SUMMARY OF MAJOR ENROLLED BILLS
2017 Legislative Session

(Source: Bill Language and Legislative Staff Analyses. Refer to each bill for actual specific wording.)
May 12, 2017

SB 10ER (Sen. Bradley): Relating to Water Resources
Effective Date: Upon becoming a law. Signed by Governor on May 9, 2017.

- Creates a new section 373.4598 dealing with water storage reservoirs.
- Establishes options for providing additional water storage south of Lake Okeechobee, including the:
  - Everglades Agricultural Area (EAA) reservoir project with the goal of providing a minimum of 240,000 acre-feet of water storage; and
  - C-51 reservoir project with the goal of providing approximately 60,000 acre-feet of water storage.
- Authorizes the Board of Trustees of the Internal Improvement Trust Fund (TIITF) and the South Florida Water Management District (SFWMD) to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project.
- Requires lease agreements relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE Enterprises) for an agricultural work program to be terminated in accordance with the lease terms.
- Requires the SFWMD, upon the effective date of the act, to identify the lessees of the approximately 3,200 acres of land owned by the state or the district west of the A-2 parcel and east of the Miami Canal and the private property owners of the approximately 500 acres of land surrounded by such lands;
- Requires the SFWMD, by July 31, 2017, to contact the lessors and landowners of such lands to express the SFWMD's interest in acquiring the land through the purchase or exchange of lands or by the amendment or termination of lease agreements.
- Requires the SFWMD to jointly develop a post-authorization change report with the United States Army Corps of Engineers (USACE) for the Central Everglades Planning Project (CEPP) to revise the project component located on the A-2 parcel for implementation of the EAA reservoir project.
- Requires that if the post-authorization change report is not approved by the USACE and submitted for Congressional approval by October 1, 2018, or is not congressionally approved by December 31, 2019, unless the district has been granted an extension by the Legislature, the SFWMD must request the USACE to initiate a project implementation report for the EAA reservoir and may proceed with the implementation of the CEPP project components in accordance with the final project implementation report.
- Requires the SFWMD to give preference to the hiring of former agricultural workers primarily employed during 36 of the past 60 months in the EAA, consistent with their qualifications and abilities, for the construction and operation of the EAA reservoir project.
- Authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project site for acquisition or enter in to a public-private partnership. It may acquire land through purchase or exchange as necessary to implement Phase II of the project but is prohibited from using eminent domain.
- Allows proceeds from Florida Forever bonds to fund costs of the reservoir projects up to $800 million.

- Establishes the Everglades Restoration Agricultural Community Employment Training Program within the Department of Economic Opportunity to provide grants for employment programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in areas of high agricultural employment, and to provide other training, educational, and information services necessary to stimulate the creation of jobs in the areas of agricultural unemployment. The program is required to include opportunities to obtain the qualifications and skills necessary for jobs related to federal and state restoration projects, the Airglades Airport in Hendry County, or an inland port in Palm Beach County.
- Establishes a revolving loan fund to provide funding assistance to local governments and water supply entities for the development and construction of water storage facilities.
- Revises the uses of the Water Protection and Sustainability Program Trust Fund to include the water storage facility revolving loan program.
- Prohibits, beginning July 1, 2017, the use of inmates for correctional work programs in the agricultural industry in the EAA or in any area experiencing high unemployment rates in the agricultural sector.
- Beginning in Fiscal Year 2018-2019, appropriates the sum of $64 million from the Land Acquisition Trust Fund (LATF) to the Everglades Trust Fund for the purpose of implementing the EAA reservoir project, with the remainder of such funds in any fiscal year to be made available for Phase II of the C-51 reservoir project and other specified projects.
- Provides the following appropriations for the 2017-2018 fiscal year:
    - The sum of $30 million in nonrecurring funds from the Land Acquisition Trust Fund (LATF) is appropriated to the Everglades Trust Fund for the purposes of acquiring land or negotiating leases pursuant to s. 373.4598, F.S., or for any cost related to the planning or construction of the EAA reservoir project.
    - The sum of $3 million in nonrecurring funds from the LATF to the Everglades Trust Fund for the purposes of developing the post-authorization change report pursuant to s. 373.4598, and the sum of $1 million in nonrecurring funds from the LATF to the Everglades Trust Fund for the purposes of negotiating Phase II of the C-51 reservoir project pursuant to s. 373.4598, F.S.
    - The sum of $30 million in nonrecurring funds from the General Revenue Trust Fund to the Water Resource Protection and Sustainability Program Trust Fund for the purposes of providing a loan to implement Phase I of the C-51 reservoir project.

HB 181ER (Rep. Jacobs): Relating to Natural Hazards
Effective Date: July 1, 2017

- Creates s. 252.3655, F.S. which establishes a natural hazards interagency workgroup for the purpose of sharing information on current and potential impacts of natural hazards throughout the state, coordinating ongoing efforts of state agencies in addressing the impacts of natural hazards, and collaborating on statewide initiatives to address the impacts of natural hazards.

- Provides that the term "natural hazards" includes, but is not limited to, extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.
- Requires each executive branch agency, each WMD, and the PSC to select a person from within its agency to be designated as the agency liaison to the workgroup. The DEM director or designee serves as the liaison to and coordinator of the workgroup.
- Requires that each liaison must provide information from his or her respective agency on the current and potential impacts of natural hazards to the agency, agency resources available to mitigate against natural hazards, and efforts made by the agency to address the impacts of natural hazards.
- Requires the workgroup to meet in person or by teleconference on a quarterly basis to share information, leverage agency resources, coordinate ongoing efforts, and provide information for inclusion in the annual progress report.
- On behalf of the workgroup requires DEM to prepare an annual progress report on the implementation of the State Hazard Mitigation Plan, developed and submitted in accordance with 42 U.S.C. s. 516518 and any implementing regulations, as it relates to natural hazards. At a minimum, the annual progress report must:
  - Assess the relevance, level, and significance of current agency efforts to address the impacts of natural hazards; and
  - Strategize and prioritize ongoing efforts to address the impacts of natural hazards.
- By January 1, 2019, and annually thereafter, the workgroup must submit the annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In addition, each liaison is responsible for ensuring that the annual progress report is posted on each respective agency website.
- Provides an appropriation, for the 2017-2018 fiscal year, to the Division of Emergency Management of one full-time equivalent position and associated 47,000 of salary rate and $84,738 in recurring trust fund authority and $4,046 in nonrecurring trust fund authority to implement the provisions of the bill.

HB 221 (Rep. Sprowls): Relating to Transportation Network Companies
Effective Date: July 1, 2017 Signed by Governor on May 9, 2017

- Provides a regulatory framework for transportation network companies (TNCs) in the state and preempts to the state the regulation of TNCs.
- Provides definitions.
- Defines a "Transportation network company" or "TNC" as an entity operating in this state pursuant to this section 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. 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.

- Requires a TNC to maintain an agent for service of process in the state.
- Requires a TNC to disclose certain information related to the collection of fares, and requires the provision of an electronic receipt.
- Requires a TNC's digital network to display a photograph of the TNC driver and the license plate number of the TNC vehicle.
- Provides minimum insurance requirements for TNCs and TNC drivers and provides for certain TNC and insurer disclosures and exclusions.
- Provides that TNC drivers are independent contractors if certain conditions are met.
- Requires TNCs to implement a zero-tolerance policy regarding drug and alcohol use.
- Establishes certain TNC driver requirements and prohibits persons from being a TNC driver if they have been convicted of certain crimes or a certain number of moving violations.
- Requires TNCs to submit to the Department of Financial Services an independent examination report and establishes penalties for noncompliance.
- Prohibits TNC drivers from accepting rides for compensation outside of the TNC's digital network and from soliciting or accepting street hails.
- Requires TNCs to adopt and TNC drivers to comply with policies related to nondiscrimination and disability access.
- Requires TNCs to maintain certain records relating to riders and TNC drivers.
- States that TNCs, TNC drivers, and 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. A county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:
    - Impose a tax on, or require a license for, a TNC, a TNC driver, or a TNC vehicle if such tax or license relates to providing prearranged rides;
    - Subject a TNC, a TNC driver, or a 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
    - Require a TNC or a TNC driver to obtain a business license or any other type of similar authorization to operate within the local governmental entity's jurisdiction.
- Authorizes airports and seaports to charge TNCs reasonable pickup fees consistent with what is charged for taxicabs and designate locations for staging, pickup and other similar operations.

HB 573ER (Rep. Burton): Relating to Water Protection and Sustainability
Effective Date: July 1, 2017

- Creates the "Heartland Headwaters Protection and Sustainability Act" as section 373.462, F.S., detailing legislative findings and intent.
- Creates section 373.463, F.S., to require a heartland headwaters annual report. The existing Polk County Regional Water Cooperative (cooperative), in coordination with all of its member county and municipal governments, must prepare a comprehensive annual report for water resource projects identified for state funding consideration within its members' jurisdictions.
- Requires the report to include, at a minimum,:
  - a list of projects identified by the cooperative for state funding consideration for drinking water supply, wastewater, stormwater and flood control, environmental restoration, and conservation, and allow a project to be listed in more than one category;
  - a priority ranking for each listed project that will be ready to proceed in the upcoming fiscal year within each category;
  - the estimated cost and completion date of each project; and the source and amount of financial assistance to be provided by the cooperative, the member county or municipal governments, or other entity for each project.
- Requires the cooperative to submit the annual report, by December 1, 2017 and each year thereafter, to the Governor, Senate President, House Speaker, Department of Environmental Protection and the appropriate water management districts.
- Requires the cooperative to coordinate with the appropriate WMD to ensure that the report is included in the consolidated WMD annual report.

HB 599ER (Rep. Williamson) – Relating to Public Works Projects
Effective Date: July 1, 2016

- Creates s. 255.0992, F.S., relating to public works projects
- Defines "political subdivision" as a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works.
- Defines "public works project" as an activity of which 50 percent or more of the cost will be paid from state-appropriated funds that were appropriated at the time of the competitive solicitation and which consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned in whole or in part by any political subdivision.

- Prohibits the state or a political subdivision, except when required by state or federal law, from requiring a contractor, subcontractor, or material supplier or carrier engaged in a public works project to:
  - Pay employees a predetermined amount of wages or prescribe any wage rate;
  - Provide employees a specified type, amount, or rate of employee benefits;
  - Control, limit, or expand staffing; or
  - Recruit, train, or hire employees from a designated, restricted, or single source.
- Provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is otherwise qualified to do the work described. This provision does not apply to vendors that have been convicted of a public entity crime or have been found to have committed discrimination.
- States that prohibitions apply only to public works projects of which 50 percent or more of the cost will be paid from state-appropriated funds that were appropriated at the time of the competitive solicitation. The bill does not apply to contracts executed by the Department of Transportation under ch. 337, F.S.

HB 687ER (Rep. La Rosa): Relating to Utilities
Effective Date: July 1, 2017

- Establishes a process by which wireless providers – including persons who provide wireless services and persons who build or install wireless communication transmission equipment, facilities, and support structures – may place certain wireless facilities on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of a county or municipality (an "authority"). The bill excludes DOT and rights-of-way under its jurisdiction and control.
- Defines a utility pole as any pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. Includes the vertical support structure for traffic lights but does not include any horizontal support structures to which signal lights or other traffic control devices are attached. Does not include any pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.
- Excludes utility poles that are:
  - Owned by a municipal electric utility or used to support electric distribution facilities owned or operated by a municipality.
  - Used to support municipally owned or operated electric distribution facilities
  - Located in the right-of-way within a retirement community that is deed-restricted as housing for older persons as defined in s. 760.29(4)(b), F.S., has more than 5,000 residents, and has underground utilities for electric transmission or distribution; or
  - Located in the right-of-way within a municipality that is located on a coastal barrier island as defined in s. 161.053(b)(3), F.S., has a land area of less than five square miles, has less than 10,000 residents, and, prior to July 1, 2017, has received referendum

approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.
    - Located in a municipality that is located on a coastal barrier island as defined in s. 161.053(b)(3), F.S., has a land area of less than five square miles, has less than ten thousand residents, and, prior to July 1, 2017. received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.
- Provides that an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified in the bill.
- Defines small wireless facilities as wireless facilities that meet the following size limitations:
    - Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, if the antenna has exposed elements, the antenna and all of its exposed elements would fit within an enclosure of the same volume.
    - All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. Certain associated ancillary equipment is not included in the calculation of these equipment volume limitations: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs to connect power and other services, utility poles or other support structures.
- Authorizes an authority to require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.
- Provides that an authority may require a registration process and permit fees for collocation of small wireless facilities in accordance with s. 337.401(3), F.S. The bill provides specific terms and conditions under which the authority must process and issue permits:
    - Prohibits an authority from directly or indirectly requiring an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.
    - Prohibits an authority from requesting an applicant to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified the application.
    - Prohibits an authority from requiring the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.
    - Prohibits an authority from limiting the placement of small wireless facilities by minimum separation distances. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of- way and placed on an alternative authority utility pole or support structure or may place a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30

days. If agreement is not reached, the authority must grant or deny the original application within 90 days after the application was filed.
    - Provides that an authority must limit the height of a small wireless facility to no more than 10 feet above the utility pole or structure upon which it is to be collocated. Unless waived by the authority, a new utility pole's height is limited to the tallest existing utility pole as of July 1, 2017, that is located in the same right-of-way as measured from "grade in place" within 500 feet of the proposed location. The authority may waive this limit. If there is no utility pole within 500 feet of the proposed location, the authority must limit the height of the new pole to 50 feet.
    - Requires an authority to approve or deny an application for a permit to collocate small wireless facilities within 60 days of receipt of the application and to inform the applicant of the outcome through electronic mail. If the application is not processed within that time, the application is deemed approved. The applicant and the authority may mutually agree to extend this review period, unless the authority initiates a 30-day negotiation to request an alternative location for the proposed collocation. If the review period is extended by mutual agreement, the authority must grant or deny the application at the end of the extended period. Within 14 days of receipt of an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If it determines that the application is not complete, the authority must specifically identify any missing information. An application is deemed complete if the authority fails to notify the applicant within 14 days.
    - Allows an applicant to, at its discretion, file a consolidated application and receive a single permit to collocate up to 30 small wireless facilities. If the application includes collocation of multiple small wireless facilities, the authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.
    - Provides that an authority may deny an application if the proposed collocation:
        - Materially interferes with the safe operation of traffic control equipment;
        - Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
        - Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
        - Materially fails to comply with the 2010 edition of the DOT Utility Accommodation Manual; or
        - Fails to comply with "applicable codes" as defined in the bill.
- Defines "applicable codes" to include the following:
    - Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons;
    - Local codes or ordinances adopted to implement the provisions of the bill;
    - Objective design standards adopted by ordinance that may require that a new utility pole that replaces an existing utility pole to be of substantially similar design, material,

and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment; and
    - Objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements, provided that the authority may waive such design standards upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense.
- Provides that, if an application is denied, the authority must specify in writing the basis for the denial, including specific code provisions, and must send this information by electronic mail to the applicant on the day the application is denied. The applicant may cure the noted deficiencies by resubmitting the application within 30 days after notice of denial. The authority must then approve or deny the revised application within 30 days or the application will be deemed approved. The authority's review of the revised application is limited to the deficiencies cited in the notice of denial.
- Provides that an authority may adopt by ordinance reasonable and nondiscriminatory provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties.
- Prohibits an authority from requiring approval or charging fees for:
    - Routine maintenance
    - Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size
    - Installation, placement, maintenance or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes or for a communications services provider authorized to occupy the right-of-way and who is remitting taxes under chapter 202.
- Provides that any structure permitted for collocation must comply with state airport zoning laws under ch. 333, F.S., and federal regulations related to airport airspace protections.
- Provides that an authority may reserve space on its utility poles for future public safety uses, provided that such reservation does not preclude collocation of a small wireless facility. If replacement of the pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to the make-ready provisions of the bill and the replaced pole must accommodate the future public safety use.
- Requires a wireless provider to comply with any nondiscriminatory undergrounding requirements of the authority which prohibit above-ground structures in the public right-of-way, unless waived by the authority.
- Provides that collocation of a small wireless facility on an authority utility pole does not provide a basis for the imposition of an ad valorem tax on the authority utility pole.
- Provides that, for any application filed before an authority's implementing ordinances become effective, the authority may apply its current ordinances relating to placement of communications facilities in the right-of-way with regard to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment,

authority liability, or authority warranties. However, permit application requirements or utility pole height limits that conflict with these provisions must be waived by the authority.

- Provides that the collocation of small wireless facilities on authority utility poles is subject to the following requirements:
    - An authority may not enter into an exclusive agreement with any person for the right to attach equipment to authority utility poles.
    - Rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.
    - The rate to collocate small wireless facilities on an authority utility pole may not exceed $150 annually per pole.
    - An agreement between an authority and a wireless provider that is in effect on July 1, 2017, and that relates to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, will remain in effect, subject to applicable termination provisions.
    - A wireless provider may accept the rates, fees, and terms established under the bill for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.
    - By the later of January 1, 2018, or 3 months after receiving its first request to collocate a small wireless facility on an authority utility pole, the person owning or controlling the authority utility pole must, by ordinance or otherwise, provide rates, fees, and terms that comply with the bill and that are nondiscriminatory and competitively neutral.
- Establishes provisions related to “make-ready” work that may be required. Provides that the authority may not require more make-ready work than is necessary to meet the applicable codes specified in the bill or industry standards. Also provides that fees for make-ready work may not include costs related to preexisting damage or prior noncompliance, or exceed actual costs or the amount charged to other non-wireless communications services providers for similar work, or any consultant fees or expenses.
- Authorizes a wireless infrastructure provider to apply to an authority to place utility poles in the public rights-of-way to support the collocation of small wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and small wireless facilities will be utilized by a wireless services provider to provide service within 9 months from the date the application is granted. Provides that the authority shall accept and process the application in accordance with the application review timeframes specified in the bill for collocation applications and any applicable codes and other local codes, rules, or regulations governing the placement of utility poles in the public rights-of-way.
- Specifies that except as provided in the bill or specifically required by state law, an authority may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way by a provider authorized by state law to operate in the rights-of-way and may not regulate any communications services or impose or collect any tax, fee, or charge not specifically authorized under state law. This does not alter any law regarding an authority's ability to regulate the relocation of facilities.
- Specifies that it does not limit the authority of local governments to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under

47 U.S.C. s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement these laws.

- Provides that an authority may enforce local codes, administrative rules, or regulations adopted by ordinance in effect on April 1, 2017 which are applicable to a historic area designated by the state or authority. The bill further provides that an authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes had been publicly declared on or before April 1, 2017. Authorizes an authority to waive any such ordinances or related requirements.
- Specifies that a person is not authorized to collocate or attach small wireless facilities or micro wireless facilities on privately owned utility pole, a utility pole owned by a municipal electric utility or electric cooperative, privately owned wireless support structures, or other private property without consent of the property owner.
- Specifies that a person is not authorized to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way within:
    - A retirement community that is deed-restricted as housing for older persons as defined in s. 760.29(4)(b), F.S., has more than 5,000 residents, and has underground utilities for electric transmission or distribution; or is located in a municipality that is located on a coastal barrier island as defined in s. 161.053(b)(3), F.S., has a land area of less than five square miles, has less than ten thousand residents, and, prior to July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.
    - This provision does not apply to the installation, placement, maintenance or replacement of micro wireless facilities on any existing and duly authorized aerial communication facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.
- Specifies that a person is not authorized to collocate or attach small wireless facilities or micro wireless facilities on an authority utility pole or erect a wireless support structure in a location subject to covenants, conditions, and restrictions; articles of incorporation; and bylaws of a home owners association. This does not apply to the installation, placement, maintenance or replacement of micro wireless facilities on any exiting and duly authorized aerial communications facilities.
- Provides that the approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to the bill is not to be construed to confer authorization for the provision of any voice, data, or video communications services nor for the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities in the right-of-way.
- Provides that the bill provisions do not affect s. 337.401(6), F.S., relating to pass-through providers.

HB 865ER (Rep. Williamson): Relating to Department of Transportation
Effective Date: July 1, 2017

- Creates the Florida Smart City Challenge Grant Program.
  - requires DOT in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to develop, subject to appropriations, the Florida Smart City Challenge Grant program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards.
  - Grant applications must demonstrate and document the adoption of emerging technologies and their impact on transportation systems and must address at least the following focus areas: autonomous vehicles, connected vehicles, sensor-based Infrastructure, collecting and using data, electric vehicles, including charging stations, and developing strategic models and partnerships.
  - Goals of the grant program include:
    - Identifying transportation challenges and identifying how emerging technologies can address those challenges.
    - Determining the emerging technologies and strategies that have the potential to provide the most significant impacts.
    - Encouraging municipalities to take significant steps to integrate emerging technologies into their day-to-day operations.
    - Identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations.
    - Leveraging the initial grant to attract additional public and private investments.
    - Increasing the state's competitiveness in the pursuit of grants from USDOT, the U.S. Department of Energy, and other federal agencies.
    - Committing to the continued operation of programs implemented in connection with the grant.
    - Serving as a model for municipalities nationwide.
    - Documenting the costs and impacts of the grant program and lessons learned during implementation.
    - Identifying solutions that will demonstrate local or regional economic impact.
  - By January 1, 2018, DOT must submit the grant program guidelines and plans for promotion of the grant program to the Governor, President of the Senate, and Speaker of the House of Representatives. The program expires July 1, 2018.
- Increases the allowable weight of natural gas-fueled vehicles on the Interstate Highway System.
- Authorizes DOT to request permission from the Federal Highway Administration to conduct bridge inspections at risk-based intervals.
- Increases the maximum dollar threshold for rapid response contracts issued by DOT.
- Updates provisions regarding the use of the right-of-way by utilities.
- Makes the validation of turnpike revenue bonds optional instead of mandatory.

- Authorizes DOT to study the financial feasibility of obtaining the Garcon Point Bridge as a turnpike project by January 1, 2018
- Repeals the Highway Beautification Council, but retains the highway beautification grants program within DOT.
- Prohibits the South Florida Regional Transportation Authority (SFRTA) from entering into, extending, or renewing any contract or other agreement funded with DOT-provided funds without DOT's prior review and written approval of the proposed expenditures.
- Clarifies that funds provided to SFRTA by DOT constitute state financial assistance and are subject to specified requirements.
- Authorizes DOT to advance certain funds to SFRTA at the start of each fiscal year, with monthly payments over the fiscal year on a reimbursement basis.
- Requires DOT to submit a report regarding DOT district boundaries and headquarters, along with the expenses associated with creating an additional DOT district headquartered in Fort Myers.
- Authorizes DOT to enroll in certain federal pilot programs or projects.

HB 1027ER (Rep. Yarborough): Relating to Unmanned Devices
Effective Date: July 1, 2017

- Establishes a regulatory framework for personal delivery devices (PDD) operations.
- Defines a PDD as a motorized device for use on sidewalks and crosswalks at a maximum speed of 10 miles per hour, which weighs 80 pounds or less excluding cargo, and which is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.
- Requires a PDD to have a plate or marker that identifies the name and contact information of the PDD operator and must obey all official traffic and pedestrian control signals and devices. It must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians.
- Amends s. 316.008(7), F.S., authorizing PDD operation within county or municipal jurisdictions when such use is permissible under federal law. The bill does not restrict a county or municipality from otherwise adopting regulations for the safe operation of a PDD. However, the bill prohibits PDD operation on the Florida Shared-Use Nonmotorized Trail Network or components of the Florida Greenways and Trails System.
- Creates s. 316.82, F.S., requiring a PDD operator to maintain an insurance policy that provides general liability coverage of at least $100,000 for damages arising from the operation of a PDD.
- Creates the Unmanned Aircraft Systems Act, vesting in the state the authority to regulate the ownership or operation of unmanned aircraft systems, otherwise known as drones.
- Prohibits political subdivisions from enacting or enforcing ordinances or regulations relating to the design, manufacturing, testing, maintenance, licensing, registration, certification or operation of an unmanned aircraft system.

- Expressly does not limit a local government's authority to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use on unmanned aircraft systems if such laws or ordinances are not specifically related to the use of these systems for those illegal acts.
- Defines the term "critical infrastructure facility" and prohibits the operation of an unmanned aircraft over a critical infrastructure facility, and provides criminal penalties for a violation. The bill provides exceptions for certain activities around critical infrastructure facilities, including an exception for law enforcement agencies, governmental agencies, the owner/operator/occupant of the critical facility or unmanned aircraft operating in transit for commercial purposes in compliance with FAA regulations.
- Specifically allows a drone to be used by a communications service provider or its contractor for routing, siting, installation, maintenance or inspection of facilities used to provide communications services.

HB 7043ER (Rep. Raschein): Relating to Vessels
Effective Date: July 1, 2017

- Incorporates many of the findings and recommendations from a pilot program which explored policy options for regulating the anchoring and mooring of vessels outside the boundaries of public mooring fields
- Defines "barge," "commercial fishing vessel," "commercial vessel," and "effective means of propulsion for safe navigation," and revises the definition of "live-aboard vessel."
- Provides that a vessel is at risk of becoming derelict if the vessel does not have effective means of propulsion for safe navigation within 72 hours after the owner or operator of the vessel receives notice of such from a law enforcement officer and cannot provide proof of purchase of parts necessary for repair.
- Removes the expiration of anchoring limitation areas.
- Prohibits a vessel or floating structure from anchoring or mooring within 150 feet of a marina, boat ramp, boatyard, or other vessel launching or loading facility, within 300 feet of a superyacht repair facility, or within 100 feet outward from the marked boundary of a public mooring field, and provides exemptions.
- Prohibits a vessel or floating structure from anchoring, mooring, tying, or otherwise affixing to an unpermitted or unauthorized object that is on or affixed to the bottom of waters of the state.
- Provides penalties for operation with an expired registration and for anchoring or mooring where prohibited.
- Allows local governments to enact and enforce regulations related to proof of proper sewage disposal for vessels or floating structures anchored or moored for more than 10 days within:
    - Marked boundaries of a permitted mooring field under local jurisdiction
    - Certain no-discharge zones

  Prior to adopting such an ordinance, the local government must ensure there are approved sewage services and facilities available within its jurisdiction, and the ordinance must be reviewed and approved by the FWC. This does not prohibit a local government from enacting or

enforcing sewage pumpout requirements for live-aboard vessels, floating structures and commercial vessels, excluding commercial fishing vessels, within any area of its jurisdiction.

- Allows local governments to enact and enforce regulations related to the removal of a vessel affixed to a public dock that is abandoned or lost property.
- Prohibits the Department of Highway Safety and Motor Vehicles from issuing a certificate of title for a derelict vessel, until the vessel is no longer deemed derelict.
- Provides that a law enforcement officer who has provided written notice through a citation to an owner of a derelict vessel is not required to send notice by certified mail.
- Allows certain private residential multifamily docks to use sovereignty submerged lands to exceed the number of moored boats to the number of residential units as authorized under former administrative rule.
- Allows FWC to establish boating-restricted areas to protect seagrasses on privately owned submerged lands adjacent to Outstanding Florida Waters or aquatic preserves if requested by the owner of submerged lands and certain conditions are met.