Legislative Reporter 1/5/18

The 2018 Legislative Session convenes on Jan. 9 and is scheduled to end on March 9. A calendar of the important dates throughout the session can be viewed here.

APA Florida will provide information to our members throughout the session. Every Friday, a Bill Tracking Report and short update will be posted on the Legislative Page of the website. The Bill Tracking Report provides a link to bill language, identifies the actions taken on the bill by various committees, and identifies related bills. Beginning with this email, a bi-weekly Legislative Reporter will also be emailed to our members. This publication provides a short summary of individual bills and their amendments, and provides an updated bill tracking report. At the end of the session, the chapter will prepare and distribute a summary of the major planning related bills passed by the legislature. This summary will include a detailed summary of the bill provisions and will include a link to the enrolled bill language. This summary will also be posted on the chapter website.

If you do not deal with legislative issues daily, the information you receive from us may be confusing. A number of materials are available at the Online Sunshine Information website to help you understand the legislative process and vocabulary:

How an Idea Becomes a Bill (Senate Document)
Glossary of Legislative Terms (Senate Document) (House Document)
Frequently Asked Questions (Senate Document) (House Document)

If you are interested in looking at specific bill language, you can easily search for a bill using the Senate and House webpages. You can search by bill number, statutory references or subject. You can search for both House and Senate bills on either of these sites. You will also have access to filed amendments and staff reports.

The most recent Bill Tracking Report, dated Jan. 5, can be viewed here. If at any point there is a bill that you would like to add to this tracking report or you have a question related to a bill, simply email the chapter office at fapa@floridaplanning.org with the request.

Legislative Update

Please note: The following bills are those being tracked by APA Florida.

Growth Management

Affordable Housing:

HB 987 (Rep. Cortes) amends the requirements in s.125.379 F.S. and s.166.0451 F.S. for a county and municipal inventory list of properties appropriate for use as affordable housing. It is in the House Local, Federal & Veterans Affairs Subcommittee, its first of three committees of reference. (A similar bill, SB 1328 (Sen. Perry) was filed on Dec. 21). The bill states that the real property must be evaluated on criteria that includes environmental suitability for construction, site characteristics, current land use designation, current or anticipated zoning, inclusion in at least one special district; existing infrastructure; proximity to employment opportunities; proximity to public transportation, and proximity to existing services. The bill also proposes the following:

- Beginning July 1, 2018, and ending June 20, 2023, a local government may not charge a mobility or impact fee for the development or construction housing that is affordable, as defined in s.420.9071
- Counties and municipalities must report, in the annual financial reports under s.218.32, the following data on all impact fees charged: 1) The specific purpose of the impact fee,

including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools; 2) The Impact Fee Schedule Policy, describing the method of calculating impact fees, such as flat fee, tiered scale based on number of bedrooms, and tiered scale based on square footage; 3) The amount assessed for each purpose and type of dwelling; 4) The total amount of impact fees charged by type of dwelling; 5) Each exception and waiver provided for affordable housing developments.

- Creation of s.420.007, Local Permit Approval Process for Affordable Housing, which identifies a process local government needs to follow when reviewing an application for a development permit, construction permit or certificate of occupancy for affordable housing. A local government would have 15 days to request additional information and may require the additional information to be submitted within ten days. The local government must approve or deny with 60 days of a completed application. If action is not taken within this time period, permit application is considered approved.
- Creation of s.420.56, disposal of surplus lands for use of affordable housing, to require DEP to notify the Florida Housing Finance Corporation when nonconservation land of the Internal Improvement Trust Fund, FDOT and all water management districts, becomes available for surplus before making the parcel available for any other use including purchase by other governmental entities or the public. If the corporation determines that the land is suitable for affordable housing, the owning entity must first offer the land to the county and municipality where the land is located to be used for affordable housing. If the county or municipality does not ant the parcel, the entity nay dispose of it as otherwise provided by law.
- Creates the Hurricane Housing Recovery Program and Recovery Rental Loan Program to provide funds to local governments for affordable housing recovery efforts.
- For 2018-19 fiscal year, 20 percent of the most recent revenue estimate from both the Local Government Housing Trust Fund and the State Housing Trust Fund would be appropriated to the Florida Housing Finance Corporation for affordable housing hurricane recovery efforts.

Annexation of Property:

HB 1121 (Rep. Silvers), filed on Jan. 2, amends the definition of enclave in s.171.031 to add:
1) Any unincorporated improved or developed area that is enclosed on all sides by at least two municipalities and at least one of those municipalities provides first-responder services to the area by a formal mutual aid agreement or on an ad hoc basis that requires the nearest first responder to respond when requested; and
2) Any unincorporated improved or developed area in which at least 75 percent of the area is bounded on three or more sides by one municipality and that municipality provides first responder services to the area by a formal mutual aid agreement or on an ad hoc basis.

The bill also amends the annexation procedures in s.171.0413 (5) and (6) to state that if the area to be annexed has 25 or fewer registered electors and those electors do not own property in the area to be annexed, a vote of the electors is not required. It adds a new section, s.171.044, to state that a municipality may annex unincorporated property it owns that is contiguous to its border or is separated from the municipality by a natural or man-made barrier such as a canal, river, rail road right-of-way, or highway right-of-way. The municipal governing body may initiate the annexation process by adopting a resolution of the governing body in lieu of requiring a petition of property owners. Finally, the bill adds a new subsection in s.171.046 which states that, when two or more municipalities form an enclave, as defined in s.171.031, the most appropriate jurisdiction to annex the property shall be the municipality providing services to the enclave. If more than one municipality provides services or proposes to provide services to the enclave, then any of the municipalities providing services or proposing to provide services

may annex any portion of the enclave pursuant to the provisions of subsection (2) as long as the entire enclave is annexed by one or more of the eligible municipalities under this section.

Comprehensive Plans:
HB 207 (Rep. McClain) and SB 362 (Sen. Perry) are similar bills that would require local comprehensive plans to include a private property rights element. The bills would also require counties and municipalities to adopt or amend land development regulations consistent with this element. This is the fifth year that a bill of this nature has been filed. HB 207 is in the House Agriculture & Property Rights Subcommittee, its first of three committees of reference, and SB 362 is the Senate Community Affairs Committee, its first of three committees of reference.

Developments of Regional Impact:
HB 1151 (Rep. La Rosa) and SB 1244 (Sen. Lee) are identical bills that basically eliminate most of the existing DRI process. The bills make numerous changes, among which are the following:

- Repealing DEO authority to issue binding letters but allows local governments to amend binding letters of vested rights based on standards and procedures in the adopted local comprehensive plan or land development code
- Deleting all requirements for DRI applications and review procedures, reporting requirements and substantial deviation criteria
- Preserving all essentially built-out agreements and determinations, binding letters and clearance letters, master incremental DRI agreements, preliminary development agreements, areawide DRI approvals
- Stating that selection of contractor or design professional related to construction or expansion of public facility by private developer pursuant to a development order condition is not subject to competitive bidding or competitive negotiation
- Stating that amendments to a DRI does not diminish or alter and credits for a development order or exaction or fee when the credits are based on a developer's contribution of land or public facility
- Requiring local governments to review changes to a DRI based on the standards and procedures in its local comprehensive plans and land development regulations, and limiting new development order conditions to only those impacts directly created by the proposed change
- Repealing all rules related to DRIs that are codfied in chapter 73C-40 and repealing aggregation rules

Both bills are awaiting committee assignment.

Impact/Permit Fees:
CS/SB 324 (Sen. Young), as originally filed, specified that the collection of an impact fee be no earlier that the issuance of the certificate of occupancy. On Dec. 5, the Senate Community Affairs Committee moved the bill with a number of amendments. The bill now provides that collection of impact fees may not occur before the issuance of the building permit, rather than the issuance of the certificate of occupancy, for the property that is subject to the fee. It also includes specific language that requires that the impact fee be reasonably connected to, or have a rational nexus with: 1) the need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and 2) the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

The bill also requires the local government to specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents. Finally, it prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure

is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

The bill is now in the Senate Appropriations Subcommittee on Finance and Tax, its second of three committees of reference. HB 697 (Rep. Miller), which is similar to SB 324 as originally filed, is in the House Local, Federal & Veterans Affairs Subcommittee, its first of three committees of reference.

HB 725 (Rep. Williamson) was filed on Nov. 16 and would require that local governments must post their permit and inspection fee schedules on their websites with a link to the building permit and inspection utilization report required under s.553.80(7). Before making any adjustments to a fee schedule, the local government must publish a building permit and inspection utilization report which looks at the direct and indirect costs incurred in implementing the Florida Building Code and other information. The bill is in the House Local, Federal & Veterans Affairs Subcommittee, its first of three committees of reference. A similar bill, SB 1144 (Sen. Perry) has been referred to three committees of reference.

HB 1077 (Rep. Diamond) and SB 1322 (Rep. Powell) are identical bills which deal with open and expired permits. The bills create s.553.7905 which define an open building permit and a closed building permit. The bills identify a process through which a permit can be closed. They also require local building departments, when issuing a building permit, to provide the property owner with a mandatory written notice regarding complying with inspection and approval processes. For all building permits issued after July 1, 2018, the local building department must also send a written notice to the current property owner within 1-3 years after issuance of any building perming that has not been properly close out; the notice must advise the owner of the need to properly close the permit upon completion of the work covered by the permit.
HB 1077 is in the Careers & Competition Subcommittee, its first of three committees of reference. SB 1322 was filed on Dec. 21 and is awaiting committee assignments.

Linear Facilities:
HB 405 (Rep. Williamson) and SB 494 (Sen. Lee) are identical bills that amend two of the items excluded from the definition of "development" in relation to the Florida Electrical Power Plant Siting Act by:

- Providing that the exclusion for work done on established rights-of-way applies to established rights-of-way and corridors and to rights-of way and corridors to be established; and
- Providing that the exclusion for the creation of specified types of property rights applies to creation of distribution and transmission corridors. The bill makes identical changes to the definition of "development" in the Florida Local Government Development Agreement Act.

HB 405 was moved favorably by the House Natural Resources & Public Lands Subcommittee, its second of three committees of reference, on Dec. 6 and now is in the House Commerce Committee, its last committee of reference. SB 494 was temporarily postponed by the Senate Community Affairs Committee, its last committee of reference, on Dec. 5.

Public Lodging/Vacation Rentals:
SB 884 (Sen. Steube) was filed on Nov. 14 and would create a new s.509.093 that would prohibit transient lodging establishments form requiring minimum stays of greater than one night. It was withdrawn prior to introduction and Sen. Steube filed SB 1138, which removes language related to legislative findings and intent in SB 884 and simply states that hotels and motels, as classified in s.509.242, may not require a minimum stay of greater than one night. It also

authorizes the Division of Hotels and Restaurants in the Department of Business and Professional Regulation to adopt implementing rules. SB 1138 has been referred to three committees of reference and there is no House companion bill to date.

HB 773 (Rep. La Rosa) would revise the preemption authority in s.509.032 F.S. to add that a local law, ordinance or regulation may regulate activities that arise when a property is used as a vacation rental provided that that the regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental, long term rental or is not rented. The language in this bill is similar to language included in HB 425E1, filed by Rep. La Rosa during the 2017 Session, that was passed by the House but indefinitely postponed by the Senate and died on the calendar. HB 77s is in the House Government Accountability Committee, its first of two committees of reference.

SB 1400 (Sen. Steube) would create the Florida Vacation Rental Act in s.509.603 F.S. and preempt regulation and control of vacation rentals to the state. The language includes a legislative finding that vacation rentals are residential in nature and belong in residential neighborhoods. The bill would require, among other changes, the following:

- Each vacation rental shall obtain a license from the Division of Hotels and Restaurants and conspicuously display the license in the vacation rental.
- Fees for the license are not to exceed $50.
- Any vacation rental operating in violation of the act of rules of the division can be fined or have their licenses suspended, revoked or refused.
- Vacation rentals are subject to chapter 212 in the same manner as transient rentals; they are exempt from chapter 83 in the same manner as transient rentals.
- Inspection of vacation rentals is preempted to the state. The division has the right of entry and access at any reasonable time but may not establish by rule any regulation governing the design, construction, erection, alteration modification, repair or demolition of any vacation rental.
- Add a definition of vacation rental to s.509.013 to read "vacation rental" means any unit in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to guests for periods of less than 6 months. Deletes the current definition in s.509.242 (Public lodging classifications).
- Amends the following sections to include a reference to vacation rentals: s.509.072(1) (Hotel and Restaurant Trust Fund); 509.091 (Notices); 509.095 (Accommodations at public lodging establishments for individuals with a valid military identification card); 509.101(1) (Establishment Rules); 509.111 (Liability for property of guests); 509.141 (refusal of admission and ejection of undesirable guests); 509.142 (Conduct on premises); 509.144 (Prohibited handbill distribution in a public lodging establishment); 509.162 (Theft of personal property); 509.2015 (Telephone surcharges by public lodging establishments); 509.211 (Safety Regulations); 509.2112 (Public lodging establishments three stories in or more in height inspection rules); 509.215 (Fire Safety); 509.221 (Sanitary regulations); 509.241 (licenses required-exceptions); 509.281 (Prosecution for violation)

SB 1400 was filed on Dec. 28 and is awaiting committee assignment. There is no House companion bill to date.

***Public Meetings/Public Participation*:**

SB 192 (Sen. Baxley) revises Florida's "Government in the Sunshine Law," or "Sunshine Law," by codifying judicial interpretation and application of s.286.011, F.S. Specifically, the bill provides definitions for the terms: "de facto meeting," "discussion," "meeting," "official act," and "public

business." The bill also specifies that members of a board may participate in "fact-finding" exercises or excursion to research public business, and may participate in meetings with a member of the legislature if:

- The board provides reasonable notice;
- A vote, official act, or an agreement regarding a future action does not occur;
- There is no discussion of "public business" that occurs; and
- There are appropriate records, minutes, audio recordings, or video recordings made and retained as a public record.

Finally, the bill provides in statute that notice is not required when two or more members of a board are gathered if no official acts are taken and no public business is discussed.

SB 192 was moved favorably by the Senate Community Affairs Committee on Oct. 24 and is not in the Senate Rules Committee, its last committee of reference. HB 79 (Rep. Roth), a similar bill, is in the House Oversight, Transparency & administration Subcommittee, its first of three committees of reference.

HB 589 (Rep. Newton) and SB 1092(Sen. Rader) focus on public participation at public meetings. The bills require publication of agendas and materials at least 3 days prior to a public meeting. Each member of the public has the right to speak for at least three minutes on certain items specified in the bill. The bills identify items, such as consent agenda items, where the board or commission is not required to allow public comments. The bills also require that a response to a question from the public must be made either at the meeting or through written correspondence with 10 days of the meeting, with said correspondence being incorporated into the minutes. items. The bills specifically state that a board or commission is not prohibited from maintaining orderly conduct or proper decorum in a public meeting. HB 589 is in the Oversight, Transparency & Administration Subcommittee, its first of three committees of reference. SB 1092 has been referred to three committees of reference.

Sports Franchise Facilities:

HB 13 (Rep. Avila) would prohibit a sports franchise from constructing, reconstructing, renovating, or improving a facility on public land leased from the state or a political subdivision thereof. The bill also requires a lease of a facility on public land by the state or a political subdivision to a sports franchise to be at fair market value. In addition, the bill requires a sale of public land by the state or a political subdivision for a sports franchise to construct, reconstruct, renovate, or improve a facility on such land to be at fair market value. The bill requires a contract or agreement, or a renewal of or an amendment to an existing contract or agreement, entered into on or after July 1, 2018, between the state or a political subdivision and a sports franchise to fund the construction, reconstruction, renovation, or improvement of a facility to include a provision requiring the sports franchise to pay any outstanding debt incurred by the state or political subdivision to fund such construction, reconstruction, renovation, or improvement if the sports franchise permanently discontinues use of the facility. The bill specifies that the provisions in the bill may not be construed to impair any contract entered into before July 1, 2018, without the consent of the parties.

This bill was moved favorably by the House Government Accountability Committee, its only committee of reference, on Oct. 10 and was placed on the House Calendar on 2nd Reading.

SB 352 (Sen. Garcia), a similar bill, has been referred to four committees of reference.

SB 778 (Sen. Lee) and HB 6005 (Rep. Avila) both contain language that would repeal provisions relating to state funding for sports facility development by a unit of local government, or by a certified beneficiary or other applicant, on property owned by a local government. SB 778 has been referred to four committees of reference and HB 6005 is in the House Careers & Competition Subcommittee, its first of two committees of reference.

Tree and Timber Trimming, Removal, and Harvesting:
HB 521 (Rep. Edwards-Walpole) and SB 574 (Sen. Steube) would preempt the regulation of the trimming, removal or harvesting of trees and timber on private property to the state. The bills state that political subdivisions may not:

> (a) Prohibit or restrict a private landowner from trimming, removing, or harvesting trees or timber located on the landowner's private property;
> (b) Require mitigation, including, but not limited to, the planting of trees or the payment of a fee, for the removal or harvesting of trees or timber from private property; or
> (c) Prohibit the burial of trees, shrubs, palmettos, or other vegetative debris on properties larger than 2.5 acres.

HB 521 is in the House Local, Federal & Veterans Affairs Subcommittee, its first of three committees of reference, and SB 574 has been referred to three committees of reference.

Economic Development/Redevelopment
Community Redevelopment Agencies:
CS/HB 17 (Rep. Raburn) provides that the creation of new CRAs on or after Oct. 1, 2018, may only occur by special act of the legislature. It provides for the eventual phase-out of existing CRAs at the earlier of the expiration date stated in the agency's charter or on Sept. 30, 2038, with the exception of those CRAs with any outstanding bond obligations. However, phase-out may be prevented if a supermajority of board members serving on the board of the entity that created the CRA vote to retain the agency. The bill provides a process for the Department of Economic Opportunity to declare a CRA inactive if it has no revenue, expenditures, and debt for three consecutive fiscal years.

This bill also contains several elements intended to increase accountability and transparency for CRAs by:

- Requiring the governing board members of a CRA to undergo four hours of ethics training annually;
- Requiring each CRA to use the same procurement and purchasing processes as the creating county or municipality;
- Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be posted on the agency website;
- Providing that moneys in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners of the CRA and only for those purposes specified in current law beginning Oct. 1, 2018;
- Authorizing the local governing body creating the CRA to adjust the level of tax increment financing available to the CRA;
- Requiring a CRA created by a municipality to provide its budget and any amendments to the board of county commissioners for the county in which the CRA is located by a time certain; and
- Requiring counties and municipalities to include CRA data in their annual financial report.

CS/HB 17 was moved favorably by the House Government Accountability Committee, its only committee of reference, on Nov. 14 and was placed on the House Calendar on 2nd Reading.

SB 432 (Sen. Lee) also deals with Community Redevelopment Agencies and was moved favorably by the Senate Community Affairs Committee on Nov. 7 and is now in the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development, its second of four committees of reference. This bill does not include language related to phasing-out of CRAs but does provide a process for the Department of Economic Opportunity (DEO) to declare a CRA inactive if it has no revenue, expenditures, and debt for 3 consecutive fiscal years. The bill also includes a number of changes related to increasing accountability and transparency of CRAs by:

- Providing registration and reporting requirements for lobbyists of CRAs;
- Requiring the commissioners of a CRA to undergo 4 hours of ethics training annually;
- Requiring two additional non-elected officials with substantive expertise to be members of the CRA board in certain circumstances;
- Prohibiting the use of tax increment revenues for CRA activities related to festivals or street parties designed to promote tourism, grants to entities that promote tourism, and grants to nonprofit entities providing socially beneficial programs;
- Requiring each CRA to use the same procurement and purchasing processes as the creating county or municipality;
- Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be published on the agency website;
- Providing that moneys in the local government redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners for the CRA and only for those purposes specified in current law beginning Oct. 1, 2018;
- Requiring a CRA created by a municipality to provide its proposed budget, and any amendments to the budget, to the board of county commissioners for the county in which the CRA is located 10 days after the adoption of such budget;
- Limiting to 18 percent administrative and overhead expenses for the CRA's total annual budget; and
- Requiring counties and municipalities to include CRA data in their annual financial report.

HB 883 (Rep. Ingoglia) also deals with community development districts. This bill states that a petition to establish a new community development district of less than 2,500 acres over land in one jurisdiction may identify adjacent parcels that the petitioner expects to add to the district's boundaries within the next 10 years. Specific information regarding these parcels is required and no parcel can be included in the petition without the written consent of the landowner. The bill also includes a process for actually amending the district to include such a parcel. HB 883 in in the House Local, Federal & Veterans Affairs Subcommittee, its first of two committees of reference. A similar bill, SB 1348 (Sen. Perry) was filed on Dec. 22 and has not been assigned to committees yet.

Public Financing of Construction Projects:

SB 542 (Sen. Rodriguez) creates s.161.551 F.S. to require that any person, municipality, county or other public agency, using state appropriated funds to construct a major structure or nonhabitable major structure within the coastal building zone, to conduct sea-level impact projection study (SLIP) and get approval of the study from the Department of Environmental

Protection. The bill requires DEP to adopt by rule the standard for the SLIP study and includes minimum requirements for this rule. DEP is authorized to seek civil action if construction commences without the required approval. The bill has been referred to four committees of reference, and there is no House companion bill at this time.

Rural Economic Development:
SB 170 (Sen. Grimsley) makes several changes to the Rural Economic Development Initiative (REDI) by:

- Reducing the number of specified agencies and organizations that are required to designate REDI representatives;
- Clarifying which individuals from specified agencies and organizations must be designated as REDI representatives;
- Providing for the appointment of five additional members from the private sector: three of the private sector members appointed by the executive director of the Department of Economic Opportunity (DEO), one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- Modifying the goals of the REDI to include job creation, community infrastructure, the development and expansion of a skilled workforce, and improved access to healthcare;
- Modifying the definition of "rural area of opportunity" to include a rural community that faces competitive disadvantages including low labor force participation, low education levels, high unemployment, a school district grade of "D" or "F" pursuant to s.1008.34, high infant mortality rates, and high rates of diabetes and obesity;
- Requiring the REDI to focus its efforts on the challenges of the state's RAOs and economically distressed rural communities, and to work with private organizations that have an interest in the renewed prosperity and competitiveness of these communities;
- Clarifying that the REDI shall undertake outreach and capacity-building efforts in order to improve rural communities' ability to compete in a global economy;
- Removing the limitation on the number of RAOs that may be designated by the governor;
- Requiring the REDI's annual report to be submitted to the DEO, the President of the Senate, and the Speaker of the House of Representatives by September 1st of each year; and
- Requiring the annual report to include an evaluation of organizational progress and a description of the accomplishments of the REDI.

The bill was moved favorably by the Senate Commence and Tourism Committee, its first of four committees of reference, on Nov. 6 and is now in the Senate Agriculture Committee.

SB 990 (Sen. Montford) would create s.288.062, the Florida Rural Community Jobs and Business Resiliency Act. This bill would allow the creation of rural growth funds, defined as an entity certified by DEO pursuant to certain criteria, which are intended to invest in rural businesses in counties of 75,000 or less. The bill has been referred to three committees of reference and there is no House companion bill to date.

Environment/ Natural Lands
Fracking:
HB 237 (Rep. Peters) and SB 462 (Sen. Young) are identical bills which would prohibit advanced well stimulation treatments. Both bills have been referred to three committees of reference but have not been heard yet. Two additional bills which would prohibit fracking were filed on Nov. 9

by Sen. Farmer. SJR 828 proposes an amendment to the state constitution to prohibit extreme well stimulation and has been referred to three committees of reference. SB 834 would create the "Stop Fracking Act" and prohibit persons from engaging in extreme well stimulation. This bill has been referred to three committees of reference.

School Planning:
HB 175 (Rep. Daniels): This bill, which dealt with School District Best Financial Management Practices was originally assigned to three committees of reference but was withdrawn on Nov. 13 prior to introduction.

Additionally, HB 511 (Sen. Bean), would have required that charter schools, that receive capital outlay funding used for certain purposes, ensure that new facilities comply with state requirements for educational facilities in the Florida Building Code. This bill was also withdrawn on Nov. 14 prior to introduction to its first committee of reference.

HB 1023 (Rep. Duran) and SB 1656 (Sen. Lee) are similar bills which amend s.1013.35(2)(b) which deal with the preparation of tentative School District Educational Facilities Plans. The bill states that, for the purposes of determining the capacity of school facilities, as reported in the Florida inventory of School Houses, a school containing students in kindergarten through grade 5 is considered an elementary school and a school containing students in grades 6-8 is considered a middle school. The same amendment is purposed for s.1013.64(3)(b) which deals with school construction funding. The bill also allows a district school board to request an exemption from the State Requirements for Educational Facilities.

HB 1023 is in the House PreK-12 Appropriations Subcommittee, the first of three committees of reference. SB 1656 was filed on January 5 and is awaiting committee assignments.

Transportation
Bicycle/Pedestrian Planning:
HB 1033 (Rep. Toledo) and SB 1304 (Sen. Young) are similar bills that create s.341.851 F.S. to preempt regulation of dockless bicycles and bicycle sharing companies to the state. The bills require bicycle sharing companies to maintain insurance and identifies specific requirements for the bicycles. The bills also include specific requirements that bicycle sharing companies must follow. Local governments may not:

1) Impose a tax on, or require a license for, a dockless bicycle or a bicycle sharing company relating to reserving a dockless bicycle;
2) Subject a dockless bicycle or a bicycle sharing company to any rate, entry, operation, or other requirement of the local governmental entity;
3) Require a bicycle sharing company to obtain a business license or any other type of authorization to operate within the jurisdiction of the local governmental entity; or
4) Enter into a private agreement containing a provision 80 that prohibits a bicycle sharing company from operating within the jurisdiction of the local governmental entity or that limits the operation of a bicycle sharing company within such jurisdiction. To the extent that a local governmental entity 84 entered into an agreement containing such a provision before July 1, 2018, such provision is unenforceable.

HB 1033 is in the House Careers & competition Subcommittee, its first of two committees of reference. SB 1304 was filed on Dec. 19 and is awaiting committee assignments.

High-speed Passenger Rail:

CS/SB 572 (Sen. Mayfield) which creates the Florida High-Speed Passenger Rail Safety Act, was moved favorably with a minor technical change on Nov. 14 by the Senate Transportation Committee, and now moves to the Senate Community Affairs Committee, its second of three committees of reference. A similar bill, HB 525 (Rep. Grail), is in the House Transportation & Infrastructure Subcommittee, its first of four committees of reference.

CS/SB 527 provides a short title, definitions relating to the act, legislative intent, and applicability; assigns various duties to the Florida Department of Transportation (FDOT); and imposes certain reporting requirements on railroad companies and the FDOT. The bill specifies that the reporting requirements are for informational purposes only and may not be used to economically regulate a railroad company. The bill also requires railroad companies to install certain technology and equipment; allocates responsibility for certain maintenance, repair, improvement and upgrade costs to railroad companies; and provides that it does not impair existing contracts with respect to its requirements related to maintenance and repair of roadbeds, tracks, and culverts, as well as safety equipment maintenance and improvements and upgrades to railroad-highway crossings. The bill also provides for enforcement jurisdiction and requires any penalty for a violation of the bill's provisions to be imposed upon the railroad company that commits such violation.

Autonomous Vehicles:
HB 353 (Rep. Fischer) makes a several changes to s.316.85 F.S. dealing with autonomous vehicles. Specifically, it removes the requirement for a person to possess a valid driver license to operate an autonomous vehicle. Additionally, the bill provides that "autonomous technology" rather than a person is deemed the operator of an autonomous vehicle operating in autonomous mode. The bill specifies that certain provisions of law do not apply to autonomous vehicles operating in autonomous mode if, in the event of a crash involving the vehicle, the vehicle owner, a person on behalf of the vehicle owner, or the autonomous vehicle, promptly contacts law enforcement to report the crash. Similarly, the bill specifies statutory provisions relating to unattended motor vehicles do not apply to autonomous vehicles operating in autonomous mode.

The bill also provides that regardless of whether a human operator is physically present in the vehicle, the vehicle is required to have a system to safely alert a human operator physically present in the vehicle if an autonomous technology failure is detected while the autonomous technology is engaged. When the alert is given, the system must:

- If a human operator is physically present in the vehicle, require the human operator to take control of the autonomous vehicle; or
- If a human operator does not, or is not able to, take control of the autonomous vehicle, or if a human operator is not physically present in the vehicle, be capable of bringing the vehicle to a complete stop. The bill creates an exemption to driver licensing requirements when an autonomous vehicle is operated in autonomous mode without a human operator physically present in the vehicle.

HB 353 was moved favorably by the House Transportation & Infrastructure Subcommittee on Nov. 8 and is now in the House Appropriations Committee, its second of three committees of reference. SB 712 (Sen. Brandes) also makes changes relative to autonomous vehicles but has not yet been heard in committee.

Metropolitan Planning Agencies:
There are a number of bills that propose changes to metropolitan planning agencies (MPOs).

HB 575 (Rep. Beshears) and SB 1516 (Sen. Perry) are identical bills that amend the membership of all MPO governing boards. The bills provide that MPOs serving designated urbanized areas with populations of 500,000 or fewer will consist of at least 5 but not more than 11 apportioned members. For MPOs in urbanized areas with populations of more than 500,000, its membership will be at least five but no more than 15 apportioned members. The remainder of the statute regarding the number of members on an MPO board remains the same. The bills also prohibit the entire county commission from being members of an MPO's governing board.

MPOs would be required to adopt bylaws governing its operation, including voting privileges. However, an MPO may not adopt a weighted voting structure. The bills retain the requirement that MPO membership is appointed on an equitable geographic-population basis. The bills establish term limits for MPO members, providing that members serve 4-year terms and may be reappointed for one additional 4-year term. Currently, there are not term limits for MPO members. The bill provides that notwithstanding any other provision of law to the contrary, by July 1, 2019, each MPO must update its membership, interlocal agreements, governing documents, and other relevant information to comply with changes made by the bill.
HB 575 was moved favorably by the House Transportation & Infrastructure Subcommittee on Dec. 6 and is now in the House Local, Federal & Veterans Subcommittee, its second of three committees of reference. SB 1516 was filed on Jan. 4 and has not yet been assigned to committees.

HB 807 (Rep. Diamond) and SB 984 (Sen. Brandes) are two additional bills, similar to each other, that would only deal with the membership of MPO designated after July 1, 2018. For an MPO designated on or after July 1, 2018, these bills state that the voting membership shall consist of at least 5 members, with the exact number determined on an equitable geographic-population ratio basis, based on an agreement among the affected local governments and the Governor. Voting members shall be elected officials of general-purpose local governments, one of whom may represent a group of general-purpose local governments through an entity created by an MPO. for that purpose. An MPO may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of 63 transportation, or an official of Space Florida.

HB 807 is in the House Transportation & Infrastructure Subcommittee, its first of three committees of reference, and SB 984 has been referred to three committees of reference.

News:
Cotterell: This Legislative Session Will Have Something Extra
Bill Cotterell, Tallahassee Democrat (Jan. 6)

10 Issues to Watch During Session
The News Service of Florida (Jan. 8)

PolitiFact Florida: What to Know Before the Start of the 2018 Legislative Session
Allison Graves, Tampa Bay Times & PolitiFact Florida (Jan. 8)

Legislature 2018: War Over Home Rule Heating Up in Florida
Zac Anderson, Sarasota Herald Tribune (Jan. 7)