

---

**SUMMARY OF  
TRANSPORTATION-RELATED  
LEGISLATION ENACTED BY THE  
2015 LEGISLATURE**

**August 2015**

---

---

## TABLE OF CONTENTS

CS/CS/CS/HB 41 .....	Page 3
CS/HB 145 .....	Page 4
CS/CS/SB 596.....	Page 5
HB 257 .....	Page 5
CS/CS/HB 396.....	Page 6
CS/CS/SB 1216.....	Page 7
CS/HB 7055 .....	Page 8
Summary of Appropriation Related Bills .....	Page 9
Summary of Employee Related Bills.....	Page 10

---

# SUMMARY OF TRANSPORTATION LEGISLATION

Readers are encouraged to consult information provided by the Department’s Budget Office with regard to [SB 2500A](#), the General Appropriations Act, and [SB 2502A](#), Implementing the 2015-2016 General Appropriations Act, for transportation-related funding impacts. Further, a review for necessary details of any bill contained herein is recommended, and links to each bill are provided. Lastly, this document is intended to provide information on transportation-related bills and other bills of interest that were passed by the 2015 Legislature.

## **Hazardous Walking Conditions**

[CS/CS/CS/HB 41](#) – by Representative Metz  
Amends s.1006.23 and s.1012.45, F.S.

The bill amends provisions providing for identifying, inspecting, and correcting hazardous walking conditions on roads elementary school students walk along or cross in order to walk to school. Currently, the law states the intent is for the condition to be corrected within a reasonable time, but does not require entities with jurisdiction over a road with an identified hazardous walking condition to correct the condition. The bill:

- Requires district school boards and other governmental entities to cooperate to identify hazardous walking conditions;
- Requires the entity with jurisdiction over the road to correct the hazardous condition within a reasonable time;
- Requires the entity with jurisdiction over the road to include correction of a hazardous condition in its next annual 5-year capital improvements program or provide a statement of the factors justifying why a correction is not so included;
- Revises the criteria identifying hazardous walking conditions for walkways parallel to the road;
- Creates a new hazardous walking condition category, “crossings over the road”;
- Requires additional parties to participate with the representatives of the school district and entity with jurisdiction over the road in inspecting the walking condition and determining whether it is hazardous;
- Provides the district school board, after notice, may initiate a declaratory judgment proceeding if the local governmental entities cannot agree whether the condition is hazardous;
- Provides a hazardous walking condition determination may not be used as evidence in a civil action for damages against a governmental entity;
- Provides that interlocal agreements may be used to identify and correct hazardous walking conditions; and

- 
- Provides that each district school board may implement a safe driver toll-free telephone hotline to report improper driving or operation by a school bus driver for investigation and correction by the school board.

### **Commercial Motor Vehicle Review Board**

**CS/HB 145** – by Representative Beshears  
Amends s.316.545, F.S.

The Commercial Motor Vehicle Review Board (Board) is the state entity created in statute that functions to consider protested commercial vehicle citations. The Board may review, sustain, modify, cancel, or revoke any penalty imposed on any vehicle or person under the provisions of chapter 316, F.S., relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations. Any person may, upon payment of his or her penalty, apply to the Board for a modification, cancellation, or revocation of a penalty for violations of certain commercial vehicle regulations. The Board is part of the Florida Department of Transportation (FDOT), and has three permanent members who are the Secretary of the Department of Transportation, the Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV), and the Commissioner of Agriculture, or their authorized representatives. This bill:

- Revises the membership of the Board by adding four appointed members who have private sector experience in the state of Florida. The Governor will appoint three of the members from the private sector: one from the road construction industry, one from the trucking industry, and one with a general business or legal background. The Commissioner of Agriculture will appoint the final member of the Board from the agriculture industry. Appointments must be made by September 1, 2015, for terms beginning October 1, 2015.
- Provides that the Governor may remove appointed members of the Board for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each member must take an oath of office pledging to honestly, faithfully, and impartially perform his or her duties before beginning official action on the Board.
- Provides that official action may be taken by a quorum of the Board. Four members will constitute a quorum.
- Provides that whenever a driver is issued a citation for exceeding weight limits established by s. 316.535, F.S., by means of a portable scale, the driver may request to proceed to the next weigh station or certified public scale for verification of weight. The officer who issued the citation must escort the driver at all times and must attend the reweighing. If the vehicle is found to be in compliance with the weight requirements at the fixed scale then the citation is void.
- Requires that as an alternative to physical appearance, the FDOT shall provide space and video conference capability at each district office to allow a person who requested a hearing to appear before the board remotely.

---

## **Craft Distilleries/Signage**

**CS/CS/SB 596** – by Senator Hays  
Amends s.565.03, F.S.

The bill increases the number of factory-sealed containers of spirits a craft distillery may sell directly to consumers, allowing for the sale of no more than two of each branded product or up to four individual containers, whichever is greater. A branded product is defined as a distilled spirit product manufactured on site and in accordance with federal requirements.

The bill repeals a craft distillery's ability to ship its distilled spirits, providing that it may only sell and deliver distilled spirits to consumers within the state in a face-to-face transaction at the distillery property.

The bill allows a craft distillery's ownership to be affiliated with another distillery that produces 75,000 or fewer gallons on each of its premises in this state or in another state, territory, or country.

- Upon request of a craft distillery, the Florida Department of Transportation must install directional signs for the craft distillery on the rights-of-way of interstate highways and primary and secondary roads, in accordance with Florida's Highway Guide Sign Program. The requesting craft distillery is responsible for paying all costs associated with the signs.

## **Freight Logistics Zones**

**HB 257** – Representative Ray  
Creates s.311.103, F.S.

The bill creates 311.103, F.S., which allows individual counties, or two or more counties to designate freight logistics zones. The bill defines "freight logistics zone" and provides procedures for use in the designation process. The bill allows all Department of Transportation (FDOT) funding programs that relate to freight logistics to give priority funding consideration to projects within the locally designated zones if the projects are consistent with the FDOT Freight Mobility and Trade Plan. The bill also provides that the priority funding authorization applies to the economic development incentive programs and other funding programs authorized by Parts I, III, and V of Chapter 288, F.S.

- Defines "freight logistics zone" to include the area and infrastructure around intermodal logistics centers (ILC) that meet the ILC Infrastructure Support Program's definition of an ILC (section 311.101(2), F.S.).
- Allows a county, or two or more counties to designate geographic areas within their jurisdiction as "freight logistics zones" and specifies that the designation must be accompanied by a strategic plan and provides the minimum contents for the required strategic plan.
- Allows all FDOT funding programs that relate to freight logistics to give priority funding consideration to projects within freight logistics zones designated under the new statutory provisions if, the projects are consistent with FDOT's Freight Mobility and Trade Plan, and

---

provides that priority funding may be provided by the economic development incentive programs and other funding programs authorized by Parts I, III, and V of Chapter 288, F.S.

- Provides criteria for use by existing state programs that relate to freight logistics when considering the funding eligibility of projects within freight logistics zones designated under the new statutory provisions.

The following FDOT programs may give priority funding consideration to projects within freight logistics zones that meet the new requirements:

- The Strategic Intermodal System, a network of high-priority transportation facilities, which improves airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways as well as the infrastructure connections that link ILCs that meet certain thresholds for cargo throughput to the statewide network of priority transportation facilities.
- The Economic Development Transportation Fund, which alleviates transportation problems that adversely affect the decision of a specific company to locate, expand or remain in Florida;
- The Intermodal Logistics Center Infrastructure Support Program, which improves the movement of goods to or from ILCs that ship freight through one of Florida's 15 deepwater seaports;
- The Seaport Program which provides infrastructure funding to support cargo mobility not only on waterfront facilities, but also on freight corridors and transloading and distribution centers that handle waterborne commerce; and
- The Aviation Program which provides funding to support airport planning, capital improvement, land acquisition, and economic development.

## **Human Trafficking**

[CS/CS/HB 369](#) – Representative Kerner  
Creates s. 787.29, F.S.

The bill requires the Department of Transportation to produce and display human trafficking public awareness signs in every rest area, turnpike service plaza, weigh station, primary airport, passenger rail station, and welcome center open to the public.

The bill requires public awareness signs to be at least 8.5 inches by 11 inches in size, must be printed in at least 16-point type, and must state substantially the following in English and Spanish:

*If you or someone you know is being forced to engage in an activity and cannot leave-whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity-call the National Human Trafficking Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of human trafficking are protected under United States and Florida law.*

---

## **Community Development**

**CS/CS/SB 1216** – Senator Simpson  
Amends and creates various statutes

The bill is a combination of several growth management bills related to requirements for local government comprehensive plans, the process for amending the plan, Sector Plans, the Developments of Regional Impact (DRI) Process, creating a pilot program for Connected City Corridors, and changes the boundaries and duties of Regional Planning Councils (RPC).

- Allows for Local governments that do not own their own water supply facilities and meet certain provisions to not have to update its comprehensive plan to include a water supply work plan.
- Requires plan amendments to sector plans and developments that qualify as Developments of Regional Impact (DRI) to be reviewed under the coordinated-state review process.
- Provides for state agency review, within 30 days of transmittal, of a Detailed Specific Area Plan (DSAP);
- Amend the requirements for conservation easements in the DSAP of a sector plan, including:
  - Conservation easement may be based on digital orthophotography and allows adjustment and substitution of the conservation easement under certain conditions;
  - Conservation easements can be replaced/substituted by adequate lands that contain the same acreage, have equivalent natural value and are in the same vicinity as other conservation easements;
  - Allows permitting agencies to accept conservation easements as compensatory mitigation uniform assessment method required by s. 373.414, or pursuant to chapter 379.
- Allows new agricultural or silvicultural uses that are consistent with the long term master plan or DSAP of a sector plan to be established;
- Allows consumptive use permits to cover the same time period as the DSAP master development order.
- Creates “Connected City-Corridors” pilot program to facilitate high technology industry and innovation, develop more technological centered communities, to limit urban sprawl by creating mixed use housing projects, interconnected roadways and the creation of alternative transportation networks through multiple modes.
- Allows for local government control rather than state oversight of plan amendments in Connected City Corridors.
- Pasco County is selected as a pilot and is certified for a period of 10 years, following their process, by December 1, 2024, OPPAGA will submit a report and recommend if the process should become a statewide initiative.
- Provides that projects within the connected-city corridor have satisfied transportation concurrency and mitigation if Pasco County has adopted a long term transportation network plan and financial feasibility plan.
- DRI development orders in the certified area may be exempt from state review under 380.06 unless Pasco County requests a review.

- 
- Changes the boundaries and roles of the Regional Planning Councils:
    - Amends the boundaries of regional planning councils. Eliminates the Withlacoochee regional planning council, and sets provisions for the counties displaced to be absorbed by surrounding councils;
    - Allows the Governor to review and update the boundaries;
    - Removes certain powers of regional planning councils related to:
      - Cross acceptance negotiation and dispute resolution process;
      - Electric substation planning;
      - Reviewing the impact of proposed electrical power plants, electrical and natural gas transmission lines;
      - Participating in amnesty days for small quantities hazardous wastes;
      - Removes the RPC's review of urbanized transportation plans and their role in helping local governments not included in metropolitan planning organization (MPO) area in developing a transportation element of the local comprehensive plans.
  - Makes a conforming amendment to the DRI process in 380.06 to specify that new DRIs are approved by the coordinated-state review process in 163.3184(4) rather than the 380.06 review process.

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

[CS/HB 7055](#) – Representative Steube

Amends s. 316.228(1), F.S. and s.316.515(14), F.S.

The bill makes various changes to current law related to the Department of Highway Safety and Motor Vehicles (DHSMV), and only two that to the Florida Department of Transportation (FDOT). These two changes are as follows.

- **Hazard Flags on Projecting Loads**  
Revises requirements from a 12 inch square flag to an 18 inch square flag on all loads that extend four feet or more beyond a vehicles perimeter, which conforms state law to federal regulations.
- **Commercial Motor Vehicles/Manufactured Building/Special Permits**  
Authorizes the Department of Transportation to permit the transport of multiple sections or single units on an overlength trailer of no more than 80 feet.



---

## SUMMARY OF APPROPRIATION RELATED BILLS

The FY 2015-2016 Department budget was signed into law by Governor Scott on June 23, 2015. The budget, totaling \$10 Billion, includes a \$9.1 Billion work program, and funds a variety of projects including space infrastructure and highway beautification.

[SB 2514A](#) by Senator Lee redirected initial registration of motor vehicle (New wheels on the roads) fees from the General Revenue Fund to the State Transportation Trust Fund (STTF), increasing the percent of the fee distributed from 44.5 percent to 85.7 percent. The revenue is intended to mitigate the impact of reducing the distribution of Documentary Stamp Tax to the STTF. The bill also provided how the funding would be used as follows:

- \$25 million to non-motorized trail network, also known as Sun Trail;
- 3.4 percent of fee to New Starts Transit
- 5.0 percent of fee to Small County Outreach Program
- 20.6 percent of fee to Strategic Intermodal System
- 6.9 percent of fee to Transportation Regional Incentive Program

Section 2 of the bill directs the Department to establish the Florida Share-Use Nonmotorized Trail Network to provide additional capacity to conventional transportation systems and enhance alternative travel modes for both residents and visitors. The Department is directed to prioritize and fund projects for the planning, development, operation and maintenance of the Network in its work program. Similar language is also contained in [SB 2502A](#), the Implementing Bill.

---

## SUMMARY OF EMPLOYEE RELATED BILLS

The House and Senate passed three bills during Special Session-A related to State Employees. However, the legislation passed either continues already established practices within the Department or are new practices that have no impact on Department employees. An overview of the legislation is below:

**SB 2502A**, relating to Implementing the General Appropriations Act. The legislation continues the current rate of the employee and state contribution to the state prescription program.

**SB 2504A**, relating to State Employees. The legislation updates the state collective bargaining agreements process for physicians, dentists and fire associations.

**SB 2512A**, relating to Employer Contributions to Fund Retiree benefits. The legislation adjusts the employer contribution to state retirement plans, however, this will not impact FDOT employees.