

# **Florida Metropolitan Planning Organization Advisory Council**



## **2014 Summary of State Legislation**

**May 27, 2014**

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## 2014 Summary of State Transportation Legislation

### An Act Relating to the Department of Transportation (HB 7175)

#### Section 2 (s. 20.23, F.S.)

- **Provides for the Florida Transportation Commission (FTC) to monitor certain aspects of the Mid-Bay Bridge Authority and repeals provisions for the Florida Statewide Passenger Rail Commission.**
  - “The commission shall ... Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349, including any authority formed using part I of chapter 328; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.”

#### Section 5 (s. 332.075, F.S.)

- **Authorizes the Florida Department of Transportation to fund strategic airport investments and provides criteria for such funding.**
  - “The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:
    - a) Important access and on-airport capacity improvements are provided;
    - b) Capital improvements that strategically position the state to maximize opportunities in international trade, logistics, and the aviation industry are provided;
    - c) Goals of an integrated intermodal transportation system for the state are achieved; and
    - d) Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

#### Section 6 (s. 334.044, F.S.)

- **Prohibits the Department of Transportation from entering into a lease-purchase agreement with an expressway authority, a regional transportation authority or other entity, but provides that certain lease-purchase agreements are not invalidated by this change in statute. Provides an exception from a requirement in law to purchase all plant materials from Florida commercial nursery stock.**
  - “Notwithstanding any other provision of law, the department may not enter into a lease-purchase agreement with an expressway authority, regional transportation

authority, or other entity. This paragraph does not invalidate a lease-purchase agreement authorized under chapter 348 or chapter 2000-411, Laws of Florida, existing as of July 1, 2013, and does not limit the department's authority under s. 334.30.”

- “To the greatest extent practical, at least 50 percent of the funds allocated under this subsection shall be allocated for large plant materials and the remaining funds for other plant materials. Except as prohibited by applicable federal law or regulation, all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis.”

#### **Section 7 (s. 335.06, F.S.)**

*Note: legislative language to the same effect is contained in Section 4 of SB 218, also passed by the 2014 Florida Legislature*

- **Provides for improvement and maintenance of certain roads that provide access to the state park system.**
  - “Any road that provides access to property within the state park system shall be maintained by the department if the road is a part of the State Highway System and may be improved and maintained by the department if the road is part of a county road system or city street system. If the department does not maintain a county or city road that provides access to the state park system, the road shall be maintained by the appropriate county or municipality.”

#### **Section 8 (s. 335.065, F.S.)**

- **Authorizes the Department of Transportation to enter into concession agreements on multiuse trails and related facilities for commercial sponsorship displays and provides for the use of agreement revenues. Also provides that all such agreements are subject to applicable federal laws.**
  - “The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable.”

**Section 12 (s. 337.25, F.S.)**

**• Authorizes the Department of Transportation to contract for auction services for the conveyance of property. Revises provisions for the disposition of property by Florida Department of Transportation.**

- “The department may contract pursuant to s. 287.055 for auction services used in the conveyance of real or personal property or the conveyance of leasehold interests under subsections (4) and (5). The contract may allow for the contractor to retain a portion of the proceeds as compensation for the contractor's services.”
- “The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility”.
- “When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e).”
  - a) “If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.”
  - b) “If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.”
  - c) “If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.”
  - d) “If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's

value in establishing a value for disposal of the property, even if that value is zero”

- e) “If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.”
- o “The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under subsection (1). However, a lease may not be entered into at a price less than the department's current estimate of value. The department's estimate of value shall be prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking the lease of the property.”
  - a) “A lease may be accomplished through negotiations, sealed competitive bids, auction, or any other means the department deems to be in its best interest.”
  - b) “If, at the discretion of the department, a lease to a person other than an abutting property owner or tenant with a leasehold interest in the abutting property would be inequitable, the property may be leased to the abutting owner or tenant for at least the department's current estimate of value.”
  - c) “A lease signed pursuant to paragraph (a) may not be for more than 5 years; however, the department may renegotiate or extend such a lease for an additional 5 years as the department deems appropriate.”
  - d) “Each lease shall provide that, unless otherwise directed by the lessor, any improvements made to the property during the lease shall be removed at the lessee's expense.”
  - e) “If property is to be used for a public purpose, the property may be leased without consideration to a governmental entity. A lease for a public purpose is exempt from the term limits in paragraph (c).”

#### **Section 14 (s. 338.161, F.S.)**

- **Revises provisions authorizing the Florida Department of Transportation to use its electronic toll collection and video billing systems to collect certain charges for an owner of a transportation facility.**
  - o “If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department may enter into an agreement with the owner of such facility under which the department uses its electronic toll collection and video billing systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility...”

**Section 16 (Creates s. 339.041, F.S.)**

*Note: legislative language to the same effect is contained in Section 4 of SB 218, also passed by the 2014 Florida Legislature*

- **Provides legislative intent to increase funding for capital expenditures for the transportation system from revenues generated through leases for wireless communication facilities on Florida Department of Transportation property. Authorizes the Florida Department of Transportation to enter into agreements with investors to purchase the revenue streams from department leases of wireless communication facilities on such property pursuant to an invitation to negotiate. Prohibits the Florida Department of Transportation from pledging state credit, the general revenues or the taxing power of the state to support such agreements. Allows the Florida Department of Transportation to make certain covenants related to such agreements. Provides for the appropriation and payment of moneys received from such agreements to investors and requires the proceeds from such leases to be used for certain fixed capital expenditures.**
  - “The Legislature finds that efforts to increase funding for capital expenditures for the transportation system are necessary for the protection of the public safety and general welfare and for the preservation of transportation facilities in this state. It is, therefore, the intent of the Legislature to:
    - a) Create a mechanism for factoring future revenues received by the department from leases for wireless communication facilities on department property on a nonrecourse basis;
    - b) Fund fixed capital expenditures for the statewide transportation system from proceeds generated through this mechanism; and
    - c) Maximize revenues from factoring by ensuring that such revenues are exempt from income taxation under federal law in order to increase funds available for capital expenditures.”
  - “The department may solicit investors willing to enter into agreements to purchase the revenue stream from one or more existing department leases for wireless communication facilities on property owned or controlled by the department through the issuance of an invitation to negotiate. Such agreements shall be structured as tax-exempt financings for federal income tax purposes in order to result in the largest possible payout.”
  - “The department may not pledge the credit, the general revenues, or the taxing power of the state or of any political subdivision of the state. The obligations of the department and investors under the agreement do not constitute a general obligation of the state or a pledge of the full faith and credit or taxing power of the state. The agreement is payable from and secured solely by payments received from department leases for wireless communication facilities on property owned or controlled by the department, and the state or any state agency does not have any liability beyond such payments.”

- “The department may make any covenant or representation necessary or desirable in connection with the agreement, including a commitment by the department to take whatever actions are necessary on behalf of investors to enforce the department's rights to payments on property leased for wireless communications facilities. However, the department may not guarantee that revenues actually received in a future year will be those anticipated in its leases for wireless communication facilities. The department may agree to use its best efforts to ensure that anticipated future-year revenues are protected. Any risk that actual revenues received from department leases for wireless communications facilities will be lower than anticipated shall be borne exclusively by investors.”
- “Subject to annual appropriation, the investors shall collect the lease payments on a schedule and in a manner established in the agreements entered into pursuant to this section between the department and the investors. The agreements may provide for lease payments to be made directly to investors by lessees if the lease agreements entered into by the department and the lessees pursuant to s. 365.172(12)(f) allow direct payment.”
- “Proceeds received by the department from leases for wireless communication facilities shall be deposited in the State Transportation Trust Fund created under s. 206.46 and used for fixed capital expenditures for the statewide transportation system.”

**Section 17 (s. 339.175, F.S.)**

- **Revises membership and governance requirements of Metropolitan Planning Organizations including increasing the maximum voting membership to 25, clarifying the proportional representation of County Commissioners on an MPO, permitting voting representation by a group of general-purpose local governments through an entity created by and MPO for that purpose, and permitting voting membership for modal authorities or other transportation agencies not under the jurisdiction of a general-purpose local government represented on the MPO. Also, revises the powers and duties of the Metropolitan Planning Organization Advisory Council to establish bylaws by action of its governing board or by rule pursuant to ss. 120.536(1) and 120.54.**
  - “The voting membership of an M.P.O. shall consist of at least 5 but not more than 25 apportioned members, with the exact number determined on an equitable geographic-population ratio basis, based on an agreement among the affected units of general-purpose local government and the Governor, as required by federal regulations. In accordance with 23 U.S.C. s. 134, the Governor may also allow M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area which do not have members on the M.P.O. With the exception of instances in which all of the county commissioners in a single-county M.P.O. are members of the M.P.O. governing board, county commissioners shall compose at least one-third of the M.P.O. governing board membership. A multicounty M.P.O. may satisfy this requirement by any combination of county commissioners from each

of the counties constituting the M.P.O. Voting members shall be elected officials of general-purpose local governments, one of whom may represent a group of general-purpose local governments through an entity created by an M.P.O. for that purpose...”

- “In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are or will be performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., such authorities or other agencies may be provided voting membership on the M.P.O. In all other M.P.O.’s in which transportation authorities or agencies are to be represented by elected officials from general-purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.”
- “Each M.P.O. shall review the composition of its membership in conjunction with the decennial census, as prepared by the United States Department of Commerce, Bureau of the Census, and with the agreement of the Governor and the affected general-purpose local government units that constitute the existing M.P.O., reapportion the membership as necessary to comply with subsection (3)...”
- “The powers and duties of the Metropolitan Planning Organization Advisory Council are to ... Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.”

#### **Section 47 (no statute number specified)**

- **Directs the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking time-limit devices and authorizes the Commission to retain experts for this purpose while requiring the Florida Department of Transportation to pay for the experts. Requires certain information from municipalities and counties be provided for the purposes of the study and for certain information to be considered in the study. Requires that the Florida Transportation Commission produce a written report outlining the findings of the study. Provides for the removal of parking meters and parking time-limit devices if a municipality or county does not provide information requested as part of the study and stipulates that municipalities and counties shall be required to pay the cost of such removal. Provides for a moratorium on new parking meters or other parking time-limit devices on the state right-of-way pending the completion of the study.**
  - “The Florida Transportation Commission shall conduct a study of the potential for the state to obtain revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the

expenses of such experts. On or before August 31, 2014, each municipality and county that receives revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road shall provide the commission a written inventory of the location of each such meter or device and the total revenue collected from such locations during the last 3 fiscal years. Each municipality and county shall at the same time inform the commission of any pledge or commitment by the municipality or county of such revenues to the payment of debt service on any bonds or other debt issued by the municipality or county. The commission shall consider the information provided by the municipalities and counties, together with such other matters as it deems appropriate, and shall develop policy recommendations regarding the manner and extent that revenues generated by regulating parking within the right-of-way limits of a state road may be allocated between the department and municipalities and counties. The commission shall develop specific recommendations concerning the allocation of revenues generated by meters or devices regulating such parking that were installed before July 1, 2014, and the allocation of revenues that may be generated by meters or devices installed thereafter. The commission shall complete the study and provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature by October 31, 2014.”

- “If, by August 31, 2014, a municipality or county does not provide the information requested by the commission, the department is authorized to remove the parking meters or parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road, and all costs incurred in connection with the removal shall be assessed against and collected from the municipality or county.”
- “The Legislature finds that preservation of the status quo pending the commission's study and the Legislature's review of the commission's report is appropriate and desirable. From July 1, 2014, through July 1, 2015, no county or municipality shall install any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. This subsection does not prohibit the replacement of meters or similar devices installed before July 1, 2014, with new devices that regulate the same designated parking spaces.”

## **An Act Relating to Transportation (HB 7005)**

### **Section 2 (s. 311.101, F.S.)**

- **Revises the amount of funds to be made available annually from the State Transportation Trust Fund for the Intermodal Logistics Center Infrastructure Support Program.**
  - “Beginning in fiscal year 2014-2015, at least \$5 million per year shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program ...”

### **Section 4 (creates s. 316.0778, F.S.)**

- **Defines the term "automated license plate recognition system" and requires the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system.**
  - “As used in this section, the term "automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.”
  - In consultation with the Department of Law Enforcement, the Department of State shall establish a retention schedule for records containing images and data generated through the use of an automated license plate recognition system. The retention schedule must establish a maximum period that the records may be retained.”

### **Section 5 (s. 316.081, F.S.)**

- **Revises a provision that prohibits a driver from operating a motor vehicle slower than a specified speed in the furthest left-hand lane of certain roads, streets, or highways.**
  - “On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle ~~at any speed which is more than 10 miles per hour slower than the posted speed limit~~ in the furthest left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This subsection does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.”

### **Section 6 (creates s. 316.0817, F.S.)**

- **Prohibits a bus from stopping to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers. Provides an exception for school buses.**
  - “Notwithstanding any other law, a bus may not stop to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic on the main-traveled portion of a roadway if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers. As used in this section, the term "reasonable means" means sufficient unobstructed pavement or a designated turn lane that is sufficient in length to allow the safe loading and unloading of passengers parallel to the travel lane.”
  - “This section does not apply to a school bus.”

### **Section 7 (s. 316.126, F.S.)**

- **Requires a driver to change lanes when approaching a sanitation or utility service vehicle performing a service-related task on the roadside.**
  - “If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to the provision of sanitation services on the roadside, a utility service vehicle is performing a task related to the provision of utility services on the roadside, or a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, the driver of every other vehicle, as soon as it is safe ... Shall vacate the lane closest to the emergency vehicle, sanitation vehicle, utility service vehicle, or wrecker when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, or wrecker, except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed ...”
  - “This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.”

### **Section 15 (s. 316.86, F.S.)**

- **Revises provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes and authorizes certain research organizations to operate such vehicles.**
  - “Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited

educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.”

**Section 25 (s. 320.525, F.S.)**

- **Providing that certain public roads may be designated as port district roads and requires the Department of Transportation to designate such roads with appropriate signage.**
  - “Port vehicles and equipment shall be exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates when operated or used within the port facility of any deepwater port of this state . . . , for the purpose of transporting cargo, containers, or other equipment . . . On public roads connecting port facilities of a single deepwater port . . . which are designated as port district roads for the purpose of transporting cargo, containers, and other equipment. The Department of Transportation shall designate port district roads with appropriate signage.”

**Section 47 (no statute number specified)**

- **Directs the Office of Program Policy Analysis and Government Accountability to conduct and submit to the Governor and the Legislature a study on the effectiveness of ignition interlock device use.**
  - “By January 1, 2015, the Office of Program Policy Analysis and Government Accountability shall conduct and submit a study on the effectiveness of ignition interlock device use as an alternative to driver license suspension. The study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives and shall address the following:
    - 1) The effect ignition interlock device use as an alternative to a driver license suspension will have on the DUI recidivism rate while the driver is using the ignition interlock device.
    - 2) The cost of ignition interlock device use compared to the cost associated with a subsequent violation, or suspected violation, of s. 316.193, Florida Statutes, including, but not limited to, a violation involving property damage, bodily injury, and death.
    - 3) In addition to existing penalties, a provision that provides for credit on a day-for-day basis for ignition interlock device use, as an alternative to a driver license suspension, toward any mandatory ignition interlock device use ordered by the court.

- 4) The effectiveness of mandatory ignition interlock device use for all violations of s. 316.193, Florida Statutes.”

**Section 49 (no statute number specified)**

- **Requires a county or municipality to respond to a request by a county or municipality to which it provides, by agreement, traffic signal or traffic control device services regarding the evaluation, installation, operation, or maintenance of such traffic signals or other traffic control devices within a specified timeframe.**
  - “To ensure the safe and efficient operation of this state's roadways, a county or municipality must respond to a request by a county or municipality to which it provides, by agreement, traffic signal or traffic control device services within 60 days after receiving such a request regarding the evaluation, installation, operation, or maintenance of such traffic signals or other traffic control devices.”

**An Act Relating to Bicycle and Pedestrian Ways (SB 2514)**

**Section 1 (s. 335.065, F.S.)**

*Note: legislative language to the same effect is contained in Section 4 of SB 218, also passed by the 2014 Florida Legislature*

- **Authorizes the Florida Department of Transportation to use appropriated funds for the establishment of a statewide system of interconnected multiuse trails. Prioritizes projects for funding and requires funded projects to be included in the Florida Department of Transportation’s Adopted Work Program. Provides that the project must be operated and maintained by an entity other than the Florida Department of Transportation and that the Florida Department of Transportation is not responsible for or obligated to provide funds for the operation and maintenance of any such project once completed.**
  - “The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the cost of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:
    - a) Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System ...
    - b) Support the transportation needs of bicyclists and pedestrians.
    - c) Have national, statewide, or regional importance.
    - d) Facilitate an interconnected system of trails by completing gaps between existing trails.”
  - “A project funded ... shall:
    - a) Be included in the department’s work program ...

- b) Be operated and maintained by an entity other than the department upon completion of construction. The department is not obligated to provide funds for the operation and maintenance of the project.”

### **An Act Relating to Rental Car Surcharges (HB 343)**

#### **Section 1 (s. 212.0606, F.S.)**

- **Provides an alternative surcharge for use of a motor vehicle pursuant to an agreement with a car-sharing service for less than a specified number of consecutive hours. Defines the term "car-sharing service" and provides for applicability.**
  - “A member of a car-sharing service who uses a motor vehicle ... for less than 24 hours pursuant to an agreement with the car-sharing service shall pay a surcharge of \$1 per usage. A member of a car-sharing service who uses the same motor vehicle for 24 hours or more shall pay a surcharge of \$2 per day or any part of a day ... For purposes of this subsection, the term "car-sharing service" means a membership-based organization or business, or division thereof, which requires the payment of an application or membership fee and provides member access to motor vehicles:
    - a) Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting with car-sharing service members;
    - b) Twenty-four hours per day, 7 days per week;
    - c) Only through automated means, including, but not limited to, smartphone applications or electronic membership cards;
    - d) On an hourly basis or for a shorter increment of time;
    - e) Without a separate fee for refueling the motor vehicle;
    - f) Without a separate fee for minimum financial responsibility liability insurance; and
    - g) Owned or controlled by the car-sharing service or its affiliates.”
  - “The surcharge imposed under this subsection does not apply to the lease, rental, or use of a motor vehicle from a location owned, operated, or leased by or for the benefit of an airport or airport authority.”