

Florida Metropolitan Planning  
Organization Advisory Council



2017 Summary of State Legislation

July 2017

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## An Act Relating to the Department of Transportation (HB 865)

*Section 1 (creates s. 316.0898, F.S.)*

- **Requires the Florida Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge Grant Program and establishes goals for the grant program. Requires the Department to develop specified criteria for receipt of grants and to develop a plan for program promotion. Authorizes the Department to contract with a third party to provide guidance in the development of specified criteria and the program promotion plan. Requires the Department to submit the grant program guidelines and plans for promotion of the grant to the Governor and Legislature by January 1, 2018.**
  - “The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall, subject to appropriation, develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. Grant applicants must demonstrate and document the adoption of emerging technologies and their impact on the transportation system and must address at least the following focus areas:
    - (a) Autonomous vehicles.
    - (b) Connected vehicles.
    - (c) Sensor-based infrastructure.
    - (d) Collecting and using data.
    - (e) Electric vehicles, including charging stations.
    - (f) Developing strategic models and partnerships.”
  - “The goals of the grant program include, but are not limited to:
    - (a) Identifying transportation challenges and identifying how emerging technologies can address those challenges.
    - (b) Determining the emerging technologies and strategies that have the potential to provide the most significant impacts.
    - (c) Encouraging municipalities to take significant steps to integrate emerging technologies into their day-to-day operations.
    - (d) Identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations.
    - (e) Leveraging the initial grant to attract additional public and private investments.
    - (f) Increasing the state's competitiveness in the pursuit of grants from the United States Department of Transportation, the United States Department of Energy, and other federal agencies.
    - (g) Committing to the continued operation of programs implemented in connection with the grant.
    - (h) Serving as a model for municipalities nationwide.
    - (i) Documenting the costs and impacts of the grant program and lessons learned during implementation.
    - (j) Identifying solutions that will demonstrate local or regional economic impact.”

- “The Department of Transportation shall develop eligibility, application, and selection criteria for the receipt of grants and a plan for the promotion of the grant program to municipalities or regions of this state as an opportunity to compete for grant funding, including the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The Department of Transportation may contract with a third party that demonstrates knowledge and expertise in the focuses and goals of this section to provide guidance in the development of the requirements of this section.”
- “On or before January 1, 2018, the Department of Transportation shall submit the grant program guidelines and plans for promotion of the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.”

*Section 2 amends (s. 316.545, F.S.)*

- **Provides for the assessment and calculation of a fine for unlawful weight and load of a vehicle fueled by natural gas. Requires written certification of certain weight information by the vehicle operator when requested by any weight investigator. Provides for gross vehicle weight requirements for the application of the fine and for exceptions for certain types of work vehicles.**
  - “For a vehicle fueled by natural gas, the fine is calculated by reducing the actual gross vehicle weight by the certified weight difference between the natural gas tank and fueling system and a comparable diesel tank and fueling system. Upon request by any weight inspector or law enforcement officer, the vehicle operator must present written certification that identifies the weight of the natural gas tank and fueling system and the difference in weight of a comparable diesel tank and fueling system. The written certification must originate from the vehicle manufacturer or the installer of the natural gas tank and fueling system.”
  - “The actual gross vehicle weight for vehicles fueled by natural gas may not exceed 82,000 pounds, excluding the weight allowed for idle-reduction technology ...”
  - “...does not apply to those vehicles described in s. 316.535(6) (dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use)”

*Section 4 (amends s. 337.11, F.S.)*

- **Increases the amount for which the Department may enter into certain construction and maintenance contracts from \$120,000 to \$250,000.**
  - “When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of \$250,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids...”

*Section 5 (amends s. 337.401, F.S.)*

- **Authorizes the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way.**
  - “The department and local governmental entities ... that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures ...”

*Section 8 (amends s. 339.135, F.S.)*

- **Waives requirements for approval of work program amendments exceeding \$3 million by the Legislative Budget Commission under emergency conditions.**
  - “Notwithstanding paragraph ... (h), the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists ... and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a delay ... would be detrimental to the interests of the state... The adopted work program may not be amended ... without certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.”

Note: Paragraph (h) of s. 339.135, F.S. reads as follows: “Any work program amendment that also adds a new project, or phase thereof, to the adopted work program in excess of \$3 million is subject to approval by the Legislative Budget Commission. Any work program amendment submitted under this paragraph must include, as supplemental information, a list of projects, or phases thereof, in the current 5-year adopted work program which are eligible for the funds within the appropriation category being used for the proposed amendment. The department shall provide a narrative with the rationale for not advancing an existing project, or phase thereof, in lieu of the proposed amendment.”

*Section 9 (amends s. 339.2405, F.S.)*

- **Establishes Florida highway beautification grants program and dissolves the Florida Highway Beautification Council. Transfers certain powers and duties of the council to the Florida Department of Transportation for the purposes of the Florida highway beautification grants program.**
  - “Florida highway beautification grants.— The Department shall:

- (a) Provide information to local governments and local highway beautification councils regarding the state highway beautification grants program.
  - (b) Accept grant requests from local governments.
  - (c) Review grant requests for compliance with department rules.
  - (d) Establish rules for evaluating and prioritizing the grant requests. The rules must include, but are not limited to, an examination of each grant's aesthetic value, cost-effectiveness, level of local support, feasibility of installation and maintenance, and compliance with state and federal regulations. Rules adopted by the department which it uses to evaluate grant applications must take into consideration the contributions made by the highway beautification project in preventing litter.
  - (e) Maintain a prioritized list of approved grant requests. The list must include recommended funding levels for each request and, if staged implementation is appropriate, provide funding requirements for each stage.”
- “Local highway beautification councils may be created by local governmental entities or by the Legislature. Before being submitted to the department, a grant request must be approved by the local government or governments of the area in which the project is located.”
  - “The head of the department shall award grants to local governmental entities that have submitted grant requests for beautification of roads on the State Highway System and which requests are on the approved list. The grants shall be awarded in the order they appear on the prioritized list and in accordance with available funding.”
  - “State highway beautification grants may be requested only for projects to beautify through landscaping roads on the State Highway System. The grant request shall identify all costs associated with the project, including sprinkler systems, plant materials, equipment, and labor. A grant shall provide for the costs of purchase and installation of a sprinkler system and the cost of plant materials and fertilizer, and may provide for the costs for labor associated with the installation of the plantings. Each local government that receives a grant shall be responsible for any costs for water, for the maintenance of the sprinkler system, for the maintenance of the landscaped areas in accordance with a maintenance agreement with the department, and, except as otherwise provided in the grant, for any costs for labor associated with the installation of the plantings. The department may provide, by contract, services to maintain such landscaping at a level not to exceed the cost of routine maintenance of an equivalent unlandscaped area.”

*Section 14 (no statute number specified)*

- **Requires the Florida Department of Transportation to submit to the Governor and Legislature a review of the boundaries and headquarters of Department districts and a study on the expenses associated with creating an additional district in Southwest Florida.**
  - “On or before October 31, 2017, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report providing a comprehensive review of the boundaries and headquarters of each of the department's districts. Along with its report, the department shall provide a study

on the expenses associated with creating an additional district with the department's Fort Myers urban office as the district headquarters.”

*Section 15 (no statute number specified)*

- **Authorizes the Secretary of Transportation to enroll the state in federal pilot programs or projects for the collection and study of various forms of data.**
  - “The Secretary of Transportation may enroll the State of Florida in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, autonomous vehicle technology, or capacity challenges.”

## An Act Relating to the Transportation Network Companies (HB 221)

*Section 1 (creates s. 627.748, F.S.)*

- **Defines a variety of terms related to the form and function of transportation network companies (TNC) and their drivers.**
  - “DEFINITIONS.— The Department shall:
    - (a) “Digital network” means any online-enabled technology application service, website, or system offered or used by a transportation network company which enables the prearrangement of rides with transportation network company drivers.
    - (b) “Prearranged ride” means the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the TNC driver transports the rider, and ending when the last rider exits from and is no longer occupying the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail service and does not include ridesharing ... carpool ... or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.
    - (c) “Rider” means an individual who uses a digital network to connect with a TNC driver in order to obtain a prearranged ride in the TNC driver's TNC vehicle between points chosen by the rider. A person may use a digital network to request a prearranged ride on behalf of a rider.
    - (d) “Street hail” means an immediate arrangement on a street with a driver by a person using any method other than a digital network to seek immediate transportation.
    - (e) “Transportation network company” or “TNC” means an entity operating in this state ... using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner. 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 ... does not prohibit a TNC from providing prearranged rides to individuals who qualify for Medicaid or Medicare if it meets ... requirements...
    - (f) “Transportation network company driver” or “TNC driver” means an individual who:
      1. Receives connections to potential riders and related services from a transportation network company; and
      2. In return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network.
    - (g) “Transportation network company vehicle” or “TNC vehicle” means a vehicle that is not a taxicab, jitney, limousine, or for-hire vehicle ... and that is:
      1. Used by a TNC driver to offer or provide a prearranged ride; and

2. Owned, leased, or otherwise authorized to be used by the TNC driver.

Notwithstanding any other provision of law, a vehicle that is let or rented to another for consideration may be used as a TNC vehicle.”

- **Clarifies that a TNC driver does not provide taxicab or for-hire vehicle service and is not required to register the vehicle as such.**
  - “A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. In addition, a TNC driver is not required to register the vehicle that the TNC driver uses to provide prearranged rides as a commercial motor vehicle or a for-hire vehicle.”
- **Requires a TNC to designate and maintain an agent for service of process in Florida.**
  - “A TNC must designate and maintain an agent for service of process in this state.”
- **Provides requirements for fares, a digital network, and for an electronic receipt .**
  - “If a fare is collected from a rider, the TNC must disclose to the rider the fare or fare calculation method on its website or within the online-enabled technology application service before the beginning of the prearranged ride. If the fare is not disclosed to the rider before the beginning of the prearranged ride, the rider must have the option to receive an estimated fare before the beginning of the prearranged ride.”
  - “The TNC's digital network must display a photograph of the TNC driver and the license plate number of the TNC vehicle used for providing the prearranged ride before the rider enters the TNC driver's vehicle.”
  - “Within a reasonable period after the completion of a ride, a TNC shall transmit an electronic receipt to the rider on behalf of the TNC driver which lists:
    - (a) The origin and destination of the ride;
    - (b) The total time and distance of the ride; and
    - (c) The total fare paid.”
- **Provides automobile insurance and disclosure requirements.**
  - “TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE REQUIREMENTS.—
    - (a) Beginning July 1, 2017, a TNC driver or a TNC on behalf of the TNC driver shall maintain primary automobile insurance that:
      - 1. Recognizes that the TNC driver is a TNC driver or otherwise uses a vehicle to transport riders for compensation; and
      - 2. Covers the TNC driver while the TNC driver is logged on to the digital network of the TNC or while the TNC driver is engaged in a prearranged ride.

- (b) The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:
1. Automobile insurance that provides:  
The coverage requirements of this paragraph may be satisfied by any of the following:
    - a. Automobile insurance maintained by the TNC driver;
    - b. Automobile insurance maintained by the TNC; or
    - c. A combination of sub-subparagraphs a. and b.
- (c) The following automobile insurance requirements apply while a TNC driver is engaged in a prearranged ride:
1. Automobile insurance that provides:
    - a. A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;
    - b. Personal injury protection benefits that meet the minimum coverage amounts required of a limousine ...; and
    - c. Uninsured and underinsured vehicle coverage as required ...
  2. The coverage requirements of this paragraph may be satisfied by any of the following:
    - a. Automobile insurance maintained by the TNC driver;
    - b. Automobile insurance maintained by the TNC;
    - c. A combination of sub-subparagraphs a. and b.
- (d) If the TNC driver's insurance ... has lapsed or does not provide the required coverage, the insurance maintained by the TNC must provide the coverage required ..., beginning with the first dollar of a claim, and have the duty to defend such claim.
- (e) Coverage under an automobile insurance policy maintained by the TNC must not be dependent on a personal automobile insurer first denying a claim, and a personal automobile insurance policy is not required to first deny a claim.
- (f) Insurance ... must be provided by an insurer authorized to do business in this state which is a member of the Florida Insurance Guaranty Association or an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission.
- (g) Insurance satisfying the requirements ... is deemed to satisfy the financial responsibility requirement for a motor vehicle ... and the security required ... for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.
- (h) A TNC driver shall carry proof of coverage ... with him or her at all times during his or her use of a TNC vehicle in connection with a digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to

any party directly involved in the accident or the party's designated representative, automobile insurers, and investigating police officers. Proof of financial responsibility may be presented through an electronic device, such as a digital phone application ... Upon request, a TNC driver shall also disclose to any party directly involved in the accident or the party's designated representative, automobile insurers, and investigating police officers whether he or she was logged on to a digital network or was engaged in a prearranged ride at the time of the accident.

- (i) If a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.”
- “TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE; EXCLUSIONS.—
  - (a) Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:
    1. The insurance coverage, including the types of coverage and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.
    2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.
    3. That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements ... and that failure to meet such coverage requirements subjects the TNC driver to penalties ... up to and including a misdemeanor of the second degree.”
  - (b)
    1. An insurer that provides an automobile liability insurance policy ... may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions ... are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:
      - a. Liability coverage for bodily injury and property damage;
      - b. Uninsured and underinsured motorist coverage;
      - c. Medical payments coverage;
      - d. Comprehensive physical damage coverage;
      - e. Collision physical damage coverage; and
      - f. Personal injury protection.
    2. ... These exclusions do not affect or diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC

vehicle who are not occupying the TNC vehicle at the time of loss. This ... does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation.

3. This ... must not be construed to require an insurer to use any particular policy language... in order to exclude any and all coverage for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.
  4. This ... does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.”
- (c)
1. An automobile insurer that excludes the coverage ... does not have a duty to defend or indemnify any claim expressly excluded thereunder. This ... does not invalidate or limit an exclusion contained in a policy, including a policy in use or approved for use in this state before July 1, 2017, which excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.
  2. An automobile insurer that defends or indemnifies a claim against a TNC driver which is excluded under the terms of its policy has a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the coverage requirements ... at the time of loss.
- (d)
- In a claims coverage investigation, a TNC shall immediately provide, upon request by a directly involved party or any insurer of the TNC driver, if applicable, the precise times that the TNC driver logged on and off the digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. An insurer providing coverage ... shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements ...”

- **Clarifies that TNC drivers are independent contractors if specified conditions are met.**
  - “LIMITATION ON TRANSPORTATION NETWORK COMPANIES.—A TNC driver is an independent contractor and not an employee of the TNC if all of the following conditions are met:
    - (a) The TNC does not unilaterally prescribe specific hours during which the TNC driver must be logged on to the TNC's digital network.
    - (b) The TNC does not prohibit the TNC driver from using digital networks from other TNCs.
    - (c) The TNC does not restrict the TNC driver from engaging in any other occupation or business.
    - (d) The TNC and TNC driver agree in writing that the TNC driver is an independent contractor with respect to the TNC.”

- **Requires a TNC to implement a zero-tolerance policy for drug or alcohol use.**
  - “ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—
    - (a) The TNC shall implement a zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network. The zero-tolerance policy must address the use of drugs or alcohol while a TNC driver is providing a prearranged ride or is logged on to the digital network.
    - (b) The TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver who a rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride.
    - (c) Upon receipt of a rider's complaint alleging a violation of the zero-tolerance policy, the TNC shall suspend a TNC driver's ability to accept any ride request through the TNC's digital network as soon as possible and shall conduct an investigation into the reported incident. The suspension must last the duration of the investigation.”
  
- **Outlines TNC driver requirements including requiring a TNC to conduct a background check for a TNC driver.**
  - “TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—
    - (a) Before an individual is authorized to accept a ride request through a digital network:
      - 1. The individual must submit an application to the TNC which includes information regarding his or her address, age, driver license, motor vehicle registration, and other information required by the TNC;
      - 2. The TNC must conduct, or have a third party conduct, a local and national criminal background check that includes:
        - a. A search of the Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation of any records through primary source search; and
        - b. A search of the National Sex Offender Public Website maintained by the United States Department of Justice; and
      - 3. The TNC must obtain and review, or have a third party obtain and review, a driving history research report for the applicant.”
    - (b) The TNC shall conduct the background check required ... for a TNC driver every 3 years.
    - (c) The TNC may not authorize an individual to act as a TNC driver on its digital network if the driving history research report conducted when the individual first seeks access to the digital network reveals that the individual has had more than three moving violations in the prior 3-year period.
    - (d) The TNC may not authorize an individual to act as a TNC driver on its digital network if the background check conducted when the individual first seeks access to the digital network or any subsequent background check ... reveals that the individual::
      - 1. Has been convicted, within the past 5 years, of:
        - a. A felony;

- b. A misdemeanor for driving under the influence of drugs or alcohol, for reckless driving, for hit and run, or for fleeing or attempting to elude a law enforcement officer; or
    - c. A misdemeanor for a violent offense or sexual battery, or a crime of lewdness or indecent exposure ...;
  - 2. Has been convicted, within the past 3 years, of driving with a suspended or revoked license;
  - 3. Is a match in the National Sex Offender Public Website maintained by the United States Department of Justice;
  - 4. Does not possess a valid driver license; or
  - 5. Does not possess proof of registration for the motor vehicle used to provide prearranged rides.
- (e) No later than January 1 of every other year beginning in 2019, a TNC shall submit to the Department of Financial Services an examination report prepared by an independent certified public accountant for the sole purpose of verifying that the TNC has maintained compliance ... on a continual basis for either the preceding 2 years or for the timeframe that the TNC has been operating in this state if that timeframe is less than 2 years. The report shall expressly state whether the TNC was compliant or noncompliant. The report must be prepared in accordance with applicable attestation standards established by the American Institute of Certified Public Accountants. The TNC shall bear all costs associated with the preparation and submission of the report.
- (f) The Department of Financial Services, within 30 days after receipt of the report ... shall impose a fine of \$10,000 if the report includes a finding that the TNC has been noncompliant ... A TNC that has been found to be noncompliant shall submit another examination report prepared by an independent certified public accountant to the department no later than January 1 of the following year. This subsequent report shall evaluate the records of the TNC for the timeframe since the independent certified public accountant last reviewed the records of the TNC to determine whether the TNC has been compliant ... on a continual basis. The department, within 30 days after receipt of the subsequent report ... shall impose a fine of \$20,000 if the subsequent report includes a finding that the TNC has been noncompliant ... Failure to timely submit any report required ... shall result in the imposition of an additional fine of \$10,000 for noncompliance. Any fine imposed by the department shall be payable within 21 days after receipt of notice from the department. The moneys so received may be deposited by the department for use in defraying the expenses of the department in the discharge of its administrative and regulatory duties... The payment of the fine shall be stayed by the filing of a petition for an administrative proceeding ... with the department's agency clerk. Failure to timely petition will waive any rights to an administrative hearing. The department may, pursuant to the Florida Rules of Civil Procedure, seek injunctive relief against a TNC that fails to comply .... The department may adopt rules to implement ...
- (g) Unless otherwise explicitly provided, this ... does not extinguish any claim otherwise available under common law or any other statute."

- **Outlines prohibited conduct by a TNC driver including prohibiting a TNC driver from accepting certain rides or soliciting or accepting street hails.**
  - “PROHIBITED CONDUCT.—
    - (a) A TNC driver may not accept a ride for compensation other than by a rider arranged through a digital network.
    - (b) A TNC driver may not solicit or accept street hails.
    - (c) A TNC may not alter the presentation of information on its digital network to an enforcement official for the purpose of thwarting or interfering with the official's enforcement or oversight of the TNC.”
  
- **Requires a TNC to adopt a policy of nondiscrimination with respect to riders and potential riders and to ensure compliance by TNC drivers. Prohibits a TNC from imposing additional charges for providing services to persons who have physical disabilities.**
  - “NONDISCRIMINATION; ACCESSIBILITY.—
    - (a) A TNC shall adopt a policy of nondiscrimination with respect to riders and potential riders and shall notify TNC drivers of such policy.
    - (b) A TNC driver shall comply with the TNC's nondiscrimination policy.
    - (c) A TNC driver shall comply with all applicable laws regarding nondiscrimination against riders and potential riders.
    - (d) A TNC driver shall comply with all applicable laws relating to accommodation of service animals.
    - (e) A TNC may not impose additional charges for providing services to a person who has a physical disability because of the person's disability.”
    - (f) A TNC that contracts with a governmental entity to provide paratransit services must comply with all applicable state and federal laws related to individuals with disabilities.
    - (g) A TNC shall reevaluate any decision to remove a TNC driver's authorization to access its digital network due to a low quality rating by riders if the TNC driver alleges that the low quality rating was because of a characteristic identified in the company's nondiscrimination policy and there is a plausible basis for such allegation.”
  
- **Specifies that TNCs, TNC drivers, and TNC vehicles are governed exclusively by state law and prohibits local governmental entities from taking specified actions to regulate the regulate TNCs or TNC drivers.**
  - “PREEMPTION.—
    - (a) It is the intent of the Legislature to provide for uniformity of laws governing TNCs, TNC drivers, and TNC vehicles throughout the state. 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:

1. 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;
  2. 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
  3. Require a TNC or a TNC driver to obtain a business 510 license or any other type of similar authorization to operate 511 within the local governmental entity's jurisdiction.”
- (b) This ... does not prohibit an airport or seaport from charging reasonable pickup fees consistent with any pickup fees charged to taxicab companies at that airport or seaport for their use of the airport's or seaport's facilities or prohibit the airport or seaport from designating locations for staging, pickup, and other similar operations at the airport or seaport.”

## An Act Relating to Utilities (HB 687)

*Note: Section 5 of HB 86 is also found in this bill. To avoid repetition, it has been omitted from the summary below. Further, The act only contains one section and multiple subsections. In the interest of clarity, this summary will not follow the numbering format of the act.*

### *Section 1 (amends s. 337.401, F.S.)*

- **Provides a short title for the act and defines a variety of relevant terms.**
  - “This subsection may be cited as the "Advanced Wireless Infrastructure Deployment Act.”
  - “As used in this subsection, the term:
    1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.
    2. "Applicable codes" means 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, or local codes or ordinances 9 adopted to implement this subsection. The term includes objective design standards adopted by ordinance that may require 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. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the authority 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. The waiver shall be granted or denied within 45 days after the date of the request.
    3. "Applicant" means a person who submits an application and is a wireless provider.
    4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities.
    5. "Authority" means a county or municipality having jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under the jurisdiction and control of the department are excluded from this subsection.
    6. "Authority utility pole" means a utility pole owned by an authority in the right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right- of-way within:
      - a. A retirement community that:
        - i. Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
        - ii. Has more than 5,000 residents; and
        - iii. Has underground utilities for electric transmission or distribution.

- b. A municipality that:
  - i. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
  - ii. Has a land area of less than 5 square miles;
  - iii. Has less than 10,000 residents; and
  - iv. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.
- 7. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.
- 8. "FCC" means the Federal Communications Commission.
- 9. "Micro wireless facility" means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.
- 10. "Small wireless facility" means a wireless facility that meets the following qualifications:
  - a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
  - b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.
- 11. "Utility pole" means a 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. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.
- 12. "Wireless facility" means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:
  - a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
  - b. Wireline backhaul facilities; or
  - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

13. "Wireless infrastructure provider" means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.
  14. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.
  15. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.
  16. "Wireless services provider" means a person who provides wireless services.
  17. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole."
- **Prohibits an authority from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way, with exceptions.**
    - "Except as provided ... an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way."
  - **Authorizes an authority to require a registration process and permit fees. Requires an authority to accept, process, and issue applications for permits subject to specified requirements.**
    - "An authority may require a registration process and permit fees ... An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:
      1. An authority may not directly or indirectly require 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
      2. An applicant may not be required 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.
      3. An authority may not require 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.
      4. An authority may not limit 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 after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the

applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.
6. Except as provided in subparagraphs 4. and 5., the installation of a utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way and shall be subject to the application review timeframes in this subsection.
7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.
8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.
9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.
10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If

the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

11. An authority may deny a proposed collocation of a small wireless facility in the public rights-of-way if the proposed collocation:
    - a. Materially interferes with the safe operation of traffic control equipment.
    - b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
    - c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
    - d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.
    - e. Fails to comply with applicable codes.
  12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory.
  13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.
  14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.
  15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.”
- **Prohibits an authority from requiring approval or requiring fees or other charges for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities.**
    - “An authority may not require approval or require fees or other charges for:
      1. Routine maintenance;
      2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or
      3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting taxes ...

Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.”

- **Provides requirements for the collocation of small wireless facilities on authority utility poles, including requirements for rates, fees, and other terms.**
  - “Collocation of small wireless facilities on authority utility poles is subject to the following requirements:
    1. An authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.
    2. The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.
    3. The rate to collocate small wireless facilities on an authority utility pole may not exceed \$150 per pole annually.
    4. Agreements between authorities and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.
    5. A person owning or controlling an authority utility pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or 3 months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by an authority, the person owning or controlling the authority utility pole shall make available, through ordinance or otherwise, rates, fees, and terms for the collocation of small wireless facilities on the authority utility pole which comply with this subsection.
      - a. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.
      - b. For an authority utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work ... and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.
      - c. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, an authority may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The authority may not condition or restrict

the manner in which the applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the property of the authority.

- d. An authority may not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense.”

- **Authorizes an authority to apply current ordinances regulating placement of communications facilities in the right-of-way for certain applications. Requires an authority to waive certain permit application requirements and small wireless facility placement requirements.**
  - “For any applications filed before the effective date of ordinances implementing this subsection, an authority may apply current ordinances relating to placement of communications facilities in the right-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with this subsection shall be waived by the authority.”
- **Prohibits an authority from adopting or enforcing any regulation on the placement or operation of certain communications facilities and from regulating any communications services or imposing or collecting any tax, fee, or charge not specifically authorized under state law.**
  - “Except as provided in this section 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.”
- **Requires a wireless provider to comply with certain nondiscriminatory undergrounding requirements of an authority, but also authorizes the authority to waive any such requirements.**
  - “A wireless provider shall, in relation to a small wireless facility, utility pole, or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of an authority that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the authority.”

- **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.**
  - “A wireless infrastructure provider may 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 will be used by a wireless services provider to provide service within 9 months after the date the application is approved. The authority shall accept and process the application in accordance with ... any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way.”
  
- **Authorizes an authority to enforce certain local codes, administrative rules, or regulations. Also, authorizes an authority to enforce certain pending local ordinances, administrative rules, or regulations under certain circumstances, subject to waiver by the authority.**
  - “This subsection does not limit a local government's authority 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 such laws. 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. 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 has been publicly declared on or before April 1, 2017. An authority may waive any ordinances or other requirements that are subject to this paragraph.”

## An Act Relating to Limited Access and Toll Facilities (HB 1049)

### *Section 1 (amends s. 338.166, F.S.)*

- **Authorizes the Department of Transportation to require the use of an electronic transponder interoperable with the Department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes. Requires (as of July 1, 2019) that a customer be charged the minimum express lane toll if his or her average travel speed for a trip in an express lane falls below a specified rate.**
  - “The department may implement variable rate tolls on high-occupancy toll lanes or express lanes. The department may require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes.”
  - “Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the minimum express lane toll. A customer's express lane average travel speed is his or her average travel speed from the customer's entry point to the customer's exit point.”

### *Section 2 (amends s. 338.2216, F.S.)*

- **Authorizes the Florida Turnpike Enterprise to require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system. Prohibits variable pricing from being implemented in express lanes when the level of service in the express lane ... is equal to level of service A. Specifies that variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule providing that pricing in express lanes when the level of service is other than level of service A or level of service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes. Requires (July 1, 2019) that a customer be charged a general toll lane toll amount plus an amount set by department rule if his or her average travel speed for a trip in an express lane falls below a specified rate and provides for measurement of a customer's express lane average travel speed.**
  - “...The Florida Turnpike Enterprise may require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system. Variable pricing may not be implemented in express lanes when the level of service in the express lane, determined in accordance with the criteria established by the Transportation Research Board Highway Capacity Manual (5th Edition, HCM 2010), as amended from time to time, is equal to level of service A. Variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule. Except as otherwise provided ... pricing in express lanes when the level of service is other than level of service A or level of

service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes.”

- “Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the general toll lane toll amount plus an amount set by department rule. A customer's express lane average travel speed is his or her average travel speed from the customer's entry point to the customer's exit point.”

## **An Act Relating to Enhanced Safety for School Crossings (HB 493)**

### *Section 1 (no statute number specified)*

- **Requires the Department of Transportation to evaluate the viability and cost of a uniform system of high-visibility markings and signage for designation of safe school crossings locations. Authorizes the Department to consider in its evaluation implementation of new technology or innovations that enhance pedestrian and crosswalk visibility. Requires a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 1, 2018.**
  
- “Safe school crossing locations; evaluation by Department of Transportation.—  
The Department of Transportation shall evaluate the viability and cost of a uniform system of specific, high-visibility pavement markings and signage for use on arterial roads or collector roads ... within a 1-mile radius of all schools, public and private, to designate safe school crossing locations. In its evaluation, the department may consider implementation of new technology or innovations that enhance pedestrian and crosswalk visibility. Before January 1, 2018, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing the findings of its study and any recommendations for legislation relating to safe school crossing locations.”

## An Act Relating to Unmanned Devices (HB 1027)

### *Section 1 (amends s. 316.003, F.S.)*

- **Revises and provides a variety of definitions related to unmanned devices.**
  - “Definitions.—The following words and phrases ... shall have the meanings respectively ascribed to them ..., except where the context otherwise requires:
    - (40) MOTOR VEHICLE.— ... a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, personal delivery device, swamp buggy, or moped.” ...
    - (51) PERSONAL DELIVERY DEVICE.— An electrically powered device that:
      - (a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;
      - (b) Weighs less than 80 pounds, excluding cargo;
      - (c) Has a maximum speed of 10 miles per hour; and
      - (d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle.
    - (52) PERSONAL DELIVERY DEVICE OPERATOR.— An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device. ...
    - (97) VEHICLE.— Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices and devices used exclusively upon stationary rails or tracks.”

### *Section 2 (amends s. 316.008, F.S.)*

- **Authorizes operation of personal delivery devices within a county or municipality, with exceptions.**
  - “Powers of local authorities.—
    - (a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

- (b) 1. ..., a personal delivery device may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices.
2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network ... or components of the Florida Greenways and Trails System ...”

*Section 3 (creates s. 316.2071, F.S.)*

- **Provides requirements for the operation of personal delivery devices, including insurance coverage requirements.**
  - “Personal delivery devices.—
    1. Notwithstanding any provision of law to the contrary, a personal delivery device may operate on sidewalks and crosswalks ... A personal delivery device operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk.
    2. A personal delivery device must:
      - (a) Obey all official traffic and pedestrian control signals and devices.
      - (b) Include a plate or marker that has a unique identifying device number and identifies the name and contact information of the personal delivery device operator.
      - (c) Be equipped with a braking system that, when active or engaged, enables the personal delivery device to come to a controlled stop.
    3. A personal delivery device may not:
      - (a) Operate on a public highway except to the extent necessary to cross a crosswalk.
      - (b) Operate on a sidewalk or crosswalk unless the personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
      - (c) Transport hazardous materials ...
    4. A person who owns and operates a personal delivery device in this state must maintain an insurance policy, on behalf of himself or herself and his or her agents, which provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under the entity's or agent's control.”

*Section 5 (amends s. 320.02, F.S.)*

- **Exempts personal delivery devices from certain registration and insurance requirements.**
  - “Registration required; application for registration; forms.—
    - (1) A personal delivery device ... is not required to satisfy the registration and insurance requirements of this section.”