears to be the entire airport operation in addition to the financial audit. An auditor faced with the operational audit of an entirely new entity must first perform a risk assessment to identify which of the entity's operations pose the greatest risk of waste, fraud, and abuse. Based on that assessment, a plan is developed and an audit is performed. After thorough examination of the records regarding the identified

operations, conclusions may be drawn and, if necessary, commented upon. Often, however, examination and investigation lead to further investigation, so, in practice, such audits seldom go as smoothly as that, particularly where auditors must address an entirely new governmental operation. The result is always a quality audit, but there is no way to guarantee such an operational audit's completion in a short time frame.

In sum, if the legislation were clarified to identify the particular areas of concern to the sponsor, we can more certainly determine what the resource expense will be for the Auditor General. As you know, in the last committee cycle, the Auditor General has been tasked with at least nine special audits this year in addition to our usual statutory duties. Auditor General Norman's main concern is that amending her duties to include open-ended financial and operational audits of large-hub commercial service airports on basically an annual basis may critically stretch available resources.

We look forward to working with you and the bill's sponsor towards crafting this legislation. Please feel free to contact me any time regarding this bill or for any other question you might have regarding the Auditor General.

Kind regards,

Bruce

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From: Johnson, Stephanie <Stephanie.Johnson@myfloridahouse.gov>

Sent: Friday, December 20, 2019 10:24 AM

To: FLAUDGEN <FLAUDGEN@AUD.STATE.FL.US>

Subject: HB 915-Auditor General Impact

Good Morning;

I am the Policy Analyst for HB 915, relating to commercial service airports. The bill requires the Auditor General, at least once every 5 years, to conduct operational and financial audits on the state's large hub airports (Orlando, Miami, Ft. Lauderdale, and Tampa). I am trying to find out if there is a fiscal or operational impact associated with this requirement. Please provide any available information on the fiscal or operational impact of this requirement.

Thank you,

Stephanie Johnson
Policy Analyst
Transportation & Infrastructure Subcommittee
Florida House of Representatives
(850) 717-5470
Stephanie.johnson@myfloridahouse.gov

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 1352

INTRODUCER: Senator Brandes

SUBJECT: Transportation Companies

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.			IT	
3.			RC	

I. Summary:

SB 1352 establishes a regulatory framework for digital advertising on transportation network company vehicles and for luxury ground transportation network company vehicles, preempting such regulation to the state.

To the extent that local governments currently collect revenue from regulation of digital advertising on vehicles, or fees from regulation of limousines and luxury sedans, that revenue will be negatively impacted. However, the extent of any impact is indeterminate.

The bill takes effect upon becoming law.

II. Present Situation:

Technological advances have led to new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Ridesharing companies, such as Lyft, Uber, and SideCar, describe themselves as transportation network companies (TNCs), rather than as vehicles for hire.

TNCs use smartphone technology to connect individuals who want to ride with private drivers for a fee. A driver logs onto a phone application and indicates the driver is ready to accept passengers. Potential passengers log on, learn which drivers are nearby, see photographs, receive a fare estimate, and decide whether to accept a ride. If the passenger accepts a ride, the driver is notified and drives to pick up the passenger. Once at the destination, payment is made through the phone application.

Florida law currently contains a number of provisions relating to TNCs.

Definitions

Section 627.748(1), F.S. provides a number of relevant definitions:

- “Transportation network company” or “TNC” means an entity operating in this state using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner.¹
- “Prearranged ride” means the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a TNC, continuing while the TNC driver transports the requesting rider, and ending when the last requesting rider exits from and is no longer occupying the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail service and does not include ridesharing, carpool, or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.
- “Rider” means an individual who uses a digital network to connect with a TNC driver in order to obtain a prearranged ride in the TNC driver’s TNC vehicle between points chosen by the rider.
- “Transportation network company driver” or “TNC driver” means an individual who receives connections to potential riders and related services from a TNC and, in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network.
- “Transportation network company vehicle” or “TNC vehicle” means a vehicle that is *not* a taxicab, jitney, limousine,² or for-hire vehicle,³ that is used by a TNC driver to offer or provide a prearranged ride and owned, leased, or otherwise authorized to be used by the TNC driver.
- “Digital network” means any online-enabled technology application service, website, or system offered or used by a TNC which enables the prearrangement of rides with TNC drivers.

¹ The term does not include entities arranging nonemergency medical transportation for individuals who qualify for Medicaid or Medicare pursuant to a contract with the state or a managed care organization, but does not prohibit a TNC from providing prearranged rides to individuals who qualify for Medicaid or Medicare if it meets the requirements of s. 627.748, F.S.

² The terms “taxicab,” “jitney,” and “limousine” are not defined in the Florida Statutes.

³ Section 320.01(15), F.S., defines the term “for-hire vehicle” as any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a “share-expense” basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is “for hire.” The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation “for hire.” The following are not included a for-hire vehicle: a motor vehicle used for transporting school children to and from school under contract with school officials; a hearse or ambulance when operated by a licensed embalmer or mortician or his or her agent or employee in this state; a motor vehicle used in the transportation of agricultural or horticultural products or in transporting agricultural or horticultural supplies direct to growers or the consumers of such supplies or to associations of such growers or consumers; a motor vehicle temporarily used by a farmer for the transportation of agricultural or horticultural products from any farm or grove to a packinghouse or to a point of shipment by a transportation company; or a motor vehicle not exceeding 1.5 tons under contract with the Government of the United States to carry United States mail, provided such vehicle is not used for commercial purposes

A vehicle that is let or rented to another for consideration may be used as a TNC vehicle.⁴

Preemption

Current law also recites the Legislature's intent to provide for uniformity of laws governing TNCs, TNC drivers, and TNC vehicles throughout the state. "TNC vehicles are governed exclusively by state law, including in any locality or other jurisdiction that enacted a law or created rules governing TNCs, TNC drivers, or TNC vehicles before July 1, 2017."⁵

A county, municipality, special district, airport authority, port authority, or other local government entity or subdivision is prohibited from:

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

Insurance Requirements for TNCs and TNC Drivers

Section 627.748(7), F.S., addresses insurance requirements for TNCs and TNC drivers. A TNC driver, or a TNC on behalf of the TNC driver, must maintain primary automobile insurance that:

- Recognizes that the TNC driver is a TNC driver or otherwise uses a vehicle to transport riders for compensation; and
- Covers the TNC driver while the TNC driver is logged on to the TNC's digital network or while the TNC driver is engaged in a prearranged ride.

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

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage;
- Personal injury protection (PIP) benefits that meet the minimum coverage amounts required of a limousine under the Florida Motor Vehicle No-Fault Law (which requires every owner and registrant of a motor vehicle in this state to maintain PIP coverage, which compensates persons injured in accidents regardless of fault);⁶ and
- Uninsured and underinsured vehicle coverage.⁷

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

- Primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;

⁴ Section 627.748(g), F.S.

⁵ Section 627.748(15), F.S.

⁶ Sections 627.730-627.7405, F.S. However, s. 627.733(1), F.S., exempts limousines from the Florida Motor Vehicle No-Fault Law. As a result, when logged on to the digital network but not engaged in a prearranged ride, the TNC or TNC driver is not required to have PIP coverage.

⁷ Generally, uninsured and underinsured vehicle coverage provides the policyholder with benefits even if the injured person is at fault in an accident. This vehicle coverage is required by s. 627.727, F.S.

- PIP benefits that meet the minimum coverage amounts required of a limousine under the Florida Motor Vehicle No-Fault Law;⁸ and
- Uninsured and under insured vehicle coverage.

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

If the TNC driver's insurance policy has lapsed or does not provide the required coverage, the insurance maintained by the TNC must provide the required coverage, beginning with the first dollar of a claim, and have the duty to defend such claim.⁹ Coverage under an automobile insurance policy maintained by the TNC must not be dependent on a personal automobile insurer first denying a claim, and a personal automobile insurance policy is not required to first deny a claim.¹⁰ The required insurance must be provided by an insurer authorized to do business in this state, which is a member of the Florida Insurance Guaranty Association or an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation.¹¹ Insurance satisfying the above requirements is deemed to satisfy the financial responsibility requirement for a motor vehicle under the Financial Responsibility Law of 1955¹² and the security required under the Florida Motor Vehicle No-Fault Law.¹³

An insurer that provides an automobile liability insurance policy under part XI of Ch. 627, F.S.,¹⁴ may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:

- Liability coverage for bodily injury and property damage;
- Uninsured and underinsured motorist coverage;
- Medical payments coverage;
- Comprehensive physical damage coverage;
- Collision physical damage coverage; and

⁸ As a result of the exemption of limousines from the Florida Motor Vehicle No-Fault Law, when a TNC driver is engaged in a prearranged ride, the TNC or TNC driver is not required to have PIP coverage.

⁹ Section 627.748(7)(d), F.S.

¹⁰ Section 627.748(7)(e), F.S.

¹¹ Section 627.748(f), F.S. The Florida Insurance Guaranty Association, which was created by legislation, handles the claims of insolvent property and casualty insurance companies. Its membership is composed of all Florida direct writers of property and casualty insurance. For more information on the Association, see FIGA, available at <https://figafacts.com/> (last visited January 23, 2020).

¹² For private passenger vehicles, the minimum proof of financial responsibility is coverage in the amount of \$10,000 for bodily injury to or death of one person in any crash, \$20,000 for bodily injury or death of two or more persons in any one crash, and \$10,000 for property damage. Section 324.021, F.S. Commercial motor vehicle proof requires coverage by weight, ranging from \$50,000 per occurrence to \$100,000 per occurrence. Section 627.7415, F.S. Nonpublic sector bus proof requires \$100,000/\$300,000/\$50,000 or a combined policy in the amount of \$300,000. Section 627.7415, F.S.

¹³ *Supra* note 8.

¹⁴ Part XI relates to motor vehicle and casualty insurance contracts and sets out, among others, the provisions discussed herein relating to the Financial Responsibility Law, the No-Fault Law, and TNC insurance requirements.

- Personal injury protection.¹⁵

The exclusions described above apply notwithstanding any requirement under the Financial Responsibility Law. A personal automobile insurance policy is not required to provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation. Insurers are not precluded from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement. An automobile insurer that excludes the coverage described above does not have a duty to defend or indemnify any claim expressly excluded thereunder.¹⁶

An exclusion contained in a policy for vehicles used to carry persons or property for a charge or available for hire by the public, including a policy in use or approved for use in this state before July 1, 2017, is not invalidated or limited. An automobile insurer that defends or indemnifies a claim against a TNC driver, which is excluded under the terms of the policy, has a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the above TNC coverage requirements at the time of loss.¹⁷

Other TNC-Related Provisions

Under current law, a TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does *not* provide taxicab or for-hire vehicle service. Additionally, a TNC driver is not required to register the vehicle the TNC driver uses to provide prearranged rides as a commercial motor vehicle or a for-hire vehicle.¹⁸ Other provisions require a TNC to designate and maintain an agent for service of process in this state,¹⁹ to disclose information relating to fare transparency,²⁰ to display a photograph of the TNC driver and the license plate number of the

¹⁵ Section 627.748(8)(b), F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 627.748(2), F.S. Section 320.0(15), F.S., defines the term "for-hire vehicle," for vehicle registration purposes, to mean any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is "for hire." The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation "for hire." The term does not include "a motor vehicle used for transporting school children to and from school under contract with school officials; a hearse or ambulance when operated by a licensed embalmer or mortician or his or her agent or employee in this state; a motor vehicle used in the transportation of agricultural or horticultural products or in transporting agricultural or horticultural supplies direct to growers or the consumers of such supplies or to associations of such growers or consumers; a motor vehicle temporarily used by a farmer for the transportation of agricultural or horticultural products from any farm or grove to a packinghouse or to a point of shipment by a transportation company; or a motor vehicle not exceeding 1 1/2 tons under contract with the Government of the United States to carry United States mail, provided such vehicle is not used for commercial purposes.

¹⁹ Section 627.748(3), F.S.

²⁰ Section 627.748(4), F.S.

TNC vehicle used to provide a prearranged ride,²¹ and to transmit electronic receipts to riders within a reasonable period after completion of a ride.²²

Additional requirements and related provisions in current law:

- Provide for disclosure of insurance-related information by TNC drivers and TNCs,²³
- Deem a TNC driver to be an independent contractor,²⁴
- Require a TNC to implement a zero-tolerance policy for drug or alcohol use,²⁵
- Set out background-check and driving history research provisions with related reporting requirements and penalties,²⁶
- List conduct prohibited by a TNC driver or a TNC,²⁷
- Require a TNC to adopt a policy of nondiscrimination and provide requirements for accessibility for individuals with disabilities,²⁸ and
- Address maintenance of records by a TNC.²⁹

For-Hire Vehicle Insurance and Registration Requirements

Section 324.032, F.S., generally provides that for-hire passenger transportation vehicles (taxicabs, limousines, jitneys, or any other for-hire transportation vehicle) may prove financial responsibility by furnishing evidence of holding a liability policy with limits of \$125,000/\$250,000 for bodily injury and \$50,000 for property damage. However, the owner or a lessee required to maintain insurance under s. 324.021(9)(b), F.S.,³⁰ who operates for-hire vehicles, *other than taxicabs*, may prove financial responsibility by providing evidence of holding a liability policy with limits of \$10,000/\$20,000/\$10,000.³¹ Further, the owner or a lessee required to maintain insurance under s. 324.021(9)(b), F.S., and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire vehicle may prove financial responsibility under s. 324.171, F.S., which allows and provides requirements for self-insurance.³²

²¹ Section 627.748(5), F.S.

²² Section 627.748(6), F.S.

²³ Section 627.748(7)(g) and (h), F.S.

²⁴ Section 627.748(9), F.S.,

²⁵ Section 627.748(10), F.S.

²⁶ Section 627.748(11), F.S.

²⁷ Section 627.748(12), F.S.

²⁸ Section 627.748(13), F.S.

²⁹ Section 627.748(14)

³⁰ That section provides that a lessor, under an agreement to rent or lease a motor vehicle for one year or longer that requires the lessee to obtain insurance, must provide coverage of \$100,000/\$300,000 for bodily injury and \$50,000 for property damage, and is not deemed the owner of the vehicle for purposes of financial responsibility. Also, a lessor, under an agreement to rent or lease a motor vehicle for less than one year, is deemed the owner for purposes of liability for operation of the vehicle up to \$100,000/\$300,000 for bodily injury and up to \$50,000 for property damage.

³¹ See ss. 324.032(1)(b), 324.031, and 324.021(8), F.S.

³² Section 324.032(2), F.S. A self-insurance certificate may be obtained from the DHSMV if a person, including any firm, partnership, association, corporation, or other person other than a natural person has a net unencumbered worth of at least \$40,000 for the first motor vehicle and \$20,000 for each additional vehicle; or maintain sufficient net worth, as determined annually by the DHSMV, to be financially responsible for potential losses. Section 324.171, F.S.

Section 320.08(6), F.S., imposes a \$17 flat fee plus \$1.50 per cwt³³ for registration of for-hire motor vehicles carrying under nine passengers, and a \$17 flat fee plus \$2.50 per cwt for such vehicles carrying nine passengers and more.

Local Regulation of Taxis, Limousines, and Other For-Hire Transportation Services

Florida law provides some requirements relating to taxis, limousines, and other for-hire transportation services; for example, minimum insurance and registration requirements (discussed below). Any additional regulation of these services may be established at the local level.

For counties, to the extent not inconsistent with general or special law, the legislative and governing body of a county has the power to carry on county government, including, but not restricted to, the power to license and regulate taxis, jitneys, and limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county.³⁴ As an example, Miami-Dade County regulates for-hire limousines on a countywide basis under Chapter 31, Article VI of the County Code.³⁵ The County Code contains requirements such as pre-arranging service at least one hour in advance of the transportation to be provided, requiring drivers to have a for-hire chauffeur registration; and requiring vehicle inspections and operating permits.³⁶

Municipalities have broad home rule powers authorizing them to enact legislation concerning any subject matter upon which the state Legislature may act, except:

- The subjects of annexation, merger, and exercise of extraterritorial power, which require general or special law pursuant to s. 2(c), Art. VIII of the State Constitution;
- Any subject expressly prohibited by the constitution;
- Any subject expressly preempted to state or county government by the constitution or by general law; or
- Any subject preempted to a county pursuant to a county charter adopted under the authority of ss. 1(g), 3, and 6(e), Art. VIII of the State Constitution.³⁷

As noted, regulation of TNCs, TNC drivers, and TNC vehicles is already preempted to the state.

Local Regulation of Advertising on Vehicles

Some local governments currently regulate advertising on vehicles in some fashion.³⁸ However, the details and extent of such regulation is unknown.

³³ CWT is a unit of measurement called “hundredweight,” and is equal to 100 pounds. See Investopedia available at <https://www.investopedia.com/terms/h/hundredweight.asp> (last visited January 24, 2020).

³⁴ Section 125.01(1)(n), F.S.

³⁵ See the referenced part of the County Code available at https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTVILIREFRELI (last visited January 24, 2020).

³⁶ For additional detail, see Miami-Dade County, *Limousine Service License*, available at https://www8.miamidade.gov/global/license.page?Mduid_license=lic1499972486380630 (last visited January 24, 2020).

³⁷ Section 166.021(3), F.S.

³⁸ For example, see Sec. 19-15.12 of the Miami-Dade County Code available at https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH19REPROWMEAC_S19-15.12PRDIVESAADDE (last visited January 24, 2020).

Prohibition Against Certain Lights

Section 316.2397, F.S., provides that a person may not drive any vehicle or equipment upon any highway in this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front of the vehicle, except for certain exceptions, such as fire department vehicles and road maintenance equipment. That section expressly prohibits any vehicle or equipment, except policy vehicles, from showing or displaying blue lights, except for Department of Corrections vehicles or county correctional agency vehicles when responding to emergencies. Flashing lights are prohibited on vehicles except:

- As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;
- When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so; and
- Flashing lamps authorized under that section; s. 316.2065, F.S. (bicycle riders); and s. 316.235(6), F.S., relating to deceleration lighting systems on buses.

III. Effect of Proposed Changes:

The bill establishes a regulatory framework for TNC digital advertising on TNC Vehicles and for Luxury Ground TNCs.

TNC Digital Advertising

The bill amends s. 627.748(1), F.S., to define the term “transportation network company digital advertising device” or “TNC digital advertising device” to mean a device no larger than 20 inches tall, not including the attachment mechanism, and 54 inches long, which is fixed to the roof of a TNC vehicle and which displays advertisements on a digital screen only while the TNC vehicle is turned on.

The bill creates s. 627.748(11), F.S., authorizing 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. The bill:

- Requires a TNC DAD to be enabled with cellular or WiFi-enabled data transmission and equipped with GPS,
- Prohibits a TNC DAD from displaying advertisements when the TNC vehicle is parked and turned off,
- Requires a TNC DAD to follow the lighting requirements of s. 316.2397, F.S., and
- Prohibits any portion of a TNC DAD from extending beyond the front or rear windshield of the vehicle or from impacting the TNC driver's vision.

The bill requires a TNC DAD to display advertisements only to the sides of the vehicle and not to the front or rear of the vehicle.³⁹ This appears to be consistent with the provision in s. 316.2397, F.S., that prohibit showing or displaying red, red and white, or blue light visible from directly in front of the vehicle.

³⁹ The bill provides that identification of the provider does not constitute advertising.

A TNC DAD must meet the requirements of the MIL-STD-810G standard,⁴⁰ as determined through independent safety and durability testing under the review of a licensed professional engineer, before being installed on a TNC vehicle.

A TNC DAD may not display advertisements for illegal products or services or advertisements that include nudity, violent images, or disparaging or false advertisements. See “Other Constitutional Issues” below.

A company operating a TNC DAD must allocate ten percent of all advertisement inventory for government, not-for-profit, or charitable organizations at no cost.

Lastly, the bill provides that for purposes of Ch. 627, F.S., a TNC DAD is deemed part of a TNC vehicle.

Luxury Ground TNCs

The bill amends subsections (1) and (2) of s. 627.748, F.S., to remove exclusion of for-hire vehicles from the definitions of “prearranged ride” and “transportation network company” or “TNC.” Under the bill, a prearranged ride does include one provided by a for-hire vehicle, and a TNC company or TNC does include a for-hire vehicle owner.

The bill strikes limousines or for-hire vehicles as defined in s. 320.01(15), F.S.,⁴¹ from current law providing that a TNC or TNC vehicle does not include a limousine or for-hire vehicle. Thus, a TNC or TNC vehicle does include a limousine or for-hire vehicle. The bill makes the same revision with respect to the current provisions that a TNC or TNC driver does not provide taxicab or for-hire vehicle service. Under the bill, a TNC or TNC driver does provide for-hire vehicle service, but not taxicab service.

Similarly, the bill strikes a for-hire vehicle from the current provision that a TNC driver is not required to register the vehicle that the TNC driver uses to provide prearranged rides as a commercial motor vehicle. Under the bill, a TNC driver is required to register the vehicle that the TNC driver uses to provide prearranged rides as a for-hire motor vehicle.

The bill creates s. 627.748(16), F.S., defining the term “luxury ground transportation network company” or “luxury ground TNC” to mean a company that:

- Meets the requirements of new paragraph (b) of subsection (16), relating to electing to be regulated as a luxury ground TNC (discussed below), and
- Notwithstanding other provisions of s. 627.748, F.S., uses its digital network to connect riders exclusively to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs.

⁴⁰ The standard is a Department of Defense test method for considering the influences that environmental stresses have on materiel throughout all phases of its service life. See EverySpec for additional information, available at http://everyspec.com/MIL-STD/MIL-STD-0800-0899/MIL-STD-810G_12306/ (last visited January 24, 2020).

⁴¹ *Supra* note 3.

The bill authorizes an entity to elect, upon written notification to the department, to be regulated as a luxury ground TNC. The bill requires a luxury ground TNC to:

- Comply with all of the requirements of s. 627.748, F.S., applicable to TNCs, including subsection (17) relating to preemption, which do not conflict with:
 - Subparagraph 2. relating to insurance coverage or which 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 at the levels at least equal to the greater of those required in this section and those required of for-hire vehicles, regardless of whether the driver is operating as a for-hire vehicle driver of luxury ground TNC driver.

However, a prospective luxury ground TNC that satisfies minimum financial responsibility at the time of written notification to the department through compliance by using self-insurance may continue to use self-insurance to satisfy the requirements of this subparagraph.

As noted, when a TNC driver is logged on to the digital network but is *not* engaged in a prearranged ride, the required coverage is primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage, plus PIP benefits (excluding limousines) and uninsured and underinsured motorist coverage. When a TNC driver *is* engaged in a prearranged ride, the automobile insurance must provide primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage, plus PIP benefits (excluding limousines) and uninsured and underinsured motorist coverage. For-hire passenger transportation vehicles are generally required to carry coverage with limits of \$125,000/\$250,000 for bodily injury and \$50,000 for property damage.

Lastly, the bill includes luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles in the existing provisions relating to preemption to the state of regulation of TNCs, TNC drivers, and TNC vehicles. Regulation of luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles would also be preempted to the state.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, subsection (b) of section 18 of the Florida Constitution provides that, except upon approval of each house of the Legislature by two-thirds of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989. As noted, some local governments are currently regulating for-hire vehicles and are collecting revenues for items such as business licenses or operating permits, driver registrations, and vehicle inspections. The extent of such regulation and the reduction of revenue collection in the aggregate is indeterminate. If the mandate restriction applies, the bill would need approval of the Legislature by a two-thirds vote of its membership.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The prohibition against display of advertisements on a TNC DAD for advertisements that, for example, include nudity, violent images, or disparaging or false advertisements could raise First Amendment issues, as the prohibition regulates the content of advertising. However, the outcome of any such claim is unknown.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill requires a company operating a TNC DAD to allocate 10 percent of all advertisement inventory for not-for-profit or charitable organizations that may be private organizations. The fiscal impact to those organizations is indeterminate.

C. Government Sector Impact:

The bill requires a company operating a TNC DAD to allocate 10 percent of all advertisement inventory for government organizations. However, the fiscal impact to government is indeterminate.

To the extent that local governments currently collect revenue from regulation of digital advertising on vehicles, or fees from regulation of limousines and luxury sedans, that revenue will be negatively impacted. However, the extent of any impact is indeterminate.

VI. Technical Deficiencies:

Lines 137 – 142 require a luxury ground TNC to comply with all of the requirements of s. 627.748 applicable to a TNC ... “which prohibit the company from connecting riders to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs.” However, the bill authorizes luxury ground TNCs to use “its digital network to connect riders exclusively to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs” on lines 130 – 133.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 627.748.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



416634

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/24/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Brandes)
recommended the following:

Senate Amendment

Delete lines 135 - 149

and insert:

Department of Highway Safety and Motor Vehicles, to be regulated
as a luxury ground TNC. A luxury ground TNC must:

1. Comply with all of the requirements of this section
applicable to a TNC, including subsection (17), which do not
conflict with subparagraph 2. or which prohibit the company from
connecting riders to drivers who operate for-hire vehicles as



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defined in 320.01(15), including limousines and luxury sedans
and excluding taxicabs.

2. Maintain at all times insurance coverage at the levels
at least equal to the greater of those required in this section
and those required of for-hire vehicles, regardless of whether
the driver is operating as a for-hire vehicle driver or luxury
ground TNC driver. However, a prospective luxury ground TNC that
satisfies minimum financial responsibility at the time of
written notification to the Department of Highway Safety and
Motor Vehicles through compliance with

By Senator Brandes

24-01587A-20

20201352__

1 A bill to be entitled
 2 An act relating to transportation companies; amending
 3 s. 627.748, F.S.; revising definitions; defining the
 4 term "transportation network company digital
 5 advertising device"; deleting for-hire vehicles from
 6 the list of vehicles that are not considered
 7 transportation network company (TNC) carriers or are
 8 not exempt from certain registration; authorizing TNC
 9 drivers or their designees to contract with a company
 10 for the installment of TNC digital advertising
 11 devices; providing requirements for such devices;
 12 requiring companies operating such devices to allocate
 13 a specified percentage of advertisement inventory to
 14 certain organizations; providing construction;
 15 defining the term "luxury ground transportation
 16 company"; authorizing entities to be regulated as
 17 luxury ground TNCs; providing requirements; providing
 18 that luxury ground TNCs, luxury ground TNC drivers,
 19 and luxury ground TNC vehicles are governed
 20 exclusively by state law; prohibiting local
 21 governmental entities from taking specified actions
 22 with respect to luxury ground TNCs, luxury ground TNC
 23 drivers, and luxury ground TNC vehicles and providing
 24 for retroactive applicability; providing an effective
 25 date.

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

29 Section 1. Paragraphs (f) and (g) of subsection (1),

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 subsections (11) through (14), and subsection (15) of section
 31 627.748, Florida Statutes, are redesignated as paragraphs (g)
 32 and (h) of subsection (1), subsections (12) through (15), and
 33 subsection (17), respectively, a new paragraph (f) is added to
 34 subsection (1) and a new subsection (11) and subsection (16) are
 35 added to that section, and paragraphs (b) and (e) and present
 36 paragraph (g) of subsection (1), subsection (2), and paragraph
 37 (a) of present subsection (15) of that section are amended, to
 38 read:

39 627.748 Transportation network companies.—

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

41 (b) "Prearranged ride" means the provision of
 42 transportation by a TNC driver to a rider, beginning when a TNC
 43 driver accepts a ride requested by a rider through a digital
 44 network controlled by a transportation network company,
 45 continuing while the TNC driver transports the rider, and ending
 46 when the last rider exits from and is no longer occupying the
 47 TNC vehicle. The term does not include a taxicab, ~~for-hire~~
 48 ~~vehicle~~, or street hail service and does not include ridesharing
 49 as defined in s. 341.031, carpool as defined in s. 450.28, or
 50 any other type of service in which the driver receives a fee
 51 that does not exceed the driver's cost to provide the ride.

52 (e) "Transportation network company" or "TNC" means an
 53 entity operating in this state pursuant to this section using a
 54 digital network to connect a rider to a TNC driver, who provides
 55 prearranged rides. A TNC is not deemed to own, control, operate,
 56 direct, or manage the TNC vehicles or TNC drivers that connect
 57 to its digital network, except where agreed to by written
 58 contract, and is not a taxicab association ~~or for-hire vehicle~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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owner. An individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization is not a TNC. This section does not prohibit a TNC from providing prearranged rides to individuals who qualify for Medicaid or Medicare if it meets the requirements of this section.

(f) "Transportation network company digital advertising device" or "TNC digital advertising device" means a device no larger than 20 inches tall, not including the attachment mechanism, and 54 inches long, which is fixed to the roof of a TNC vehicle and which displays advertisements on a digital screen only while the TNC vehicle is turned on.

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

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

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

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

(2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC driver

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is not required to register the vehicle that the TNC driver uses to provide prearranged rides as a commercial motor vehicle ~~or a for-hire vehicle~~.

(11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING DEVICE.—

(a) A TNC driver or his or her designee may contract with a company to install a TNC digital advertising device on a TNC vehicle.

(b) A TNC digital advertising device must be enabled with cellular or WiFi-enabled data transmission and equipped with GPS.

(c) A TNC digital advertising device may not display advertisements when the TNC vehicle is parked and turned off.

(d) A TNC digital advertising device must follow the lighting requirements of s. 316.2397.

(e) No portion of the TNC digital advertising device may extend beyond the front or rear windshield of the vehicle, nor may it impact the TNC driver's vision.

(f) A TNC digital advertising device must display advertisements only to the sides of the vehicle and not to the front or rear of the vehicle. Identification of the provider does not constitute advertising under this paragraph.

(g) A TNC digital advertising device must meet the requirements of the MIL-STD-810G standard, as determined through independent safety and durability testing under the review of a licensed professional engineer, before being installed on a TNC vehicle.

(h) A TNC digital advertising device may not display advertisements for illegal products or services or

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advertisements that include nudity, violent images, or
disparaging or false advertisements.

(i) A company operating a TNC digital advertising device
shall allocate 10 percent of all advertisement inventory for
government, not-for-profit, or charitable organizations at no
cost.

(j) For the purposes of this chapter, a TNC digital
advertising device shall be deemed part of a TNC vehicle.

(16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

(a) As used in this subsection, the term "luxury ground
transportation network company" or "luxury ground TNC" means a
company that:

1. Meets the requirements of paragraph (b).

2. Notwithstanding other provisions of this section, uses
its digital network to connect riders exclusively to drivers who
operate for-hire vehicles as defined in s. 320.01(15), including
limousines and luxury sedans and excluding taxicabs.

(b) An entity may elect, upon written notification to the
department, to be regulated as a luxury ground TNC. A luxury
ground TNC must:

1. Comply with all of the requirements of this section
applicable to a TNC, including subsection (17), which do not
conflict with subparagraph 2. or which prohibit the company from
connecting riders to drivers who operate for-hire vehicles as
defined in 320.01(15), including limousines and luxury sedans
and excluding taxicabs.

2. Maintain at all times insurance coverage at the levels
at least equal to the greater of those required in this section
and those required of for-hire vehicles, regardless of whether

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the driver is operating as a for-hire vehicle driver or luxury
ground TNC driver. However, a prospective luxury ground TNC that
satisfies minimum financial responsibility at the time of
written notification to the department through compliance with
s. 324.032(2) by using self-insurance may continue to use self-
insurance to satisfy the requirements of this subparagraph.

(17)-(15) PREEMPTION.—

(a) It is the intent of the Legislature to provide for
uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
vehicles, luxury ground TNCs, luxury ground TNC drivers, and
luxury ground TNC vehicles throughout the state. TNCs, TNC
drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
drivers, and luxury ground TNC vehicles are governed exclusively
by state law, including in any locality or other jurisdiction
that enacted a law or created rules governing TNCs, TNC drivers,
~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
or luxury ground TNC vehicles before July 1, 2017. A county,
municipality, special district, airport authority, port
authority, or other local governmental entity or subdivision may
not:

1. Impose a tax on, or require a license for, a TNC, a TNC
driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
TNC driver, or a luxury ground TNC vehicle if such tax or
license relates to providing prearranged rides;

2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
ground TNC, a luxury ground TNC driver, or a luxury ground TNC
vehicle to any rate, entry, operation, or other requirement of
the county, municipality, special district, airport authority,
port authority, or other local governmental entity or

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subdivision; or

3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or
a luxury ground TNC driver to obtain a business license or any
other type of similar authorization to operate within the local
governmental entity's jurisdiction.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020
Meeting Date

1352
Bill Number (if applicable)

Topic TN03

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title _____

Address 120 S. MONROE ST

Phone _____

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA LIMOUSINE ASSOC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1.27.20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1352

Bill Number (if applicable)

Topic TRANSPORTATION COMPANIES

Amendment Barcode (if applicable)

Name MEGAN SYRANE SAMPLES

Job Title PUBLIC POLICY MANAGER, SOUTHEAST

Address _____
Street

Phone 501.352.3388

City

State

Zip

Email MEGANSS@LYFT.COM

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LYFT, INC.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 1464

INTRODUCER: Infrastructure and Security and Senator Flores

SUBJECT: Underground Facility Damage Prevention and Safety

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			BI	
3.			RC	

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 1464 amends provisions of law relating to the Underground Facility Damage Prevention and Safety Act, which is intended to identify and locate underground facilities 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 and the fire chiefs of special districts, municipalities, and counties; and provides that failure to respond to a citation must be willful.
- Increases the maximum civil penalty (up to \$2,500 plus five percent, 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 (PHMSA). One hundred percent of the civil penalty will be distributed to the entity that issued the citation.
- 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 civil penalty for knowingly and willfully removing or damaging a permanent marker.
- Requires the Sunshine State One-Call of Florida, Inc., to transmit reports of incidents that involve high-priority subsurface installations (HPSI) for investigation by one of the following authorities, who may issue a citation and impose a civil penalty for a violation of

ch. 556, F.S., that was a proximate cause of the incident: the State Fire Marshal, the fire chief of the county in which the incident occurred, a local or state law enforcement officer, a government code inspector, or a code enforcement officer, rather than the Division of Administrative Hearings. Ninety-five percent of any civil penalty imposed will be distributed to the investigating authority that issued the citation, with the remaining five percent retained by the clerk of court for administrative costs.

- Contingent on passage of SB 1092, which creates the Firefighter Cancer Decontamination Equipment Grant Program (Program), provides that the investigating authority that issued the citation for an HPSI violation retains \$2,500, the clerk of court retains five percent for administrative costs, and the Program receives the remainder of the currently authorized penalty.
- Creates an “underground facility damage prevention review panel” (review panel) under the State Fire Marshal for the purpose of reviewing complaints of alleged violations of ch. 556, F.S., identifying issues or potential issues related to damage prevention and enforcement, and recommending any needed legislation.

The bill may have an indeterminate positive impact on state and local revenues. See the Fiscal Impact Statement for additional details.

The bill takes effect on July 1, 2020.

II. Present Situation:

Florida Underground Facility Damage Prevention and Safety Act

Chapter 556, F.S., is the “Underground Facility Damage Prevention and Safety Act” (Act). The goal of the Act is to identify and locate underground facilities¹ prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities.² To accomplish this, the Act creates a not-for-profit corporation to administer a free-access notification system whereby a person intending to conduct excavation or demolition activities can give prior notice to the system of the person’s intended activities, allowing operators of underground facilities the opportunity to identify and locate their nearby facilities.³ All operators of underground facilities in the state are required to be members of the corporation (“member operators”⁴) and are required to use and participate in the system.⁵

¹ Section 556.102(13), F.S., defines “underground facility” as “any public or private personal property which is buried, placed below ground, or submerged on any member operator's right-of-way, easement, or permitted use which is being used or will be used in connection with the storage or conveyance of water; sewage; electronic, telephonic, or telegraphic communication; electric energy; oil; petroleum products; natural gas; optical signals; or other substances, and includes, but is not limited to, pipelines, pipes, sewers, conduits, cables, valves, and lines. For purposes of this act, a liquefied petroleum gas line regulated under chapter 527 is not an underground facility unless such line is subject to the requirements of Title 49 C.F.R. adopted by the Department of Agriculture and Consumer Services, provided there is no encroachment on any member operator's right-of-way, easement, or permitted use. Petroleum storage systems subject to regulation pursuant to chapter 376 are not considered underground facilities for the purposes of this act unless the storage system is located on a member operator's right-of-way or easement. Storm drainage systems are not considered underground facilities.”

² Section 556.101(3), F.S.

³ Section 556.101(2), F.S.

⁴ Defined in s. 556.102(8), F.S., to mean “any person who furnishes or transports materials or services by means of an underground facility.”

⁵ Section 556.103(1), F.S.

The not-for-profit corporation created under the Act is Sunshine State One-Call of Florida, Inc., which operates under the name “Sunshine 811” and exercises its powers through a board of directors.⁶ The system is required to provide a single toll-free telephone number (811) within Florida which excavators can use to notify member operators of planned excavation or demolition activities.⁷ The person intending to conduct excavation or demolition must notify the system not less than two full business days before beginning the operations.⁸ The person must also provide specified identification, location, and operational information which remain valid for 30 calendar days.⁹ Upon receipt of this notice, the system provides to the person a list of names of the member operators who will be advised of the notification.¹⁰

The system operator in turn notifies the potentially affected member operators of the planned excavation or demolition activities.¹¹ Within two full business days after the time the notification is received by the system (or 10 days if the proposed excavation is in proximity to facilities beneath state waters), potentially affected member operators must determine the location of their underground facilities in relation to the proposed excavation or demolition. If this cannot be done in this time period, the member operator must contact the person giving notice and negotiate a new schedule and time that is agreeable and does not unreasonably delay the excavator. If a member operator determines that a proposed excavation or demolition is in proximity to or conflicts with an underground facility, the member operator must identify the horizontal route of the facility in a specified manner.¹²

An excavator is required to delay excavations until the first of the following events occurs:

- Each member operator’s underground facilities have been marked and located;
- The excavator has been notified that no member operator has underground facilities in the area described in the notice; or
- Expiration of the time allowed for markings.

If a member operator has not located and marked its underground facilities within the time allowed for marking, the excavator may proceed with the excavation, provided that the excavator does so with reasonable care and that detection equipment or other acceptable means to locate underground facilities are used. An excavator may not conduct demolition in an area until all member operators’ underground facilities have been marked and located or removed.¹³

Violations of certain provisions are noncriminal infractions enforceable by citations which may be issued by any local or state law enforcement officer, government code inspector, or code

⁶ Section 556.103, F.S.

⁷ Section 556.104, F.S.

⁸ Section 556.105(5), F.S. The statute also provides that member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate facilities.

⁹ Section 556.105(1)(c), F.S.

¹⁰ Section 556.105(5), F.S.

¹¹ Section 556.105(5), F.S. The statute also provides that member operators with state-owned underground facilities located within the right-of-way of a state highway need not be notified of excavation or demolition activities and are under no obligation to mark or locate facilities.

¹² Section 556.105(5), F.S.

¹³ Section 556.105(6), F.S.

enforcement officer. The law establishes a civil penalty of \$500, plus court costs, for such infractions.¹⁴ Eighty percent of the civil penalty collected by the clerk of the court will be distributed to the government entity whose employee issued the citation, with 20 percent of the penalty retained by the clerk of the court to cover administrative costs.¹⁵ The fine and forfeiture fund is established by the clerk of the circuit court in each county of this state and functions as a separate fund for use by the clerk of the circuit court in performing court-related functions.

In 2010, the Legislature established a special process to address damages to any facility identified as a “high-priority subsurface installation.”¹⁶ These facilities are defined as “an underground gas transmission or gas distribution pipeline, an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid” that the pipeline’s operator has identified as critical.¹⁷ If an alleged violation of a required procedure involves damage to a high-priority subsurface installation and the damage results in death or serious bodily injury or results in property damage, including service-restoration costs, of more than \$50,000 or interruption of service to at least 2,500 customers, the incident must be reported to Sunshine 811 by the excavator or member operator within 24 hours.¹⁸ Sunshine 811 must then transmit an incident report to the Division of Administrative Hearings (DOAH) for a hearing to determine whether a violation of required procedure was a proximate cause of the incident. If DOAH finds that a violation was a proximate cause of the incident, it may impose a fine not to exceed \$50,000 (or \$10,000 if a state agency or political subdivision caused the incident).¹⁹ Funds collected from a fine issued by DOAH are paid to Sunshine 811 to cover its costs to engage DOAH’s services, and any remaining funds may be used only for damage-prevention education.²⁰

In 2017, the Legislature established additional reporting requirements. First, an excavator must immediately call 911 to report any contact with or damage to an underground facility that results in the escape of natural gas or other hazardous substance or material regulated by the U.S. Department of Transportation (DOT) Pipeline and Hazardous Material Safety Administration (PHMSA). Second, if an event damages any pipe, cable, or other underground facility, the member operator must file a report with Sunshine 811.²¹

By March 31 of each year, each clerk of court must submit a report to Sunshine 811 listing each violation notice written under s. 556.107(1)(a), F.S., which was filed in that county during the preceding calendar year.²² The report must state the name and address of the member or excavator who committed each infraction and indicate whether or not the civil penalty for the infraction was paid.²³ The Sunshine 811 board must submit an annual progress report to the President of the Senate, the Speaker of the House of Representative, and the Governor, no later

¹⁴ Section 556.107(1), F.S.

¹⁵ Section 556.107(1)(c), F.S.

¹⁶ Ch. 2010-100, L.O.F., s. 10.

¹⁷ Section 556.116, F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Ch. 2017-102, L.O.F.

²² S. 556.107(2), F.S.

²³ *Id.*

than 60 days before the convening of each regular session of the Legislature.²⁴ This report must include a summary of the reports provided by the clerks of court, a summary of damage data reported to the system for the prior year, and any analysis of this data by the board.²⁵

In its most recent Annual Report, Sunshine 811 indicates that 16,576 damage incidents were reported in 2018, while 13 citations were issued by entities authorized to enforce the Act.²⁶ These citations resulted in \$6,602.50 of fines being levied. Further, the Annual Report identifies one case referred to DOAH involving damage to a natural gas distribution main. In that case, DOAH found that the excavator's failure to notify Sunshine 811 prior to excavation was the proximate cause of the incident and imposed a \$5,000 fine.²⁷

U.S.D.O.T. Pipeline and Hazardous Material Safety Administration – Pipeline Damage Prevention Programs

The U.S.D.O.T. has back-stop authority to conduct administrative civil enforcement proceedings against excavators who damage hazardous liquid and natural gas pipelines in a state that has failed to adequately enforce its excavation damage prevention or one-call laws.²⁸

On July 13, 2015, the Pipeline and Hazardous Material Safety Administration (PHMSA) announced the issuance of a final rule to establish the process for evaluating state excavation damage prevention law enforcement programs and enforcing minimum Federal damage prevention standards in states where damage prevention law enforcement is deemed inadequate or does not exist.²⁹

Under its rule, PHMSA uses the following criteria in evaluating the effectiveness of a state damage prevention program:

- Does the state have the authority to enforce its state excavation damage prevention law using civil penalties and other appropriate sanctions for violations?
- Has the state designated a state agency or other body as the authority responsible for enforcement of the state excavation damage prevention law?
- Is the state assessing civil penalties and other appropriate sanctions for violations at levels sufficient to deter noncompliance and is the state making publicly available information that demonstrates the effectiveness of the state's enforcement program?
- Does the enforcement authority (if one exists) have a reliable mechanism (e.g., mandatory reporting, complaint driven reporting) for learning about excavation damage to underground facilities?
- Does the state employ excavation damage investigation practices that are adequate to determine the responsible party or parties when excavation damage to underground facilities occurs?

²⁴ Section 556.103(5), F.S.

²⁵ *Id.*

²⁶ Sunshine 811, *2018-19 Annual Report*, available at https://static1.squarespace.com/static/533db0bde4b0d9f7ba7f1ee7/t/5dcf0cd17b2a3459bd9a81d6/1573850332734/2018-19_annualrpt.pdf (last visited January 22, 2020).

²⁷ *Id.*

²⁸ 49 U.S.C. § 60114.

²⁹ Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 80 Fed. Reg. 43,868 (July 23, 2015) (codified at 49 C.F.R. Parts 196 and 198).

- At a minimum, do the state’s excavation damage prevention requirements include the following:
 - Excavators may not engage in excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area.
 - Excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.
 - An excavator who causes damage to a pipeline facility:
 - Must report the damage to the operator of the facility at the earliest practical moment following discovery of the damage; and
 - If the damage results in the escape of any PHMSA regulated natural and other gas or hazardous liquid, must promptly report to other appropriate authorities by calling the 911 emergency telephone number or another emergency telephone number.
- Does the state limit exemptions for excavators from its excavation damage prevention law?
 - A state must provide to PHMSA a written justification for any exemptions for excavators from state damage prevention requirements.
 - PHMSA will make the written justifications available to the public.³⁰

PHMSA will enforce federal requirements and may take immediate enforcement against excavators in states where a state pipeline excavation damage prevention law enforcement program is not determined to be adequate by the criteria and procedures used by PHMSA.³¹ States that fail to establish an adequate enforcement program within five years of the date of a finding of inadequacy may be subject to up to a 4 percent reduction in base state pipeline safety grant funding.³²

State Fire Marshal

Florida’s Chief Financial Officer is designated by law as the State Fire Marshal.³³ The State Fire Marshal is responsible for minimizing the loss of life and property in the state due to fire.³⁴ It is also charged with enforcing laws related to: the prevention of fire and explosion through the regulation of conditions which could lead to fire and explosion; installation and maintenance of fire alarm systems and fire protection systems; the maintenance of fire cause and loss records; and suppression of arson and the investigation of the cause, origin, and circumstances of fire.³⁵

The State Fire Marshal operates as a division of the Department of Financial Services. It operates through an Office of the Director and two bureaus: the Bureau of Fire Prevention and the Bureau of Firefighter Standards and Training.³⁶ The Bureau of Firefighter Standards and Training approves firefighter training curricula, offers fire service training at the Florida State Fire College, and certifies fire service members that meet standards. The Bureau of Fire Prevention conducts fire/life safety inspections and reviews construction plans for all state-owned buildings,

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Section 633.104(1), F.S.

³⁴ Section 633.104(2), F.S.

³⁵ *Id.*

³⁶ Chief Financial Officer, *Division of State Fire Marshal*, <https://www.myfloridacfo.com/Division/SFM/> (last visited January 22, 2020).

regulates the fireworks and fire sprinkler industries, inspects and licenses boilers, and certifies fire suppression industry workers. It has six field offices and three satellite offices around the state.³⁷

Florida law provides investigatory authority for the State Fire Marshal. Upon request, the State Fire Marshall must investigate the cause, origin, and circumstances of fires and explosions where property has been damaged or destroyed and there is probable cause to believe that the fire or explosion was the result of carelessness or design. If the fire or explosion occurs in a municipality, county, or special district with an organized fire department, the local fire official must provide for an initial investigation before requesting an investigation by the State Fire Marshal. In an investigation, the State Fire Marshal may require testimony under oath from persons believed to be aware of any facts related to matters under investigation.³⁸

If the State Fire Marshal believes that there is sufficient evidence to charge a person with an offense, he or she must cause the person to be arrested and must provide the appropriate prosecuting office with all pertinent information collected. The State Fire Marshal may compel the testimony of witnesses and the production of pertinent documents and may seize personal property to be held for evidence. The State Fire Marshal may designate an agent for the purpose of conducting an investigation, and the agent may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, receive evidence, and require the attendance and testimony of witnesses and the production of documents or other evidence material to the investigation. The State Fire Marshal must keep a record of all fires and explosions investigated under its authority.³⁹

III. Effect of Proposed Changes:

Section 2 of the bill amends s. 556.107, F.S., relating to noncriminal infractions for violations of certain provisions of the Act.

Expanded Enforcement Authority

The bill expands the list of entities that may issue citations for violations of ch. 556, F.S. In addition to the existing authorized citation issuers, the bill authorizes the State Fire Marshal and the fire chiefs of the special district, municipality, or county in which an infraction happened to issue such citations.

Enhanced Civil Penalties for Certain Violations

The bill provides for civil penalties of up to \$2,500 (plus five percent, in addition to any other court costs) for certain violations of Ch. 556, F.S., that involve an underground pipe or other underground facility transporting hazardous materials regulated by PHMSA. Specifically, the following violations are subject to this enhanced civil penalty:

- Failure by an excavator to comply with s. 556.105(1), F.S., which requires an excavator to provide notice and certain information to the Sunshine 811 system within specified timeframes prior to beginning excavation of demolition work.

³⁷ *Id.*

³⁸ Section 633.112, F.S.

³⁹ *Id.*

- Failure by an excavator to comply with s. 556.105(5)(c), F.S., which requires an excavator to use increased caution when working within a tolerance zone,⁴⁰ such as hand digging, pot holing, soft digging, vacuum methods, or other similar procedures.
- Failure by an excavator to comply with s. 556.105(6), F.S., which requires an excavator to avoid excavation in an area until whichever of the following occurs first: each member operator's underground facilities have been located and marked; the excavator has been notified that no member operator has underground facilities in the area; or the time allowed for markings has expired.
- Failure by an excavator to comply with s. 556.106(11), F.S., which requires an excavator to stop excavation and demolition activities in the vicinity of an underground facility and notify the Sunshine 811 system if the marking for the facility is removed or no longer visible.
- Failure by an excavator to comply with s. 556.105(12), F.S., which requires an excavator to immediately notify the appropriate member operator if the excavator causes contact with or damage to a pipe and to immediately call 911 to report contact or damage that causes the escape of any natural gas or other hazardous substance or material regulated by PHMSA.

If the clerk of court collects a civil penalty for one of these violations, the bill provides that 100 percent of the civil penalty will be distributed to the entity that issued the citation. The additional five percent, plus any additional court costs, is retained by the clerk to cover administrative costs. The bill provides that a person who willfully fails to properly respond to a citation issued for one of these violations will be charged with the offense of failing to respond to the citation and, if convicted, commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days and up to a \$500 fine.⁴¹ The bill provides that a written warning to this effect must be provided at the time the citation is issued.⁴²

Reporting Requirements

The bill requires each clerk of court, by March 31 of each year, to submit a report to the State Fire Marshal listing each violation notice written under s. 556.107(1)(a), F.S., which has been filed in that county during the preceding calendar year. The report must state the name and address of the member or excavator who committed each infraction and indicate whether or not the civil penalty for the infraction was paid. This is the same information currently reported by the clerks of court to Sunshine 811.

Sections 3 and 4 of the bill amend s. 556.116, F.S., relating to high-priority subsurface installations.

Incidents Involving High-Priority Subsurface Installations

For incidents involving high-priority subsurface installations, the bill requires Sunshine 811 to transmit the incident report to one of the following enforcement authorities:

- The State Fire Marshal,

⁴⁰ "Tolerance zone" means "24 inches from the outer edge of either side of the exterior surface of a marked underground facility." Section 556.102(12), F.S.

⁴¹ Sections 775.082 and 775.083, F.S.

⁴² Currently, if a person is found to have committed an infraction by a judge or hearing official, the person may appeal that finding to the circuit court. The bill also authorizes appeal to the circuit court of the amount of the civil penalties imposed.

- The fire chief of the special district, municipality, or county in which the incident happened,
- A local or state law enforcement officer,
- A government code inspector, or
- A code enforcement officer.

These provisions replace the requirement in current law that the DOAH conduct investigations of incidents involving high-priority subsurface installations. The bill removes all provisions of current law that establish the procedural requirements for DOAH review of such incidents.

The authority to whom the incident report is transmitted must conduct an investigation to determine whether an incident has occurred and, if so, whether a violation of s. 556.107(1)(a), F.S., was a proximate cause of the incident. The investigating authority may issue a citation and impose a civil penalty of up to \$50,000⁴³ if it finds that a violation occurred and was a proximate cause of the incident. Upon collection of the civil penalty, the clerk of court must distribute 95 percent of the penalty to the investigating authority that issued the citation. The remaining five percent is retained by the clerk to cover administrative costs.

However, the bill revises distribution of any penalty, contingent upon passage of SB 1092. SB 1092 creates the Firefighter Cancer Decontamination Equipment Grant Program within the Division of the State Fire Marshal.⁴⁴ Under the bill, if SB 1092 is enacted, the clerk of court must distribute \$2,500 of the penalty of up to \$50,000 (or up to \$10,000 if the violator is a state agency or political subdivision) to the authority that issued the citation, retain five percent to cover administrative costs, and distribute the remainder to the Firefighter Cancer Decontamination Equipment Grant Program.

Permanent Markers⁴⁵

The bill also provides a civil penalty for any person convicted of knowingly and willfully removing or damaging a “permanent marker”⁴⁶ that has been placed to identify the approximate location of an underground facility. A violation is a second-degree misdemeanor, punishable by a term of imprisonment not exceeding 60 days and up to a \$500 fine.

Section 5 of the bill creates s. 556.117, relating to the underground facility damage prevention review panel.

Underground Facility Damage Prevention Review Panel (The Review Panel)

The bill creates the panel under the State Fire Marshal. The Review Panel is responsible for reviewing complaints of alleged violations of ch. 556, F.S., and identifying issues or potential

⁴³ As noted, the penalty under current law is \$50,000, except that if a state agency or political subdivision caused the incident, the penalty may not exceed \$10,000.

⁴⁴ The purpose of the program is to help protect the health and safety of firefighters by providing financial assistance to help fire departments, including volunteer fire departments, procure equipment, supplies, and educational training designed to mitigate exposure to hazardous, cancer-causing chemicals.

⁴⁵ Section 1 of the bill amends s. 556.102, F.S., defining the term “permanent marker” to mean “a clearly visible indication of the approximate location of an underground facility which is made of material that is durable in nature and which is reasonably expected to remain in position for the life of the underground facility.”

⁴⁶ Sections 775.082 and 775.083, F.S.

issues related to damage prevention and enforcement. The review panel must identify areas where additional education is needed and recommend solutions to issues it has identified. The review panel also must review current practices for locating underground pipes or other underground facilities that transport materials regulated by PHMSA and determine whether statutory changes are needed to make these pipes or facilities more resilient and safer for communities. The bill requires the review panel to operate consistent with s. 20.052, F.S., which governs advisory bodies created by statute as adjuncts to an executive agency.

The Review Panel must consist of nine members appointed by the State Fire Marshal and must include the following:

- One member representing the electric utility industry;
- One member representing the telecommunications or cable industry;
- One member licensed as an underground utility and excavation contractor under ch. 489, F.S., and engaged in work within road or highway rights-of-way;
- One member representing the natural gas industry;
- One member representing the utility locator industry;
- One member representing county or municipal water and sewer service providers;
- One member representing excavators performing work unrelated to construction in road or highways rights-of-way, including landscaping, fencing, or plumbing contractors;
- One member licensed as an underground utility and excavation contractor under ch. 489, F.S., and engaged in work for public utilities; and
- One member representing the public at large.

The bill requires the State Fire Marshal to establish a process for receiving applications for appointment to the Review Panel. The bill provides for staggered two-year terms for each seat on the Review Panel and requires the Review Panel to elect a chair and vice chair from its membership. The review panel must meet quarterly in conjunction with the meeting of the Sunshine One-Call board or at the call of the chair.

The bill requires the State Fire Marshal to provide staff support and meeting space to the Review Panel and provides that members of the panel serve without compensation or reimbursement for per diem or travel expenses.

Section 6 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may encourage increased enforcement of ch. 556, F.S. Increased enforcement will result in additional fines imposed on persons who violate certain provisions of ch. 556, F.S. As a result, increased enforcement may deter behaviors that cause damages to property, utility service outages, and serious bodily injury.

C. Government Sector Impact:

The bill may have an indeterminate positive impact on local government revenues, as it authorizes fire chiefs to issue citations for the specified violations. The bill also increases the maximum fine that may be imposed as a civil penalty for violations related to an underground pipe or other underground facility transporting hazardous materials regulated by PHMSA. Because fire chiefs that issue such citations will receive between 80 and 100 percent of the resulting civil penalties collected by the clerk of court, the bill may encourage greater enforcement efforts by fire chiefs, leading to additional revenues. The extent of any increase in revenues, however, is indeterminate, as the result will depend on compliance with ch. 556, F.S., and the enforcement efforts of fire chiefs.

The bill may require the expenditure of resources by a fire chief, local law enforcement authority, or local code inspection or enforcement authority to whom an alleged high-priority subsurface installation incident is referred for investigation. These expenditures may be offset in whole or in part by the portion of any civil penalties collected and distributed to these entities through their enforcement of ch. 556, F.S. Again, however, the extent of any increase is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 556.107 and 556.116.

This bill creates the following sections of the Florida Statutes: 556.117.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

The committee substitute:

- Clarifies that special district, municipal, and county fire chiefs may issue citations for existing and enhanced-penalty violations of the Damage Prevention Act and that failure to respond to a citation must be willful; and adds a civil penalty for knowingly and willfully removing or damaging a permanent marker.
- Replaces Sunshine One-Call with the State Fire Marshal as the entity appointing members to the panel created to review complaints of alleged violations, identify issues, and recommend needed legislation; and adds a member representing the cable industry as a potential panel member. Provides panel members serve without compensation and are not entitled to per diem or travel expenses.
- Under the bill, the State Fire Marshal will be appointing the members of the Underground Facility Damage Prevention Review Panel and creating a process for accepting applications for membership on the Review Panel.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Flores)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (9) through (14) of section 556.102,
Florida Statutes, are redesignated as subsections (10) through
(15), respectively, and a new subsection (9) is added to that
section, to read:

556.102 Definitions.—As used in this act:

(9) "Permanent marker" means a clearly visible indication



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of the approximate location of an underground facility which is made of material that is durable in nature and which is reasonably expected to remain in position for the life of the underground facility.

Section 2. Section 556.107, Florida Statutes, is amended to read:

556.107 Violations.—

(1) NONCRIMINAL INFRACTIONS.—

(a)1. Violations of the following provisions are noncriminal infractions:

a.1. Section 556.105(1), relating to providing required information.

b.2. Section 556.105(6), relating to the avoidance of excavation.

c.3. Section 556.105(11), relating to the need to stop excavation or demolition because marks are no longer visible, or, in the case of underwater facilities, are inadequately documented.

d.4. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.

e.5. Section 556.105(5)(a) and (b), relating to identification of underground facilities, if a member operator does not mark an underground facility, but not if a member operator marks an underground facility incorrectly.

f.6. Section 556.109(2), relating to falsely notifying the system of an emergency situation or condition.

g.7. Section 556.114(1), (2), (3), and (4), relating to a failure to follow low-impact marking practices, as defined



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therein.

2. Violations of the following provisions when related to an underground pipe or other underground facility transporting hazardous materials that are regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation are noncriminal infractions, subject to enhanced civil penalties under paragraph (c):

a. Section 556.105(1), relating to providing required information.

b. Section 556.105(5)(c), relating to excavation practices in tolerance zones.

c. Section 556.105(6), relating to the avoidance of certain excavation.

d. Section 556.105(11), relating to the need to stop excavation or demolition because certain marks are no longer visible or are inadequately documented.

e. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact with or damage to an underground facility.

(b) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be issued a citation by the State Fire Marshal; the fire chief of the special district, municipality, or county; or any local or state law enforcement officer, government code inspector, or code enforcement officer, and the issuer of a citation may require an excavator to cease work on any excavation or not start a proposed excavation until there has been compliance with the provisions of this chapter. Citations shall be hand delivered to any employee of the excavator or member operator who is involved



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in the noncriminal infraction. The citation shall be issued in the name of the excavator or member operator, whichever is applicable.

(c)1. Any excavator or member operator who commits a noncriminal infraction under subparagraph (a)1. ~~paragraph (a)~~ may be required to pay a civil penalty of \$500 plus court costs for each infraction, ~~which is \$500 plus court costs~~. If a citation is issued by the State Fire Marshal; the fire chief of the special district, municipality, or county; a state law enforcement officer; ~~a~~ a local law enforcement officer; ~~a~~ a local government code inspector; ~~or~~ or a code enforcement officer, 80 percent of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity whose employee issued the citation and 20 percent of the penalty shall be retained by the clerk to cover administrative costs, in addition to other court costs. Any person who fails to properly respond to a citation issued under ~~pursuant to~~ paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the citation and, upon conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect must be provided at the time any citation is issued under ~~pursuant to~~ paragraph (b).

2. Any excavator or member operator who commits a noncriminal infraction under subparagraph (a)2. may be required to pay an enhanced civil penalty of \$2,500 plus 5 percent in addition to any other court costs for each infraction. If a citation is issued by the State Fire Marshal; the fire chief of the special district, municipality, or county; a state law



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enforcement officer; a local law enforcement officer; a local government code inspector; or a code enforcement officer, 100 percent of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity whose employee issued the citation. The additional 5 percent, plus any additional court costs, is to be retained by the clerk to cover administrative costs. Any person who willfully fails to properly respond to a citation issued under paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the citation and, upon conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect must be provided at the time a citation is issued under paragraph (b).

(d) Any person cited for an infraction under paragraph (a) may post a bond, which must ~~shall~~ be equal in amount to the applicable civil penalty plus any additional court costs.

(e) A person charged with a noncriminal infraction under paragraph (a) may pay the applicable civil penalty plus the additional court costs, by mail or in person, within 30 days after the date of receiving the citation. If the person cited pays the civil penalty, she or he is deemed to have admitted to committing the infraction and to have waived the right to a hearing on the issue of commission of the infraction. The admission may be used as evidence in any other proceeding under this chapter.

(f) Any person may elect to have a hearing on the commission of the infraction ~~appear~~ before the county court. A person who elects to have a hearing waives ~~and if so electing is deemed to have waived~~ the limitations on the civil penalties



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penalty specified in paragraph (c). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the court may impose a civil penalty not to exceed \$5,000 plus court costs for each infraction. In determining the amount of the civil penalty, the court may consider previous noncriminal infractions committed.

(g) At a court hearing under this chapter, the commission of a charged infraction must be proven by a preponderance of the evidence.

(h) If the court finds that a person ~~is found by a judge or hearing official to have~~ committed an infraction, the person may appeal that finding or the amount of the civil penalties imposed to the circuit court.

(i) Sunshine State One-Call of Florida, Inc., may, at its own cost, retain an attorney to assist in the presentation of relevant facts and law in the county court proceeding pertaining to the citation issued under this section. The corporation may also appear in any case appealed to the circuit court if a county court judge finds that an infraction of the chapter was committed. An appellant in the circuit court proceeding shall timely notify the corporation of any appeal under this section.

(2) REPORT OF INFRACTIONS.—By March 31 of each year, each clerk of court shall submit a report to the State Fire Marshal and Sunshine State One-Call of Florida, Inc., listing each violation notice written under paragraph (1)(a) which has been filed in that county during the preceding calendar year. The report must state the name and address of the member or excavator who committed each infraction and indicate whether or



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not the civil penalty for the infraction was paid.

(3) MISDEMEANORS.—

(a) Any person who knowingly and willfully removes or otherwise destroys the valid stakes or other valid physical markings described in s. 556.105(5) (a) and (b) used to mark the horizontal route of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, stakes or other nonpermanent physical markings are considered valid for 30 calendar days after information is provided to the system under s. 556.105(1) (a).

(b) Any person who knowingly and willfully removes or damages a permanent marker that has been placed to identify the approximate location of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Section 556.116, Florida Statutes, is amended to read:

556.116 High-priority subsurface installations; special procedures.—

(1) As used in this section, the term:

~~(a) "Division" means the Division of Administrative Hearings.~~

(a) ~~(b)~~ "High-priority subsurface installation" means an underground gas transmission or gas distribution pipeline, an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the



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pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate under ~~pursuant to~~ s. 556.105(1), or would have been identified as a high-priority subsurface installation except for the excavator's failure to give proper notice of intent to excavate.

(b) ~~(e)~~ "Incident" means an event that involves damage to a high-priority subsurface installation that has been identified as such by the operator according to the notification procedures set forth in subsection (2) and that:

1. Results in death or serious bodily injury requiring inpatient hospitalization.

2. Results in property damage, including service-restoration costs, in an amount in excess of \$50,000 or interruption of service to 2,500 or more customers.

(2) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation. If the member operator provides such timely notice of the existence of a high-priority subsurface installation, an excavator shall notify the operator of the planned excavation start date and time before beginning excavation. If the member operator does not provide timely notice, the excavator may proceed, after waiting the prescribed



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time period set forth in s. 556.105(9)(a), to excavate without notifying the member operator of the excavation start date and time. The exemptions stated in s. 556.108 apply to the notification requirements in this subsection.

(3)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident.

(b) Upon receipt of an allegation that an incident has occurred, the system shall transmit an incident report to the State Fire Marshal; the fire chief of the special district, municipality, or county; a local or state law enforcement officer; a government code inspector; or a code enforcement officer in order to ~~division and contract with the division so that the division may conduct an investigation a hearing to~~ determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident. ~~The contract for services to be performed by the division must include provisions for the system to reimburse the division for any costs incurred by the division for court reporters, transcript preparation, travel, facility rental, and other customary hearing costs, in the manner set forth in s. 120.65(9).~~

(c) The State Fire Marshal; the fire chief of the special district, municipality, or county; a local or state law enforcement officer; a government code inspector; or a code enforcement officer ~~division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may~~ issue a citation and impose a



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civil penalty ~~fine~~ against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000.

(d) The civil penalty ~~A fine~~ imposed under this subsection ~~by the division~~ is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).

(e) If a civil penalty is imposed by the State Fire Marshal; the fire chief of the special district, municipality, or county; a local or state law enforcement officer; a government code inspector; or a code enforcement officer under this subsection, 95 percent of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity whose employee issued the citation and civil penalty and 5 percent of the civil penalty shall be retained by the clerk to cover administrative costs ~~A fine against an excavator or a member operator imposed under this subsection shall be paid to the system, which shall use the collected fines to satisfy the costs incurred by the system for any proceedings under this section. To the extent there are any funds remaining, the system may use the funds exclusively for damage-prevention education.~~

(f) This section does not change the basis for civil liability. The findings and results of an investigation ~~a hearing~~ under this section may not be used as evidence of liability in any civil action.

~~(4)(a) The division shall issue and serve on all original parties an initial order that assigns the case to a specific~~



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~~administrative law judge and requests information regarding scheduling the final hearing within 5 business days after the division receives a petition or request for hearing. The original parties in the proceeding include all excavators and member operators identified by the system as being involved in the alleged incident. The final hearing must be conducted within 60 days after the date the petition or the request for a hearing is filed with the division.~~

~~(b) Unless the parties otherwise agree, venue for the hearing shall be in the county in which the underground facility is located.~~

~~(c) An intervenor in the proceeding must file a petition to intervene no later than 15 days before the final hearing. A person who has a substantial interest in the proceeding may intervene.~~

~~(5) The following procedures apply:~~

~~(a) Motions shall be limited to the following:~~

~~1. A motion in opposition to the petition.~~

~~2. A motion requesting discovery beyond the informal exchange of documents and witness lists described in paragraph (c). Upon a showing of necessity, additional discovery may be permitted in the discretion of the administrative law judge, but only if the discovery can be completed no later than 5 days before the final hearing.~~

~~3. A motion for continuance of the final hearing date.~~

~~(b) All parties shall attend a prehearing conference for the purpose of identifying the legal and factual issues to be considered at the final hearing, the names and addresses of witnesses who may be called to testify at the final hearing,~~



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~~documentary evidence that will be offered at the final hearing, the range of penalties that may be imposed, and any other matter that would expedite resolution of the proceeding. The prehearing conference may be held by telephone conference call.~~

~~(c) Not later than 5 days before the final hearing, the parties shall furnish to each other copies of documentary evidence and lists of witnesses who may testify at the final hearing.~~

~~(d) All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel or other qualified representative.~~

~~(e) The record shall consist only of:~~

~~1. All notices, pleadings, motions, and intermediate rulings.~~

~~2. Evidence received during the final hearing.~~

~~3. A statement of matters officially recognized.~~

~~4. Proffers of proof and objections and rulings thereon.~~

~~5. Matters placed on the record after an ex parte communication.~~

~~6. The written final order of the administrative law judge presiding at the final hearing.~~

~~7. The official transcript of the final hearing.~~

~~(f) The division shall accurately and completely preserve all testimony in the proceeding and, upon request by any party, shall make a full or partial transcript available at no more than actual cost.~~

~~(g) The administrative law judge shall issue a final order within 30 days after the final hearing or the filing of the~~



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~~transcript thereof, whichever is later. The final order of the administrative law judge must include:~~

~~1. Findings of fact based exclusively on the evidence of record and matters officially recognized.~~

~~2. Conclusions of law. In determining whether a party has committed an infraction of s. 556.107(1)(a), and whether the infraction was a proximate cause of an incident, the commission of an infraction must be proven by a preponderance of the evidence.~~

~~3. Imposition of a fine, if applicable.~~

~~4. Any other information required by law or rule to be contained in a final order.~~

~~The final order of the administrative law judge constitutes final agency action subject to judicial review pursuant to s. 120.68.~~

Section 4. Upon the passage of SB 1092, 2020 Regular Session, paragraph (e) of subsection (3) of section 556.116, Florida Statutes, as amended by this act, is amended to read:

556.116 High-priority subsurface installations; special procedures.—

(3)

(e) If a civil penalty is imposed by the State Fire Marshal; the fire chief of the special district, municipality, or county; a local or state law enforcement officer; a government code inspector; or a code enforcement officer under this subsection, \$2,500 ~~95 percent~~ of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity whose employee issued the citation and civil



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penalty, ~~and~~ 5 percent of the civil penalty shall be retained by the clerk to cover administrative costs, and the remainder of the civil penalty shall be distributed to the Firefighter Cancer Decontamination Equipment Grant Program created under s. 633.137.

Section 5. Section 556.117, Florida Statutes, is created to read:

556.117 Underground facility damage prevention review panel.—

(1) The underground facility damage prevention review panel is established under the Division of State Fire Marshal within the Department of Financial Services to review complaints of an alleged violation under this chapter to identify issues or potential issues with damage prevention and enforcement. The review panel shall identify areas in the state where additional education related to damage prevention and enforcement is needed and shall recommend solutions to remedy issues related to damage prevention and enforcement. The review panel shall also review current practices for locating underground pipes or other underground facilities that transport hazardous materials which are regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation in this state and determine if any statutory changes are needed to make such pipelines or facilities more resilient and safer for communities. Except as otherwise provided in this section, the review panel shall operate in a manner consistent with s. 20.052.

(2) The review panel shall consist of nine members appointed by the State Fire Marshal and shall include the



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following:

(a) One member representing the electrical utility industry.

(b) One member representing the telecommunications or cable industry.

(c) One member licensed as an underground utility and excavation contractor under chapter 489 and engaged in work within road or highway rights-of-way.

(d) One member representing the natural gas industry.

(e) One member representing the utility locator industry.

(f) One member representing county or municipal water and sewer service providers.

(g) One member representing excavators performing work unrelated to construction in road or highway rights-of-way, including landscaping, fencing, or plumbing contractors.

(h) One member licensed as an underground utility and excavation contractor under chapter 489 and engaged in work for public utilities.

(i) One member representing the public at large.

(3) The board of directors shall establish a process to receive applications for the purpose of appointing members to the review panel.

(4) Each member shall serve for a 2-year term. A member may not serve more than two consecutive 2-year terms, except that members listed in paragraphs (2)(a)-(e) shall initially serve a 1-year term and those members listed in paragraphs (2)(f)-(i) shall serve a 2-year term. All subsequent appointments shall be for 2-year terms. A vacancy for an unexpired term of a member shall be filled in the same manner as the original appointment.



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The review panel shall elect from among its members a chair and vice chair and meet quarterly in conjunction with the meeting of the board of directors or at the call of the chair.

(5) The Division of State Fire Marshal shall provide staff support and meeting space to the review panel. Members of the panel shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses.

Section 6. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to underground facility damage prevention and safety; amending s. 556.102, F.S.; defining the term "permanent marker" for purposes of the Underground Facility Damage Prevention and Safety Act; amending s. 556.107, F.S.; providing noncriminal violations relating to the transportation of certain hazardous materials; authorizing the State Fire Marshal or local fire chief to issue certain citations; providing enhanced civil penalties; providing disposition of the civil penalty; requiring a report by additional entities; providing criminal penalties; amending s. 556.116, F.S.; providing that certain incident reports must be submitted to, and investigated by, the State Fire Marshal, the local fire chief, a local or state law enforcement officer,



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a government code inspector, or a code enforcement officer; authorizing the State Fire Marshal, the local fire chief, a local or state law enforcement officer, a government code inspector, or a code enforcement officer to issue citations and civil penalties; providing for disposition of the civil penalty; removing provisions relating to hearings by the Division of Administrative Hearings of certain incidents; creating s. 556.117, F.S.; creating an underground facility damage prevention review panel under the Division of State Fire Marshal within the Department of Financial Services; providing duties and membership of the review panel; specifying the term limits of the review panel; requiring the Division of State Fire Marshal to provide support to the review panel; providing that members of the panel serve without reimbursement or compensation; providing an effective date.



820648

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Flores)
recommended the following:

Senate Amendment to Amendment (661044)

Delete line 407
and insert:
(3) The State Fire Marshal shall establish a process to

By Senator Flores

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1 A bill to be entitled
 2 An act relating to underground facility damage
 3 prevention and safety; amending s. 556.107, F.S.;
 4 providing noncriminal violations relating to the
 5 transportation of certain hazardous materials;
 6 authorizing the State Fire Marshal or local fire chief
 7 to issue certain citations; providing enhanced civil
 8 penalties; providing for disposition of the civil
 9 penalty; requiring a report by additional entities;
 10 amending s. 556.116, F.S.; providing that certain
 11 incident reports must be transmitted to, and
 12 investigated by, the State Fire Marshal, the local
 13 fire chief, a local or state law enforcement officer,
 14 a government code inspector, or a code enforcement
 15 officer; authorizing the State Fire Marshal, the local
 16 fire chief, a local or state law enforcement officer,
 17 a government code inspector, or a code enforcement
 18 officer to issue citations and civil penalties;
 19 providing for disposition of the civil penalty;
 20 removing provisions relating to hearings by the
 21 Division of Administrative Hearings in connection with
 22 certain incidents; creating s. 556.117, F.S.; creating
 23 an underground facility damage prevention review
 24 panel; providing duties and membership of the review
 25 panel; specifying the term limits of the review panel;
 26 requiring the State Fire Marshal to provide support to
 27 the review panel; specifying how the review panel will
 28 be funded; providing an effective date.
 29

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Section 556.107, Florida Statutes, is amended to
 33 read:
 34 556.107 Violations.—
 35 (1) NONCRIMINAL INFRACTIONS.—
 36 (a) 1. Violations of the following provisions are
 37 noncriminal infractions:
 38 a.1. Section 556.105(1), relating to providing required
 39 information.
 40 b.2. Section 556.105(6), relating to the avoidance of
 41 excavation.
 42 c.3. Section 556.105(11), relating to the need to stop
 43 excavation or demolition because marks are no longer visible,
 44 or, in the case of underwater facilities, are inadequately
 45 documented.
 46 d.4. Section 556.105(12), relating to the need to cease
 47 excavation or demolition activities because of contact or damage
 48 to an underground facility.
 49 e.5. Section 556.105(5) (a) and (b), relating to
 50 identification of underground facilities, if a member operator
 51 does not mark an underground facility, but not if a member
 52 operator marks an underground facility incorrectly.
 53 f.6. Section 556.109(2), relating to falsely notifying the
 54 system of an emergency situation or condition.
 55 g.7. Section 556.114(1), (2), (3), and (4), relating to a
 56 failure to follow low-impact marking practices, as defined
 57 therein.
 58 2. Violations of the following provisions when related to

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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an underground pipe or other underground facility transporting hazardous materials that are regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation are noncriminal infractions, subject to enhanced civil penalties under paragraph (c):

a. Section 556.105(1), relating to providing required information.

b. Section 556.105(5)(c), relating to excavation practices in tolerance zones.

c. Section 556.105(6), relating to the avoidance of certain excavation.

d. Section 556.105(11), relating to the need to stop excavation or demolition because certain marks are no longer visible or are inadequately documented.

e. Section 556.105(12), relating to the need to cease excavation or demolition activities because of contact or damage to an underground facility.

(b) Any excavator or member operator who commits a noncriminal infraction under paragraph (a) may be issued a citation by the State Fire Marshal, the fire chief of the county in which the infraction happened, any local or state law enforcement officer, government code inspector, or code enforcement officer, and the issuer of a citation may require an excavator to cease work on any excavation or not start a proposed excavation until there has been compliance with the provisions of this chapter. Citations shall be hand delivered to any employee of the excavator or member operator who is involved in the noncriminal infraction. The citation shall be issued in the name of the excavator or member operator, whichever is

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applicable.

(c) 1. Any excavator or member operator who commits a noncriminal infraction under subparagraph (a) ~~1. paragraph (a)~~ may be required to pay a civil penalty of \$500 plus court costs for each infraction, ~~which is \$500 plus court costs~~. If a citation is issued by the State Fire Marshal, a fire chief, a state law enforcement officer, a local law enforcement officer, a local government code inspector, or a code enforcement officer, 80 percent of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity whose employee issued the citation and 20 percent of the penalty shall be retained by the clerk to cover administrative costs, in addition to other court costs. Any person who fails to properly respond to a citation issued under ~~pursuant to~~ paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the citation and, upon conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect must be provided at the time any citation is issued under ~~pursuant to~~ paragraph (b).

2. Any excavator or member operator who commits a noncriminal infraction under subparagraph (a) 2. may be required to pay an enhanced civil penalty of \$2,500 plus 5 percent in addition to any other court costs for each infraction. If a citation is issued by the State Fire Marshal, a fire chief, a state law enforcement officer, a local law enforcement officer, a local government code inspector, or a code enforcement officer, 100 percent of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity

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whose employee issued the citation. The additional 5 percent, plus any additional court costs, is to be retained by the clerk to cover administrative costs. Any person who fails to properly respond to a citation issued under paragraph (b) shall, in addition to the citation, be charged with the offense of failing to respond to the citation and, upon conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect must be provided at the time a citation is issued under paragraph (b).

(d) Any person cited for an infraction under paragraph (a) may post a bond, which must ~~shall~~ be equal in amount to the applicable civil penalty plus any additional court costs.

(e) A person charged with a noncriminal infraction under paragraph (a) may pay the applicable civil penalty plus the additional court costs, by mail or in person, within 30 days after the date of receiving the citation. If the person cited pays the ~~civil~~ penalty, she or he is deemed to have admitted to committing the infraction and to have waived the right to a hearing on the issue of commission of the infraction. The admission may be used as evidence in any other proceeding under this chapter.

(f) Any person may elect to have a hearing on the commission of the infraction ~~appear~~ before the county court. A person who elects to have a hearing waives ~~and if so electing is deemed to have waived~~ the limitations on the civil penalties ~~penalty~~ specified in paragraph (c). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the court may impose a civil penalty not to exceed \$5,000 plus

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court costs for each infraction. In determining the amount of the civil penalty, the court may consider previous noncriminal infractions committed.

(g) At a court hearing under this chapter, the commission of a charged infraction must be proven by a preponderance of the evidence.

(h) ~~If the court finds that a person is found by a judge or hearing official to have~~ committed an infraction, the person may appeal that finding or the amount of the civil penalties imposed to the circuit court.

(i) Sunshine State One-Call of Florida, Inc., may, at its own cost, retain an attorney to assist in the presentation of relevant facts and law in the county court proceeding pertaining to the citation issued under this section. The corporation may also appear in any case appealed to the circuit court if a county court judge finds that an infraction of the chapter was committed. An appellant in the circuit court proceeding shall timely notify the corporation of any appeal under this section.

(2) REPORT OF INFRACTIONS.—By March 31 of each year, each clerk of court shall submit a report to the State Fire Marshal, the Public Service Commission, and Sunshine State One-Call of Florida, Inc., listing each violation notice written under paragraph (1)(a) which has been filed in that county during the preceding calendar year. The report must state the name and address of the member or excavator who committed each infraction and indicate whether or not the civil penalty for the infraction was paid.

(3) MISDEMEANORS.—Any person who knowingly and willfully removes or otherwise destroys the valid stakes or other valid

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physical markings described in s. 556.105(5)(a) and (b) used to mark the horizontal route of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, stakes or other nonpermanent physical markings are considered valid for 30 calendar days after information is provided to the system under s. 556.105(1)(a).

Section 2. Section 556.116, Florida Statutes, is amended to read:

556.116 High-priority subsurface installations; special procedures.—

(1) As used in this section, the term:

~~(a) "Division" means the Division of Administrative Hearings.~~

(a)(b) "High-priority subsurface installation" means an underground gas transmission or gas distribution pipeline, an underground pipeline used to transport gasoline, jet fuel, or any other refined petroleum product or hazardous or highly volatile liquid, such as anhydrous ammonia or carbon dioxide, if the pipeline is deemed to be critical by the operator of the pipeline and is identified as a high-priority subsurface installation to an excavator who has provided a notice of intent to excavate under ~~pursuant to~~ s. 556.105(1), or would have been identified as a high-priority subsurface installation except for the excavator's failure to give proper notice of intent to excavate.

(b)(c) "Incident" means an event that involves damage to a high-priority subsurface installation that has been identified as such by the operator according to the notification procedures

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set forth in subsection (2) and that:

1. Results in death or serious bodily injury requiring inpatient hospitalization.

2. Results in property damage, including service-restoration costs, in an amount in excess of \$50,000 or interruption of service to 2,500 or more customers.

(2) When an excavator proposes to excavate or demolish within 15 feet of the horizontal route of an underground facility that has been identified as a high-priority subsurface installation by the operator of the facility, the operator shall, in addition to identifying the horizontal route of its facility as set forth in s. 556.105(5)(a) and (b), and within the time period set forth in s. 556.105(9)(a) for a positive response, notify the excavator that the facility is a high-priority subsurface installation. If the member operator provides such timely notice of the existence of a high-priority subsurface installation, an excavator shall notify the operator of the planned excavation start date and time before beginning excavation. If the member operator does not provide timely notice, the excavator may proceed, after waiting the prescribed time period set forth in s. 556.105(9)(a), to excavate without notifying the member operator of the excavation start date and time. The exemptions stated in s. 556.108 apply to the notification requirements in this subsection.

(3)(a) An alleged commission of an infraction listed in s. 556.107(1) which results in an incident must be reported to the system by a member operator or an excavator within 24 hours after learning of the alleged occurrence of an incident.

(b) Upon receipt of an allegation that an incident has

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occurred, the system shall transmit an incident report to the State Fire Marshal, the fire chief of the county in which the incident happened, a local or state law enforcement officer, a government code inspector, or a code enforcement officer in order to ~~division and contract with the division so that the division may~~ conduct an investigation a hearing to determine whether an incident has occurred, and, if so, whether a violation of s. 556.107(1)(a) was a proximate cause of the incident. ~~The contract for services to be performed by the division must include provisions for the system to reimburse the division for any costs incurred by the division for court reporters, transcript preparation, travel, facility rental, and other customary hearing costs, in the manner set forth in s. 120.65(9).~~

(c) The State Fire Marshal, a local fire chief, a local or state law enforcement officer, a government code inspector, or a code enforcement officer ~~division has jurisdiction in a proceeding under this section to determine the facts and law concerning an alleged incident. The division may issue a citation and impose a civil penalty fine~~ against a violator in an amount not to exceed \$50,000 if the person violated a provision of s. 556.107(1)(a) and that violation was a proximate cause of the incident. However, if a state agency or political subdivision caused the incident, the state agency or political subdivision may not be fined in an amount in excess of \$10,000.

(d) The civil penalty A fine imposed under this subsection ~~by the division~~ is in addition to any amount payable as a result of a citation relating to the incident under s. 556.107(1)(a).

(e) If a civil penalty is imposed by the State Fire

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Marshal, a local fire chief, a local or state law enforcement officer, a government code inspector, or a code enforcement officer under this subsection, 95 percent of the civil penalty collected by the clerk of the court shall be distributed to the governmental entity whose employee issued the citation and civil penalty and 5 percent of the civil penalty shall be retained by the clerk to cover administrative costs ~~A fine against an excavator or a member operator imposed under this subsection shall be paid to the system, which shall use the collected fines to satisfy the costs incurred by the system for any proceedings under this section. To the extent there are any funds remaining, the system may use the funds exclusively for damage prevention education.~~

(f) This section does not change the basis for civil liability. The findings and results of an investigation a hearing under this section may not be used as evidence of liability in any civil action.

~~(4)(a) The division shall issue and serve on all original parties an initial order that assigns the case to a specific administrative law judge and requests information regarding scheduling the final hearing within 5 business days after the division receives a petition or request for hearing. The original parties in the proceeding include all excavators and member operators identified by the system as being involved in the alleged incident. The final hearing must be conducted within 60 days after the date the petition or the request for a hearing is filed with the division.~~

~~(b) Unless the parties otherwise agree, venue for the hearing shall be in the county in which the underground facility~~

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291 is located.

292 ~~(e) An intervenor in the proceeding must file a petition to~~
 293 ~~intervene no later than 15 days before the final hearing. A~~
 294 ~~person who has a substantial interest in the proceeding may~~
 295 ~~intervene.~~

296 ~~(5) The following procedures apply:~~

297 ~~(a) Motions shall be limited to the following:~~

298 ~~1. A motion in opposition to the petition.~~

299 ~~2. A motion requesting discovery beyond the informal~~
 300 ~~exchange of documents and witness lists described in paragraph~~
 301 ~~(c). Upon a showing of necessity, additional discovery may be~~
 302 ~~permitted in the discretion of the administrative law judge, but~~
 303 ~~only if the discovery can be completed no later than 5 days~~
 304 ~~before the final hearing.~~

305 ~~3. A motion for continuance of the final hearing date.~~

306 ~~(b) All parties shall attend a prehearing conference for~~
 307 ~~the purpose of identifying the legal and factual issues to be~~
 308 ~~considered at the final hearing, the names and addresses of~~
 309 ~~witnesses who may be called to testify at the final hearing,~~
 310 ~~documentary evidence that will be offered at the final hearing,~~
 311 ~~the range of penalties that may be imposed, and any other matter~~
 312 ~~that would expedite resolution of the proceeding. The prehearing~~
 313 ~~conference may be held by telephone conference call.~~

314 ~~(c) Not later than 5 days before the final hearing, the~~
 315 ~~parties shall furnish to each other copies of documentary~~
 316 ~~evidence and lists of witnesses who may testify at the final~~
 317 ~~hearing.~~

318 ~~(d) All parties shall have an opportunity to respond, to~~
 319 ~~present evidence and argument on all issues involved, to conduct~~

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320 ~~cross-examination and submit rebuttal evidence, and to be~~
 321 ~~represented by counsel or other qualified representative.~~

322 ~~(e) The record shall consist only of:~~

323 ~~1. All notices, pleadings, motions, and intermediate~~
 324 ~~rulings.~~

325 ~~2. Evidence received during the final hearing.~~

326 ~~3. A statement of matters officially recognized.~~

327 ~~4. Proffers of proof and objections and rulings thereon.~~

328 ~~5. Matters placed on the record after an ex parte~~
 329 ~~communication.~~

330 ~~6. The written final order of the administrative law judge~~
 331 ~~presiding at the final hearing.~~

332 ~~7. The official transcript of the final hearing.~~

333 ~~(f) The division shall accurately and completely preserve~~
 334 ~~all testimony in the proceeding and, upon request by any party,~~
 335 ~~shall make a full or partial transcript available at no more~~
 336 ~~than actual cost.~~

337 ~~(g) The administrative law judge shall issue a final order~~
 338 ~~within 30 days after the final hearing or the filing of the~~
 339 ~~transcript thereof, whichever is later. The final order of the~~
 340 ~~administrative law judge must include:~~

341 ~~1. Findings of fact based exclusively on the evidence of~~
 342 ~~record and matters officially recognized.~~

343 ~~2. Conclusions of law. In determining whether a party has~~
 344 ~~committed an infraction of s. 556.107(1)(a), and whether the~~
 345 ~~infraction was a proximate cause of an incident, the commission~~
 346 ~~of an infraction must be proven by a preponderance of the~~
 347 ~~evidence.~~

348 ~~3. Imposition of a fine, if applicable.~~

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4. ~~Any other information required by law or rule to be contained in a final order.~~

~~The final order of the administrative law judge constitutes final agency action subject to judicial review pursuant to s. 120.68.~~

Section 3. Section 556.117, Florida Statutes, is created to read:

556.117 Underground facility damage prevention review panel.-

(1) The underground facility damage prevention review panel is established under the Division of State Fire Marshal within the Department of Financial Services to review complaints of an alleged violation under this chapter to identify issues or potential issues with damage prevention and enforcement. The review panel shall identify areas in the state where additional education related to damage prevention and enforcement is needed and shall create solutions to remedy issues related to damage prevention and enforcement. The review panel shall also review current practices for locating underground pipes or other underground facilities that transport hazardous materials which are regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation in the state and determine if any statutory changes are needed to make such pipelines or facilities more resilient and safer for communities. Except as otherwise provided in this section, the review panel shall operate in a manner consistent with s. 20.052.

(2) The review panel shall consist of nine members

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appointed by the Sunshine State One-Call of Florida, Inc., board of directors and shall include the following:

(a) One member representing the electrical utility industry.

(b) One member representing the telecommunications industry.

(c) One member licensed as an underground utility and excavation contractor under chapter 489 and engaged in work within road or highway rights-of-way.

(d) One member representing the natural gas industry.

(e) One member representing the utility locator industry.

(f) One member representing county or municipal water and sewer service providers.

(g) One member representing excavators performing work unrelated to construction within road or highway rights-of-way, including landscaping, fencing, or plumbing contractors.

(h) One member licensed as an underground utility and excavation contractor under chapter 489 and engaged in work for public utilities.

(i) One member representing the public at large.

(3) The board of directors shall establish a process to receive applications for the purpose of appointing members to the review panel.

(4) Each member shall serve for a 2-year term. A member may not serve more than two consecutive 2-year terms, except that members listed in paragraphs (2)(a)-(e) shall initially serve a 1-year term and those members listed in paragraphs (2)(f)-(i) shall serve a 2-year term. All subsequent appointments shall be for 2-year terms. A vacancy for an unexpired term of a member

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shall be filled in the same manner as the original appointment.
The review panel shall elect from among its members a chair and
vice chair and meet quarterly in conjunction with the meeting of
the board of directors or at the call of the chair.

(5) The Division of State Fire Marshal shall provide staff
support and meeting space to the review panel. To the extent
expenses to operate the review panel are not offset through
civil penalties recovered under s. 556.107, member operators
must equally share in the cost of the operation of the review
panel through monthly assessments, which are in addition to the
monthly assessments provided in s. 556.110.

Section 4. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-20

Meeting Date

1464

Bill Number (if applicable)

661044

Amendment Barcode (if applicable)

Topic Underground Facility Damage

Name Tara Taggart

Job Title Legislative Policy Analyst

Address 301 S. Bronough St. #300

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-701-3603

Email ttaggart@flcities.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

JAN 27, 2020

Meeting Date

SB 1464

Bill Number (if applicable)

Topic Underground Facility Damage

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 Palm Dr.

Phone 407-468-6622

Street

Melbourne Beach FL 32951

City

State

Zip

Email ray@ffca.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA Fire Chiefs' Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-20

Meeting Date

1464^{as amended}

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title Executive Director

Address PO Box 11026

Phone 850 681 0496

Tallahassee FL 32302
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Natural Gas Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

1464

Bill Number (if applicable)

Topic Underground Facility Damage Prevention

Amendment Barcode (if applicable)

Name Chris Chaney

Job Title Lobbyist

Address 204 South Monroe Street

Phone 272-8900

Street

Tallahassee

FL

32301

City

State

Zip

Email cc@cardenasparthes.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-19
Meeting Date

SB 1464
Bill Number (if applicable)

Topic Underground Damage Prevention

Amendment Barcode (if applicable)

Name Gari Helbrank

Job Title _____

Address 215 S. Monroe St.

Phone 566-7824

Street

City

Tallahassee

State

FL

Zip

32317

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing National Utility Contractors Assoc. of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SR 1572

INTRODUCER: Infrastructure and Security Committee and Senator Stewart

SUBJECT: Climate Change

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			EN	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SR 1572 expresses the Legislature's support for the adoption of policies that will prepare this state for the environmental and economic impact of climate change, sea-level rise, and flooding, and recognizes the important role that resiliency and infrastructure will play in fortifying this state.

The SR states that the Legislature intends to adopt:

- Policies focusing on resiliency efforts and appropriate infrastructure which prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding, and
- Policies relating to clean and renewable energy, including the provision of adequate electric vehicle charging stations.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

II. Present Situation:

Sea-Level Rise and Coastal Flooding

With 1,350 miles of coastline and relatively low elevations, Florida is particularly vulnerable to coastal flooding.¹ There are three primary ways that climate change influences coastal flooding: sea-level rise, storm surge intensity, and rainfall intensity and frequency.²

Sea-level rise is an observed increase in the average local sea level or global sea level trend.³ The two major causes of global sea-level rise are thermal expansion caused by the warming of the oceans (water expands as it warms) and the loss of land-based ice (ice sheets and glaciers) due to melting.⁴ Since 1880, the average global sea level has risen about eight to nine inches, and the rate of global sea-level rise has been accelerating.⁵ The National Oceanic and Atmospheric Administration (NOAA) utilizes tide gauges to measure changes in sea level, and provides data on local sea-level rise trends.⁶ Analysis of this data shows some low-lying areas in the southeastern U.S. experience higher local rates of sea-level rise than the global average.⁷

Florida's coastal communities are experiencing high-tide flooding events, sometimes referred to as "sunny day" or "nuisance" flooding, with increasing frequency because sea-level rise increases the height of high tides.⁸ The areas of the state most at risk from sea-level rise include the 35 coastal counties that contain approximately 76 percent of Florida's population.⁹ In the United States, sea-level rise and flooding threaten an estimated \$1 trillion in coastal real estate value, and analyses estimate that there is a chance Florida could lose more than \$300 billion in

¹ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan*, State of Florida, 107-108, 162 (2018) [hereinafter *SHMP*], available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited January 23, 2020). This measurement of Florida's coastline increases to over 8,000 miles when considering the intricacies of Florida's coastline, including bays, inlets, and waterways.

² *Id.* at 107.

³ DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018) [hereinafter *DEP Guidebook*], available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf>; see NASA, Facts, *Vital Signs: Sea Level*, <https://climate.nasa.gov/vital-signs/sea-level/> (last visited January 23, 2020).

⁴ *DEP Guidebook*, at Glossary; NOAA, *Climate Change: Ocean Heat Content*, <https://www.climate.gov/news-features/understanding-climate/climate-change-ocean-heat-content> (last visited January 23, 2020). More than 90 percent of the warming that has happened on Earth over the past 50 years has occurred in the ocean; IPCC, *The Ocean and Cryosphere in a Changing Climate*, SPM-8, SPM-10, SPM-19, SPM-21, SPM-23, 1-14, 4-3, 4-4, 4-14 (Sept. 2019) [hereinafter *IPCC Ocean and Cryosphere*], available at https://report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf (last visited January 23, 2020). Uncertainty regarding projected sea-level rise by 2100 is mainly determined by ice sheets, especially in Antarctica and Greenland, which are losing ice at increasing rates. The sum of glacier and ice sheet contributions is now the dominant source of global mean sea-level rise.

⁵ U.S. Global Change Research Program, *Fourth National Climate Assessment*, 757 (2018) [hereinafter *NCA4*], available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited January 23, 2020); *IPCC Ocean and Cryosphere*, at SPM-10, 4-3.

⁶ NOAA, *What is a Tide Gauge?*, <https://oceanservice.noaa.gov/facts/tide-gauge.html> (last visited January 23, 2020); NOAA, *Tides and Currents, Sea Level Trends*, <https://tidesandcurrents.noaa.gov/sltrends/> (last visited January 23, 2020); see *DEP Guidebook*, at 8, 16.

⁷ *NCA4*, at 757.

⁸ *SHMP*, at 108, 101, available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf; NOAA, *High-Tide Flooding*, <https://toolkit.climate.gov/topics/coastal-flood-risk/shallow-coastal-flooding-nuisance-flooding> (last visited January 23, 2020).

⁹ *DEP Guidebook*, at III, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited January 23, 2020).

property value by 2100.¹⁰ Sea-level rise affects the salinity of both surface water and groundwater through saltwater intrusion, posing a risk particularly for shallow coastal aquifers.¹¹ Sea-level rise also pushes saltwater further upstream in tidal rivers and streams, raises coastal groundwater tables, and pushes saltwater further inland at the margins of coastal wetlands.¹²

Storm surge intensity and the intensity and precipitation rates of hurricanes are generally projected to increase,¹³ and studies suggest the overall extent of destruction from hurricanes is also rising.¹⁴ Higher sea levels will cause storm surges to travel farther inland and impact more properties than in the past.¹⁵ Stronger storms and sea-level rise are likely to lead to increased coastal erosion.¹⁶

Increases in evaporation rates and water vapor in the atmosphere increase rainfall intensity and extreme precipitation events, and the sudden onset of water can overwhelm stormwater infrastructure.¹⁷ As sea levels and groundwater levels rise, low areas drain more slowly, and the combined effects of rising sea levels and extreme rainfall events are increasing the frequency and magnitude of coastal and lowland flood events.¹⁸

¹⁰ NCA4, at 324, 758; Zillow, *Climate Change and Housing: Will a Rising Tide Sink All Homes?* (2017), <https://www.zillow.com/research/climate-change-underwater-homes-12890/> (last visited January 23, 2020) (stating that by 2100 \$883 billion in U.S. homes are at risk of being underwater with the total value of potentially underwater properties in Florida at \$413 billion); Union of Concerned Scientists, *New Study Finds 1 Million Florida Homes Worth \$351 Billion Will Be At Risk From Tidal Flooding* (2018), <https://www.ucsusa.org/about/news/1-million-florida-homes-risk-tidal-flooding> (last visited January 23, 2020).

¹¹ SHMP, at 106, available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited January 23, 2020).

¹² *Id.* at 108.

¹³ *Id.* at 106, 141; IPCC *Ocean and Cryosphere*, at 6-21, available at https://report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf; NCA4, at 95, 97, 116-117, 1482, available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited January 23, 2020).

¹⁴ See Aslak Grinsted et. al., *Normalized US Hurricane Damage Estimates Using Area of Total Destruction, 1900-2018*, Proceedings of the National Academy of Sciences Nov. 2019, 116 (48) 23942-23946, available at <https://www.pnas.org/content/116/48/23942> (last visited January 23, 2020).

¹⁵ NCA4, at 758; SHMP, at 107; see also NOAA, *Florida Marine Debris Emergency Response Guide: Comprehensive Guidance Document* (Jan. 2019), available at https://marinedebris.noaa.gov/sites/default/files/publications-files/FL_Marine_Debris_Emergency_Response_Guide_2019.pdf (last visited January 23, 2020).

¹⁶ NCA4, 331, 340-341, 833, 1054, 1495; SHMP, at 108, 221; IPCC, *Climate Change and Land*, 4-44-4-45 (Aug. 2019), available at <https://www.ipcc.ch/site/assets/uploads/2019/08/Fullreport-1.pdf> (last visited January 23, 2020).

¹⁷ SHMP, at 99, 106, 116, 141, 181; NCA4, at 88, 762-763; see Florida Senate, Committee on Infrastructure and Security, *Meeting Packet for October 14, 2019*, 16-20, 23, available at http://www.flsenate.gov/Committees/Show/IS/MeetingPacket/4649/8266_MeetingPacket_4649_2.pdf (last visited January 23, 2020).

¹⁸ SHMP, at 106; NCA4, at 763.

Sea-Level Rise Projections

Below is a table of projections for future sea-level rise, globally and in regions of Florida:

Sea-Level Rise Projections				
Source	Scale	Years	Low (feet)	High (feet)
Intergovernmental Panel on Climate Change ¹⁹	Global	2046-2065	0.79	1.05
		2081-2100	1.28	2.32
		2100	1.41	2.76
U.S. Global Change Research Program ²⁰	Global	2030	0.3	0.6
		2050	0.5	1.2
		2100	1	4.3
Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group ²¹ (SFRCCC)	Southeast Florida	2030	0.5	0.83
		2060	1.17	2.83
		2100	2.58	6.75
Tampa Bay Climate Science Advisory Panel ²²	Tampa Bay Region	2050	1	2.5
		2100	2	8.5

As seen in these projections, there are considerable variations in estimates of future sea-level rise. In addition, certain research indicates that current sea-level rise projections significantly underestimate future coastal exposure to impacts associated with rising sea levels.²³ Although some local governments and state agencies have adopted sea-level rise estimates for planning purposes, the State of Florida has no officially-established estimates of projected sea-level rise for use by state agencies in developing, planning, and implementing their respective duties and responsibilities.²⁴ Senate Bill 7016 (2020) relating to the Statewide Office of Resiliency, would

¹⁹ *IPCC Ocean and Cryosphere*, at SPM-7, 4-4, CCB9-21, AI-23. These projected ranges are based on climate models using “representative concentration pathways (RCPs),” which are scenarios of future emissions and concentrations of the full suite of greenhouse gases and aerosols and chemically active gases, as well as land use/land cover.

²⁰ *NCA4*, at 406, 758, available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited January 23, 2020).

²¹ Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group, *Unified Sea Level Rise Projection, Southeast Florida*, 4-5 (2015), available at <https://southeastfloridacclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf> (last visited January 23, 2020). These projections are compared to the mean sea level in 1992; see SFRCCC, *Unified Sea Level Rise Projections*, <https://southeastfloridacclimatecompact.org/resources/unified-sea-level-rise-projections/> (last visited January 23, 2020). The SFRCCC will soon release updated projections.

²² Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 1, 7 (Apr. 2019), available at http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf (last visited January 23, 2020).

²³ See Scott A. Kulp & Benjamin H. Strauss, *New Elevation Data Triple Estimates of Global Vulnerability to Sea-Level Rise and Coastal Flooding*, *Nature Communications* 10, 4844 (Oct. 2019), available at <https://www.nature.com/articles/s41467-019-12808-z.pdf> (last visited January 23, 2020).

²⁴ Senate Committee on Infrastructure and Security, *Bill Analysis and Fiscal Impact Statement for Senate Bill 7016* (January 22, 2020), available at <http://www.flsenate.gov/Session/Bill/2020/7016/Analyses/2020s07016.pre.ap.PDF> (last visited January 24, 2020).

create a task force process to develop consensus baseline projections of expected coastal sea-level rise and flooding impacts.²⁵

State, Regional, and Local Programs

Many state, regional, and local programs and policies are in place that address issues relating to sea-level rise and coastal flooding. Examples include the following:

- The Department of Environmental Protection's (DEP) Office of Resilience and Coastal Protection implements numerous programs related to sea-level rise and coastal issues, including the Coastal Construction Control Line Program and the Beach Management Funding Assistance Program.²⁶
- The DEP's Florida Resilient Coastlines Program helps prepare coastal communities and habitats for the effects of climate change, especially sea-level rise, by offering technical assistance and funding to communities dealing with coastal flooding, erosion, and ecosystem changes.²⁷
- Other state agencies are working on coastal resilience in Florida, including the following examples. The Department of Transportation plans for resilience to prepare Florida's transportation system for potential hazards.²⁸ The Department of Economic Opportunity assists communities with adaptation planning and works with the DEP on the Community Resiliency Initiative.²⁹ The Fish and Wildlife Conservation Commission is Florida's lead agency on addressing the impacts of climate change on fish and wildlife, including adaptation strategies for Florida's coastal ecosystems.³⁰ The Department of Agriculture and Consumer Services develops Florida's energy policy and works on climate change issues.³¹ The Division of Emergency Management in the Executive Office of the Governor maintains a statewide emergency management program, and its roles include administering federal mitigation grant programs and serving as Florida's state coordinating agency for the National Flood Insurance Program.³²
- The water management districts address flood protection as a core part of their respective missions, and many of their activities are related to resilience efforts. For example, the St. John's River Water Management District provides resources and cost-sharing to increase community resilience.³³ The South Florida Water Management District is implementing

²⁵ Senate Bill 7016 (2020), available at <http://www.flsenate.gov/Session/Bill/2020/7016/?Tab=BillText> (last visited January 24, 2020).

²⁶ DEP, *Beaches*, <https://floridadep.gov/rcp/beaches> (last visited January 23, 2020).

²⁷ DEP, *Florida Resilient Coastlines Program*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program> (last visited January 23, 2020).

²⁸ DOT, *Florida Transportation Plan (FTP): Resilience*, <http://www.floridatransportationplan.com/resilience.htm> (last visited January 23, 2020); DOT, *Florida Transportation Plan (FTP): Resilience Subcommittee Members*, http://www.floridatransportationplan.com/resilience_committee.htm (last visited January 23, 2020).

²⁹ DEO, *Adaptation Planning*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/adaptation-planning> (last visited January 23, 2020).

³⁰ FWC, *What FWC is Doing*, <https://myfwc.com/conservation/special-initiatives/climate-change/fwc/> (last visited January 23, 2020); FWC, *A Guide to Climate Change Adaptation for Conservation*, 6-81-6-108, 9-35-9-51 (2016), available at <https://myfwc.com/media/5864/adaptation-guide.pdf> (last visited January 23, 2020).

³¹ DACS, *Office of Energy*, <https://www.fdacs.gov/Divisions-Offices/Energy> (last visited January 23, 2020).

³² DEM, *Mitigation*, <https://www.floridadisaster.org/dem/mitigation/> (last visited January 23, 2020); DEM, *State Flood Plain Management Program*, <https://www.floridadisaster.org/dem/mitigation/floodplain/> (last visited January 23, 2020).

³³ St. John's River Water Management District, *Sea-Level Rise*, <https://www.sjrwmd.com/localgovernments/sea-level-rise/#projects> (last visited January 23, 2020).

comprehensive plans for addressing sea-level rise, including a flood protection level of service program, incorporating sea-level rise projections into planning, conducting vulnerability assessments, and assisting local governments.³⁴

- In 2010, through a proactive regional collaboration to address climate change, the four counties of Broward, Miami-Dade, Monroe, and Palm Beach formed the Southeast Florida Regional Climate Change Compact.³⁵ The Compact's innovative work includes developing a Regional Climate Action Plan and developing a Unified Sea-Level Rise Projection.³⁶ Many local governments in southeast Florida have incorporated the Compact's projections into their planning documents and policies.³⁷
- Florida's local governments in coastal areas must have in their comprehensive plans a coastal management element that uses principles to reduce flood risk and eliminate unsafe development in coastal areas.³⁸ In certain coastal areas, local governments are authorized to establish an "adaptation action area" designation in their comprehensive plan, to develop policies and funding priorities that improve coastal resilience and plan for sea-level rise.³⁹

In January of 2019, Governor DeSantis issued Executive Order 19-12, creating the Office of Resilience and Coastal Protection to help prepare Florida's coastal communities and habitats for impacts from sea-level rise by providing funding, technical assistance, and coordination among state, regional, and local entities.⁴⁰ In August of 2019, the Governor appointed Florida's first Chief Resilience Officer, which will report to the Executive Officer of the Governor and collaborate with state agencies, local communities, and stakeholders to prepare for the impacts of sea-level rise and climate change.⁴¹

III. Effect of Proposed Changes:

The CS/SR contains "Whereas" clauses stating that:

- The State of Florida has 1,350 miles of low-elevation coastline, and 75 percent of this state's population are living in coastal counties that generate a significant portion of this state's economic output;⁴²

³⁴ Akintunde Owosina, South Florida Water Management District, Governing Board Meeting, June 13, 2019, Chief, Hydrology and Hydraulics Bureau, *Impact of Sea Level Rise on the SFWMD Mission, Focus on Flood Protection*, 2, 6-10 (June 13, 2019), available at <https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/21964> (last visited January 23, 2020).

³⁵ Regional Climate Leadership Summit, *Southeast Florida Regional Climate Change Compact* (2010), available at <http://southeastfloridacimatecompact.org/wp-content/uploads/2014/09/compact.pdf>; SFRCCC, *What is the Compact?*, <http://southeastfloridacimatecompact.org/about-us/what-is-the-compact/> (last visited January 23, 2020).

³⁶ SFRCCC, *Regional Climate Action Plan*, <http://southeastfloridacimatecompact.org/regional-climate-action-plan/> (last visited January 23, 2020).

³⁷ See SFRCCC, *ST-1: Incorporate Projections Into Plans*, <http://southeastfloridacimatecompact.org/recommendations/incorporate-projections-into-plans/> (last visited January 23, 2020).

³⁸ See ss. 380.24, 163.3177(6)(g), and 163.3178(2)(f), F.S.; see Ch. 2015-69, Laws of Fla.

³⁹ See ss. 163.3177(6)(g)10. and 163.3164(1), F.S.; see Ch. 2011-139, Laws of Fla.

⁴⁰ State of Florida, Office of the Governor, *Executive Order Number 19-12*, 5 (2019), available at <https://www.flgov.com/wp-content/uploads/2019/01/EO-19-12-.pdf> (last visited January 23, 2020).

⁴¹ Governor Ron DeSantis, News Releases, *Governor Ron DeSantis Announces Dr. Julia Nesheiwat as Florida's First Chief Resilience Officer* (Aug. 1, 2019), <https://flgov.com/2019/08/01/governor-ron-desantis-announces-dr-julia-nesheiwat-as-floridas-first-chief-resilience-officer/> (last visited January 23, 2020).

⁴² *Supra* note 1.

- The residents and the economy of this state, and the State of Florida itself, would benefit from the development of an established estimated consensus projection of the anticipated sea-level rise and flooding impacts to these communities in developing future projects, plans, and programs;
- Clean and renewable energy is a tool that combats climate change, and the provision of adequate electric vehicle charging stations along our main transportation infrastructure will make a cleaner fuel source more readily available and reduce carbon dioxide emissions; and
- Appropriate infrastructure will continue to fortify and protect this state.

The SR states that the Legislature intends to adopt:

- Policies focusing on resiliency efforts and appropriate infrastructure which prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding, and
- Policies relating to clean and renewable energy, including the provision of adequate electric vehicle charging stations.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This Senate resolution does not amend the Florida Statutes. If enacted, it will become an undesignated chapter law codified in the Laws of Florida.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 26, 2020:

The committee substitute revises the “whereas” clauses contained in the Senate Resolution to focus on the benefit to the state and its residents of established estimated consensus projections of sea-level rise and flooding with respect to developing future projects, plans, and programs in coastal communities; and on clean and renewable energy with respect to reducing carbon dioxide emissions as a tool for combating climate change, including the provisions of adequate electric vehicle charging stations along Florida’s main infrastructure.

The Senate Resolution is also revised to provide the Legislature’s intent to adopt policies focusing on resiliency efforts and appropriate infrastructure which prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding and policies relating to clean and renewable energy, including the provision of adequate electric vehicle charging stations.

B. Amendments:

None.



786840

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Stewart)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the resolving clause
and insert:

That the Legislature intends to adopt policies focusing on
resiliency efforts and appropriate infrastructure which prepare
Florida for the environmental and economic impact of climate
change, sea-level rise, and flooding and policies relating to
clean and renewable energy, including the provision of adequate
electric vehicle charging stations.



786840

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

And the title is amended as follows:

Delete everything before the resolving clause
and insert:

A bill to be entitled

A resolution expressing the Legislature's support for
the adoption of policies that will prepare Florida for
the environmental and economic impact of climate
change, sea-level rise, and flooding, and recognizing
the important role that resiliency and infrastructure
will play in fortifying this state.

WHEREAS, the State of Florida has 1,350 miles of low-
elevation coastline, and 75 percent of this state's population
are living in coastal counties that generate a significant
portion of this state's economic output, and

WHEREAS, the residents and the economy of this state, and
the State of Florida itself, would benefit from the development
of an established estimated consensus projection of anticipated
sea-level rise and flooding impacts to these communities in
developing future projects, plans, and programs, and

WHEREAS, clean and renewable energy is a tool that combats
climate change, and the provision of adequate electric vehicle
charging stations along our main transportation infrastructure
will make a cleaner fuel source more readily available and
reduce carbon dioxide emissions, and

WHEREAS, appropriate infrastructure will continue to
fortify and protect this state, NOW, THEREFORE,

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-27-20

Meeting Date

1572

Bill Number (if applicable)

Topic Climate Change

Amendment Barcode (if applicable)

Name Tara Taggart

Job Title Legislative Policy Analyst

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FL

32301

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State

Zip

Email ttaggart@flcities.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

185110

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/20

Meeting Date

LS72

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

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Phone 941-323-2454

Email cvl@nasea.org

cal.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020
Meeting Date

SR-1572
Bill Number (if applicable)

Topic Climate Change

Amendment Barcode (if applicable)

Name Katrina Erwin

Job Title Program Coordinator

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Street

Phone 305-528-2328

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City State Zip

Email Katrina@CleoInstitute.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing CLEO Institute

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/27/2020

Meeting Date

1572

Bill Number (if applicable)

Topic CLIMATE CHANGE

Amendment Barcode (if applicable)

Name JONATHAN Webber

Job Title Deputy Director

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32303

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State

Zip

Email JWEBBER@FCVOTERS.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA CONSERVATION VOTERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)