
**SUMMARY OF
TRANSPORTATION-RELATED
LEGISLATION ENACTED BY THE
2017 LEGISLATURE**

**Regular Session &
Special Session A**

JULY 2017

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SUMMARY OF TRANSPORTATION LEGISLATION

Readers are encouraged to consult information provided by the Department's Budget Office with regard to SB 2500, the General Appropriations Act, and SB 2502, Implementing the 2016-2017 General Appropriations Act, for transportation-related funding impacts. Further, a review for necessary details of any bill contained herein is recommended, and links to each bill are provided. Lastly, this document is intended to provide information on transportation-related bills and other bills of interest that were passed by the 2017 Legislature.

Relating to the Department of Transportation (*Department Package*)

HB 865- by Representative Williamson

Amends and creates various statutes

The bill is a comprehensive collection of transportation issues including an increase in the truck weight allowance for vehicles fueled by natural gas fuel systems; risk-based bridge inspection schedule as allowed by federal law; a price cap increase for rapid response contracts utilized to quickly address safety concerns on the state system; oversight and fiscal accountability standards for the South Florida Regional Transit Authority which operates the TriRail commuter rail system; and the replacement of the Highway Beautification Council with a Highway Beautification Grant Program administered by the Department. The legislation provides for an effective date of July 1, 2017.

- Section 1: Requires the Department to partner with the Department of Highway Safety and Motor Vehicles (DHSMV), to develop, subject to appropriation, the Florida Smart City Challenge Grant program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. Grant applications must demonstrate the adoption of emerging technologies and their impact on transportation systems and must address at least the following focus areas: autonomous vehicles, connected vehicles, sensor-based Infrastructure, collecting and using data, electric vehicles, including charging stations, and developing strategic models and partnerships.

The language directs the Department to develop eligibility, application and selection criteria for the program grants and a plan for promotion of the program. By January 1, 2018, the Department must submit the grant program guidelines and plans for promotion of the grant program to the Governor, President of the Senate, and Speaker of the House of Representatives.

- Section 2: Increases the gross vehicle weight for trucks utilizing natural gas fueling systems by up to 2,000 pounds as permitted by federal law. This change will allow the Department to discontinue the issuance of permits for this activity to ensure federal compliance.
- Section 3: Aligns statute with federal law. Subject to FHWA approval, FDOT would adopt a risk-based inspection program, as 16 other states have done. This proposal will allow the Department to efficiently allocate resources for bridge inspections by providing flexibility in the frequency of inspections based on a bridge's condition as allowed by FHWA.

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- Other states who have adopted the FHWA risk based inspection schedule are Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Minnesota, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Washington and West Virginia.
 - Section 4: Increases the monetary limitation in s. 337.11(6)(c), F.S. from \$120,000 to \$250,000. This will include projects such as: sinkhole repairs that protect roadways and other infrastructure; traffic railing and guardrail repairs that are needed to protect the safety of the traveling public; and drainage and inlet work that prevents roadway flooding during heavy rain.
 - Section 5: Expands the Department's utility permitting authority to include wireless facilities.
 - Sections 6 & 16: Provides the Department and the Division, at the discretion of the Division, the option of requesting an increase in the Turnpike bond validation amount by way of the courts for routine bonds. It will not be necessary to obtain a judgment in order for the Turnpike to continue to issue bonds to fund its capital improvement program. However, any bond issuance deemed by the Division to be irregular will be subject to the full validation process. It will also provide consistency with other similar bond programs administered by the Division such as Education PECO Bonds, Florida Forever Bonds and State University System Bonds.
 - Section 7: Directs the Department to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge. By January 1, 2018, the Department must submit the completed study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
 - Section 8: Exempts work program amendments related to emergency repairs which exceed the \$3 million threshold from the LBC review and approval requirements in subparagraph (h). This change ensures emergency repairs can proceed to mitigate detrimental impacts to the travelling public.

This exemption would relate to emergencies not covered by a Governor's Emergency Executive Order, such as a direct bridge hit or bridge failure.

- Section 9: Replaces the Florida Highway Beautification Council with a grant program administered by the Department, with the Secretary of the Department making the final grant award decisions, based on input from District Grant Managers, District Landscape Architects and the State Transportation Landscape Architect.

The Department would no longer be responsible for the administrative operation and travel expenses associated with the Council.

- Sections 10-13: Delete the restrictions on the Department's ability to review Authority uses of state funds. Instead of providing the Department a limited time within which to review Authority procurements and contracts that rely on Department funding, the bill would require

Department review and approval of Authority expenditures before the Authority enters into any contract or other agreement, or extends or renews any existing contract or other agreement, which may be wholly or partially funded with any funds provided by the Department, including the \$42.1 million in operating support. The language provides a broader level of Department review and requires the Authority to promptly furnish the Department with any additional documentation or information required by the Department for its evaluation of proposed uses of state funds. The language also clarifies that the funding provided by the Department to the Authority constitutes state financial assistance.

- Section 14: Directs the Department to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives that provides a comprehensive review of the boundaries and headquarters of each district. Along with its report, the Department must provide a study of the expenses associated with creating an eighth district with the Fort Myers urban office serving as the district headquarters. The report must be submitted by October 31, 2017.
- Section 15: Authorizes the Secretary to enroll the state 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.
- Effective Date: July 1, 2017

SUMMARY OF APPROPRIATION RELATED BILLS

The FY 2017-2018 Department budget was signed into law by Governor Scott on June 2, 2017. The budget, totaling \$11 Billion, includes a \$9.95 Billion work program and fully funds multiple operating issues including the Work Program Integration Initiative.

SB 2500 - Relating to the General Appropriations Act (GAA)

SB 2500 provides moneys for Fiscal Year 2017-2018 which begins July 1, 2017 and ends June 30, 2018. The bill appropriates over \$10.8 Billion to the Department and becomes effective July 1, 2017, or upon becoming law for specific sections. The funding is broken down into 4 categories as follows:

- Work Program: \$9.880 Billion
- Operating: \$758.7 Million
- Fixed Capital Outlay: \$8.2 Million
- Debt Service: \$174.6 Million

Language is added requiring the Department to submit quarterly reports on all travel related to training, seminars, workshops, conferences, or similarly purposed travel that was completed by senior management employees and division or program directors. Each quarterly report shall include the following information: (a) employee name, (b) position title, (c) purpose of travel, (d) dates and location of travel, (e) confirmation of agency head authorization and (f) total travel cost. The report shall be submitted to the chair of the Senate Committee on Appropriations, the chair of the House of

Representatives Appropriations Committee, and the Executive Office of the Governor. The first report is due on July 14, 2017, for the period of April 1, 2017, through June 30, 2017, and quarterly thereafter.

SB 2502 – Relating to Implementing the 2017-2018 General Appropriations Act

SB 2502 provides implementation requirements for the funds appropriated in the GAA.

- **Section 13/Agency for Persons with Disabilities/Transportation Disadvantaged:** Requires the Agency for Persons with Disabilities (APD) to create a task force on transportation disadvantages and submit a report to the Governor, President of the Senate and Speaker of the House by December 15, 2017. The Commission on Transportation Disadvantaged shall consult. The task force is to examine the design and use of transportation disadvantaged services considering at least the following:

- The use of regional fare payment system
- The improvement of TD services in both urban and nonurbanized areas; and
- The use of intercity and intercounty bus transportation
- The use of private providers or transportation network companies

- **Section 25/Tenant Broker Services:** Requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate or procure private lease agreements, in excess of 2,000 square feet, expiring between July 1, 2017 and June 30, 2020, in order to reduce costs in the future. The Department shall incorporate this initiative into its 2017 master leasing report required under s. 255.249(7), Florida Statutes, and may use tenant broker services to explore the possibilities of collocating office or storage space, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The Department shall provide a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2017, which lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2018.

- **Section 26/State Agency Law Enforcement Radio System and Interoperability Network:** Deletes the Department of Transportation from the Joint Task Force on State Agency Law Enforcement Communications.

- **Section 28/Data Center Services:** Agency may not transfer funds from a data processing category to a category other than another data processing category.

- **Section 29/Data Processing Assessment-AST Category:** The Executive Office of the Governor may transfer funds appropriated in “Data Processing Assessment-Agency for State Technology” category between Departments in order to align the budget authority granted based on the estimated billing cycle and methodology used by the Agency for State Technology for data processing services provided.

- **Section 30/Special Categories-Risk Management:** The Executive Office of the Governor may transfer funds appropriated in that category between Departments in order to align budget authority granted with the premiums paid by each Department for risk management insurance.

- **Section 31/Special Categories-Transfer to Department of Management Services – Human Resources Services per Statewide Contract:** The Executive Office of the Governor may transfer funds appropriated in that category between Departments in order to align budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services.

- **Section 32/FLAIR Replacement:** Authorizes the Department of Financial Services to replace the four main components of the Florida Accounting Information Resource Subsystem and the Cash Management Subsystem (CMS) with an integrated enterprise system that allows the state to organize, define, and standardize its financial management business processes and that complies with F.S.

- **Section 33/Statewide Travel Management System:** Requires all agencies to collaborate with the Executive Office of the Governor and the Department of Management Services to implement a statewide travel management system.

- **Section 41/Work Program Amendment Exemption:** Language was added to exempt emergency budget amendments from the Legislative Budget Commission requirements.

- **Budget was Vetoed in SB 2500 - Section 45/Florida Smart City Challenge Grant Program:** Requires the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge grant program and establish grant award requirements for applicants for the purpose of receiving awards that demonstrate and document the adoption of emerging technologies and their impact on the transportation system and must address at least the following focus areas including autonomous vehicles, connected vehicles, sensor-based infrastructure, collecting and using data, electric vehicles, including charging stations and developing strategic models and partnerships.

The program's goals will identify transportation challenges and identifying how emerging technologies can address those challenges; determine emerging technologies and strategies that have the potential to provide the most significant impacts; encouraging applicants to take significant steps to integrate emerging technologies into their day-to-day operations; identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations; leveraging the initial grant to attract additional public and private investments; increasing the state's competitiveness in the pursuit of grants from the United States Department of Transportation, the United States Department of Energy, and other federal agencies; committing to the continued operation of programs implemented in connection with the grant; serving as a nationwide model for Smart City programs; documenting the costs and impacts of the grant program and lessons learned during implementation; and identifying solutions that will demonstrate local or regional economic impact.

FDOT shall develop eligibility, application, and selection criteria for the program grants and a plan for the promotion of the grant program to applicants in 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. FDOT 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, FDOT 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 49/Florida Seaport Transportation and Economic Development:** Provides that Seaport Grants are not subjected to matching or eligible requirements.

- **Section 50/Adoption of the Work Program:** Provides intent that the Department maintain fiscal solvency and minimize any project, or a phase thereof, from being deferred within the work program. Further intent directs the Department, to the maximum extent feasible, reduce financial projects not programmed for contract letting as identified with a work program contract class code 8 and the box code RV to add projects to the 2017- 2018 work program which are identified by a specific appropriation in the 2017-2018 General Appropriations Act.

For Fiscal Year 2017-2018 only, the Department is authorized to realign budget authority among appropriation categories to support the implementation of the 2017-2018 General Appropriations Act without having to seek Legislative Budget Commission approval and must be supported by documented production and financial goals within the parameters of finance, available cash, and total authorized budget. This only applies when projects, or a phases, are not deferred or deleted from the work program.

If the realignment causes projects or phase to be deferred or deleted, the Department is subject to approval by the Legislative Budget Commission. The Department shall provide to the Legislative Budget Commission a proposed cash forecast; an adopted finance plan as of 7/1/17; an adopted cash forecast as of 7/1/17; a complete list of projects, or phases deferred or deleted from the impact of the projects identified by specific appropriations in the 2017-2018 GAA for the 2017-2018 through 2021-2022 work program; the Department's methodology for identifying projects, or phases, deferral or deletion for the 2017-2018 through 2021-2022 work program; a letter of concurrence or nonconcurrent from the affected MPO or nonmetropolitan areas, the county commissioners with the impacted project selections; and complete list of financial projects not programmed for contract letting as identified with a work program contract letting in the reserves for the 2017-2018 through 2021-2022 work program.

In addition, any work program amendment submitted to the Legislative Budget Commission which results in a reduced project commitment level for the 2017-2018 fiscal year the above documents must also be attached.

- **Section 52/Competitive Solicitation Funded from Expense or Contracted Services:** Prohibits an agency from engaging in competitive solicitation using Expenses, Contracted Services or other special categories if the solicitation would require a law change or require a change in the agency's budget other than in the 5% provisions. Does not apply in emergency situations.

- **Section 57/State Employee Travel:** Requires state employee travel to be limited to mission critical to meet the agency's mission. Prohibits the use of funds for travel to foreign countries, other states, conferences, staff training activities, or other administrative functions unless approved by the agency head. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities.

- **Section 58/State Employee Travel Lodging:** State employee travel costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed \$150 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$150 per day. For purposes of this section, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response.

- **Section 59/Non-Disclosure Clauses in Contracts:** Prohibits a state agency from using Expenses, Contracted Services or other special categories to enter into a contract containing a nondisclosure clause that prohibits the contractor from disclosing information relevant to the performance of the contract to members or staff of the Senate or the House of Representatives.

SUMMARY OF OTHER LEGISLATION OF INTEREST

Public Records

[CS/CS/SB 80](#) – Senator Steube

Amends and creates various statutes

- The bill generally requires a court to award attorney fees and enforcement costs in actions to enforce public records laws if the court determines that an agency unlawfully refused access to a public record and the plaintiff provided written notice identifying the public records request to an agency records custodian at least 5 business days before filing the action.
- The 5-day notice period excludes holidays and weekends. Advance written notice is not required if the agency does not prominently post contact information for its records custodian in the agency's primary administrative building in which public records are kept and on the agency's website, if the agency has a website.
- However, if the court determines that a plaintiff requested records or filed the enforcement action based on an improper purpose, the court must award reasonable costs and attorney fees against the plaintiff. An improper purpose is one in which a person requests records mainly to harass an agency, cause a violation of the public records law, or for frivolous purpose.
- The bill further specifies that monetary damages are not available in an action to enforce the public records laws.

Agency Inspectors General

[HB 207](#) – Representative Plakon

Amends s. 20.055 & 420.506, F.S.

- Current law establishes an Office of Inspector General in each state agency to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. For state agencies under the jurisdiction of the

Cabinet or the Governor and Cabinet, the inspector general is appointed by the agency head. For state agencies under the jurisdiction of the Governor, the inspector general is appointed by the Chief Inspector General (CIG). The agency head or CIG is authorized to set the salary of the inspector general.

- The Florida Housing Finance Corporation (corporation) is the state’s affordable housing finance agency. The corporation is authorized to employ an inspector general, who is appointed by the corporation’s executive director, with the advice and consent of the corporation’s nine-member board of directors.
- Effective July 1, 2017, the bill prohibits a state agency that enters into an employment agreement, or renewal or renegotiation of an existing contract or employment agreement, with an inspector general or deputy inspector general from offering a bonus on work performance in the contract or agreement. The awarding of such a bonus is also prohibited.

Transportation Network Companies

[CS/HB 221](#) – Representative Sprowls
Creates s. 627.748, F.S.

The bill provides a regulatory framework for transportation network companies (TNCs) in the state and it preempts to the state the regulation of TNCs. The bill:

- Defines terms and provides that a TNC is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service.
- Requires a TNC to maintain an agent for service of process in the state, to disclose certain information related to the collection of fares and have a digital network to display a photograph of the TNC driver and the license plate number of the TNC vehicle.
- Provides minimum insurance requirements for TNCs and TNC drivers and provides for certain TNC and insurer disclosures and exclusions. It also provides that TNC drivers are independent contractors if certain conditions are met.
- Requires TNCs to implement a zero tolerance policy regarding drug and alcohol use.
- Establishes certain TNC driver requirements and prohibits persons from being a TNC driver if they have been convicted of certain crimes or a certain number of moving violations.
- Requires TNCs to submit to the Department of Financial Services an independent examination report and establishes penalties for noncompliance.
- Prohibits TNC drivers from accepting rides for compensation outside of the TNC’s digital network and from soliciting or accepting street hails.

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- Requires TNCs to adopt and TNC drivers to comply with policies related to nondiscrimination and disability access and to maintain certain records relating to riders and TNC drivers.
 - Authorizes airports and seaports to charge TNCs reasonable pickup fees consistent with what is charged for taxicabs.

Central Florida Expressway Authority

HB 299 – Representative Goodson

Amends s. 348.753, F.S. and s. 348.754, F.S.

- The bill incorporates Brevard County into the Central Florida Expressway Authority (CFX). It increases the number of members on CFX’s board by one person to include a member appointed by the Brevard County Board of County Commissioners.
- The bill also allows the Governor to appoint a citizen member of CFX’s board from Brevard County. The bill revises the quorum and vote requirements to conform to the increase in the number of board members. Additionally, the bill provides that the area served by CFX includes Brevard County.

Transportation Facility Designations

CS/CS/HB 368 – Senator Montford

- The bill creates 51 honorary designations of transportation facilities around the state and directs the Department to erect suitable markers designating the transportation facilities. The bill also revises two previously enacted honorary designations.
- The bill also requires the Department to erect appropriate signage commemorating specified conflicts involving the United States Armed Forces along portions of the Veterans Expressway in Hillsborough and Hernando counties.
- A list of the designations can be found in Appendix A.

Underground Utilities

HB 379 – Representative Leek

Amends s. 556.103, F.S., s. 556.105, F.S. and s. 556.107, F.S.

Chapter 556, F.S., is the “Underground Facility Damage Prevention and Safety Act” (Act). The stated purpose of the Act is to identify and locate underground facilities prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities. To accomplish this, the Act creates a not-for-profit corporation, Sunshine State One-Call of Florida, Inc. (SSOCOF), to administer a free-access notification system.

The bill amends the “Underground Facility Damage Prevention and Safety Act” by:

- Requiring the SSOCOF board of directors, in its annual progress report on the participation by municipalities and counties in the one-call notification system, to include a summary of the damage reporting data received by the system for the preceding year and any analysis of the data by the board;
- Requiring an excavator that causes contact with or damage to any pipe or other underground facility to immediately report the contact or damage by calling 911 if any natural gas or other hazardous substance or material regulated by the Pipeline and Hazardous Materials Safety Administration has escaped;
- Requiring member operators, after being notified by an excavator that causes damage to a pipe, cable, or protective covering, to file a report with the one-call system on an annual basis, with a deadline of March 31 each year for all reports from the prior calendar year, or more frequently at the option and sole discretion of the member operator; requiring such reports to include, if known, the cause, nature, and location of the damage; and
- Providing that if a citation is issued by a state law enforcement officer, 80 percent of the civil penalty collected by the clerk of the court will be distributed to the government entity whose employee issued the citation.

Enhanced Safety for School Crossings

CS/HB 493 – Representative Toledo

- The bill requires the Department to evaluate the viability and cost of establishing a uniform system for the designation of safe school crossing locations on arterial or collector roads within a one-mile radius of all schools. The bill requires the Department to report its findings to the Governor and Legislature before January 1, 2018.

Public Works Projects

CS/CS/SB 599 – Representative Williamson
Creates s. 255.0992, F.S.

Currently, Contracts for construction services that are projected to cost more than a specified threshold must be competitively awarded. Specifically, state contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid. Counties, municipalities, special districts, or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the estimated cost exceeds \$300,000. The solicitation of competitive bids or proposals must be publicly advertised in the Florida Administrative Register.

The bill creates s. 255.0992, F.S., relating to public works projects and defines the terms “political subdivision” and “public works project.” The bill prohibits the state or a political subdivision, except

when required by state or federal law, from requiring a contractor, subcontractor, or material supplier or carrier engaged in a public works project to:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

In addition, the bill provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is otherwise qualified to do the work described. This provision does not apply to vendors that have been convicted of a public entity crime or have been found to have committed discrimination.

The bill's prohibitions apply only to public works projects of which 50 percent or more of the cost will be paid from state-appropriated funds that were appropriated at the time of the competitive solicitation.

The bill does not apply to contracts executed by the Department under ch. 337, F.S.

Hillsborough County Public Transportation Commission

HB 647– Representatives Grant (J) and Toledo

Repeals chapters 98-451, 2001-299, 2007-297, 2008-290, 23 2010-265, 2010-272, and 2012-247, Laws of Florida

- The Hillsborough County Public Transportation Commission (PTC) is an independent special district created to regulate the operation of vehicles for-hire in Hillsborough County, including taxicabs, limousines, vans, basic life support ambulances, and wrecker services used by both public and private entities. The PTC conducts safety inspections, controls the number of taxicab permits issued, and sets rates, fares, zones, and charges for taxicabs and other vehicles for-hire.
- The bill dissolves the PTC and requires it to liquidate all assets and satisfy all obligations and indebtedness by December 31, 2017, at such time all assets will be transferred to the appropriate local government entity.
- The Economic Impact Statement identifies a projected cost of \$250,000 for FY 2017-2018 to cover no more than 6 months of payroll expenses, rent on business facilities, utilities, supplies and associated costs. The costs would be paid from present funds of the Commission.

Utilities

[CS/CS/HB 687](#) – Representative La Rosa
Amends s. 337.401, F.S.

The bill expands the Department’s utility permitting authority to include wireless facilities.

The bill also creates the Advanced Wireless Infrastructure Deployment Act, which establishes a process by which wireless providers may place certain “small wireless facilities” on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an “authority” (i.e., a county or municipality). The bill provides that an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified in the bill. The bill caps the rate for collocation on an authority utility pole at \$150 annually.

Small wireless facilities are defined in the bill as wireless facilities that meet the following size limitations:

- Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, if the antenna has exposed elements, the antenna and all of its exposed elements would fit within an enclosure of the same volume.
- All associated wireless equipment is cumulatively no more than 28 cubic feet in volume.

The bill provides specific terms and conditions under which an authority must process and issue permits for collocation, including the grounds on which an authority may deny an application. The bill authorizes an authority to apply certain codes that address the safety of property and persons and certain objective design standards and to request an alternate location in the right-of-way for a proposed small wireless facility.

The bill exempts routine maintenance, replacement of existing wireless facilities with similarly sized wireless facilities, and placement of certain “micro wireless facilities” from approval and fees. The bill establishes specific rates and terms for the collocation of small wireless facilities on authority utility poles, including terms related to “make-ready” work to prepare or modify a utility pole to accommodate additional facilities.

The bill also authorizes a wireless infrastructure provider to apply for a permit to place utility poles in the public rights-of-way to support the collocation of small wireless facilities. The bill does not apply to collocation on privately owned utility poles and wireless support structures or utility poles owned by an electric cooperative or municipal electric utility. The bill also does not apply to collocation of small wireless facilities or the erection of wireless support structures in retirement communities or municipalities with specific characteristics or in locations governed by covenants and restrictions of a home owners association.

South Florida Regional Transportation Authority

[CS/CS/CS/HB 695](#) – Representative Santiago
Amends and creates various statutes.

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- The bill addresses insurance liability issues related to the South Florida Regional Transportation Authority (SFRTA), which operates commuter rail service in Palm Beach, Broward, and Miami-Dade Counties.
 - The bill provides SFRTA with the ability to indemnify under certain circumstances. The bill provides who is responsible for property damage and injury to certain persons associated with several scenarios involving rail accidents. The bill also provides an allocation of risk between the parties and includes provisions for passengers and other rail corridor invitees.
 - The bill authorizes SFRTA to purchase railroad liability insurance of \$295 million per occurrence, and allows it to adjust the limit in accordance with applicable law. The bill also requires SFRTA to maintain a \$5 million self-insurance retention account.
 - The bill also authorizes, but does not require, the Department to indemnify and insure certain rail services on Department-owned rail corridors.
 - The bill prohibits SFRTA from entering into a contract or other agreement, or renewing or extending any existing contract or other agreement, which may be funded, in whole or in part, with Department provided funds without the Department's prior review and written approval of SFRTA's proposed expenditures.
 - The bill further clarifies that those DOT funds constitute state financial assistance while outlining the parameters for advancing such funds and reimbursing SFRTA invoices.

Port of Palm Beach, Palm Beach County

CS/HB 737 – Representative Hager

Amends, codifies, reenacts and repeals several chapters of the Laws of Florida

- The bill codifies the charter of the Port of Palm Beach District (Port) into a single document by codifying, amending, reenacting, and repealing the several special acts currently comprising the charter. The bill also updates and expands definitions, clarifies the Port's authority to construct related projects and facilities, revises certain provisions pertaining to insurance provided to commissioners and employees, and updates provisions pertaining to issuing bond debt.
- The Port is governed by the Board of Commissioners of Port of Palm Beach District (Board), which is comprised of five elected members. One of the functions of the Board is to oversee Foreign-Trade Zone (FTZ) operations associated with the Port. In 2008, the federal government created new regulations expanding the locations and modification flexibility of FTZ site locations. In 2012, the Port approved a resolution to apply for the new FTZ status created by the regulations in order to expand its site locations into the neighboring Martin and St. Lucie Counties. This application could not be granted because the Port's current charter did

not permit the flexibility for expansion needed under the new regulations. Currently, the Port is limited by its charter to operating within the corporate limits of Palm Beach County.

- The bill amends the Port's special act to allow the Port to apply for FTZ site locations outside of Palm Beach County. For FTZs, the bill would support the District's application to the U.S. Foreign Trade Zone Board to operate under an Alternative Site Framework (ASF) for FTZ #135, which would reduce the site application processing period for companies from approximately 12-18 months down to approximately 1-3 months.

Unmanned Devices

CS/HB 1027 – Representative Yarborough
Amends and creates various statutes

- The bill provides statutory requirements governing personal delivery devices (PDDs) and unmanned aircraft systems.
- The bill provides that PDDs are not motor vehicles and provides minimum operating requirements for PDDs, including identification, brake, operator, and insurance requirements. The bill authorizes, subject to local government regulation, the operation of PDDs on sidewalks, but prohibits them on certain state-owned trails.
- The bill creates the Unmanned Aircraft Systems Act vesting in the state the authority to regulate the ownership or operation of unmanned aircraft systems, commonly known as drones. The bill prohibits political subdivisions from enacting or enforcing ordinances or regulations relating to the use of unmanned aircraft systems; however, they may enact ordinances regarding illegal acts arising from the use of unmanned aircraft systems if the ordinances are not specific to unmanned aircraft systems.
- The bill stipulates that entities seeking to restrict or limit the operation of a drone must apply to the Federal Aviation Administration (FAA) for such designation, and that the regulation of unmanned aircraft must be construed in accordance with federal statutes, regulations, and guidance issued through the FAA. The bill provides that the Unmanned Aircraft Systems Act sunsets 60 days after the date a process pursuant to the FAA Extension Safety and Security Act of 2016 becomes effective.

Limited Access and Toll Facilities

CS/HB 1049 – Representative Avila and Nunez
Amends and creates various statutes

- The bill authorizes the Department and the Florida Turnpike Enterprise (FTE) to require the use of an electronic transponder interoperable with their electronic toll collection systems for use of high-occupancy toll lanes or express lanes and provides that if a customer's average travel speed in an express lane falls below 40 miles per hour the customer will be charged a reduced toll.

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- The bill also extends to 2027 a requirement that 90 percent of net toll revenues collected in Miami-Dade, Broward, and Palm Beach counties remain in those counties.
 - The bill prohibits the Miami-Dade County Expressway Authority (MDX) from increasing its tolls, except for an adjustment for inflation, unless adjusted by an independent traffic and revenue study and approved by a two-thirds vote of its board. The bill prohibits MDX from spending toll revenues on administrative expenses greater than 10 percent of the annual state average for expressway authorities and directs the Florida Transportation Commission to determine the average of such expenses. The bill requires MDX to maintain a certain distance between tolling points, requires toll charges to be reduced for SunPass customers, and requires MDX to dedicate a certain percentage of its annual surplus revenues to certain transportation projects.
 - The bill requires Miami-Dade County to have a financial audit of its transportation plan, requires MDX to have a biennial audit, and requires the audit reports to be posted on their websites along with certain documents.

Broward County

HB 1153 – Representative Moskowitz

- The Federal Highway Administration establishes controls for outdoor advertising on interstate highways, and requires states to maintain compliance with certain standards. Florida law also addresses outdoor advertising and provides maximum heights for certain outdoor signs.
- The bill provides that if a properly permitted sign in Broward County on an interstate highway is subsequently obstructed, the allowable height for the sign is measured from the top of the visual obstruction. However, the height of the sign may not exceed 100 feet above the crown of the main traveled way.
- The bill authorizes the Department to promulgate any rules or forms needed to implement provisions of the bill.

Transportation Facility Designations

HB 1169 – Representative Sprowls

- The bill creates the honorary designation of the “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway” in Pinellas County. It directs the Department of Transportation (DOT) to erect suitable markers designating the Officer Charles “Charlie K” Kondek, Jr., Memorial Highway.

Tampa Bay Regional Transportation Authority

CS/CS/SB 1672 – Senator Latvala

Amends and creates various statutes

- The bill changes the name of the authority to the Tampa Bay Area Regional Transit Authority. It removes Citrus, Hernando, and Sarasota counties from the authority, and allows for others to be included by agreement.
- Reduces the number of voting members of the board from 15 to 13. The Secretary of FDOT will no longer appoint two advisors to the board. Revises the county commissions that will appoint a county commissioner to the board. The Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization (MPO) Chairs Coordinating Committee will no longer appoint a member to the board. The members appointed by the Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority are no longer required to be the mayor or the the mayor's designee of the largest municipality in the service area. The Governor will appoint four members from the regional business community.
- It requires the Board to submit recommendations before the 2018 Legislative Session regarding the status of certain committees. It expands the purpose of the authority to including planning, implementing, and operating mobility improvements and expansions of multimodal transportation options. It requires the authority to produce a regional transit development plan that integrates the transit development plans of the participant counties, and which would prioritize regionally significant transit projects and facilities. It requires the authority to provide its plan to produce the transit development plan to the Legislature prior to the beginning of the 2018 session. It also authorizes the authority to serve as the recipient of federal funds supporting intercounty projects or intracounty capital projects in a single county within the authority's designated service area, if the Governor consents to such action.
- The bill also provides that an action by the authority regarding state funding of certain rail projects requires approval by a majority vote of each MPO serving the county or counties where the rail project investment will be made and the approval by an act of the Legislature. The authority is also prohibited from engaging in any advocacy regarding a referendum, ordinance, legislation, or proposal which seeks to approve the funding of certain rail projects.
- Lastly, the authority must conduct a feasibility study, through an independent third party, for any project of commuter rail, heavy rail transit, or light rail transit before proceeding with the development of the project and before any related contract is issued. The feasibility study must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the board of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties before the beginning of the 2018 Session.

Relating to Relief/Amie Draiemann O'Brien, Hailey Morgan Stephenson, and Christian Darby Stephenson II/Department of Transportation

CS/CS/HB 6519 – Representative Cortes (B)
Claims Bill

The bill provides for compensation to Amie Draiemann O'Brien, as Personal Representative to the Estate of Christian Darby Stephenson, to compensate Mrs. Stephenson and the surviving minor children of Mr. and Mrs. Stephenson for the death of Christian Darby Stephenson. The bill:

- Appropriates \$1,116,940 from the State Transportation Trust Fund to the Department of Transportation and directs the Chief Financial Officer to draw warrants upon the funds of the Department of Transportation in the State Treasury not otherwise appropriated, payable in the sum of \$404,575.65 to the Estate of Christian Darby Stephenson; \$237,454.78 to Amie Draiemann O'Brien; \$311,212.04 to be paid into a trust to compensate Hailey Morgan Stephenson; and \$163,697.53 to be paid into a trust to compensate Christian Darby Stephenson II.
- Provides that the amount paid by the Department pursuant to s. 768.28, F.S., and the amount awarded in the bill are intended to provide the sole compensation for all present and future claims arising out of the incident that resulted in the death of Christian Darby Stephenson. The total amount paid for attorney fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded.

SUMMARY OF EMPLOYEE RELATED BILLS

The House and Senate passed two bills that directly impact Department Employees. An overview of the legislation is below:

Division of State Group Insurance

SB 2508- Appropriations

- The bill permits the Department of Management Services (DMS) to contract with a vendor to conduct a dependent eligibility verification audit. DMS is required to put all enrollees of the State Group Health Insurance Plan on notice regarding the eligibility requirements for dependents. Through the next open enrollment period for the plan, enrollees can remove dependents who are no longer eligible for coverage. Beginning in December 2017, a contractor will begin the eligibility audits, requesting and reviewing documents on each dependent to ensure eligibility requirements have been met. The documents submitted for this audit must be retained until June 30, 2019. After that date, the documents are no longer useful and may be destroyed.
- The bill also updates the current statutory provisions relating to the State Employees Prescription Drug Program. The current copayment structure is codified so that it does not revert to the December 31, 2010, copayment levels each year. The current copayments of \$7

for generic drugs, \$30 for preferred brand name drugs, and \$50 for non-preferred brand name drugs continue, rather than reverting to \$10 for generic drugs, \$25 for preferred brand name drugs, and \$40 for non-preferred brand name drugs.

Public Employees

SB 7022- Governmental Oversight and Accountability

The bill is a comprehensive benefits package for state employees. It includes pay raises, modifications to the Florida Retirement System (FRS), and changes to the State Group Insurance Program.

- The bill provides most state employees with a \$1,400 increase if their current salary is below \$40,000 a year, or \$1,000 if their salary is above \$40,000 a year, effective October 1, 2017.
- Several changes to the Florida Retirement System (FRS) are included in this bill, such as renewed membership in the investment plan or one of the optional annuity retirement plans for certain former participants of those plans. The bill closes the Senior Management Service Optional Annuity Program to new hires and changes the default from the pension plan to the investment plan for non-Special Risk members of the FRS initially enrolled after January 1, 2018. The bill also extends the initial election period from 6 to 9 months after being hired.
- Additionally, the bill provides adjustments to the contribution rates that fund the FRS's normal costs and unfunded actuarial liability.
- Beginning in plan year 2020, the bill provides employees in the State Group Insurance Program (Program) with a choice of health insurance coverage levels of at least a certain actuarial value: Platinum – 90 percent, Gold – 80 percent, Silver – 70 percent, and Bronze – 60 percent. If the state's contribution is more than the premium cost of the health plan selected by the employee, the employee will be permitted to allocate unused state health insurance contributions to other benefits or as salary.
- The bill requires competitive procurement of an independent benefits consultant to assist in developing a plan for implementation of the new benefit levels. The implementation plan must be produced by January 1, 2019, and must include recommended contribution policies and employee education strategies regarding the coverage levels and other benefit alternatives.
- Beginning with plan year 2018, the bill authorizes offering of new types of health care products and services, including an online cost comparison for health care services and providers and inclusive services for surgery and other medical procedures. Enrollees may access these services and share in any savings to the state.
- By October 1, 2017, the bill requires calculation of alternative premium rates that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options for the 2018 plan year.

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- For Plan Year 2019, the bill requires the Department of Management Services (DMS) to determine and recommend premiums for enrollees that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options. The bill provides that the premium rate for the employers used in this report will be the premiums established in the general appropriations act for fiscal year 2018-2019.

SUMMARY OF LEGISLATION OF INTEREST PASSED DURING SPECIAL SESSION A

HB 1A- Economic Development

The bill is a comprehensive economic development package and includes language that impacts the Department. An overview of Sections 15 and 28 which create the Florida Job Growth Grant Fund is below:

- The bill creates the Florida Job Growth Grant Fund in the Department of Economic Opportunity (DEO) to promote economic opportunity by improving public infrastructure and enhancing workforce training;
- Appropriates \$25 million from the State Transportation Trust Fund (STTF) for FDOT to enter into an agreement with the DEO for infrastructure improvement projects approved by the Governor;
- Authorizes the Governor's Office to budget amendment to transfer up to \$40 million from STTF to DEO's State Economic Enhancement and Development (SEED) Trust Fund to support the Florida Job Growth Grant Fund;
- Estimated impact of \$75 million to Work Program planned commitments;
- The bill also specifies new accountability and transparency measures for VISIT FLORIDA and Enterprise Florida, Inc. (EFI).

Appendix A: Roadway Designations passed during the 2017 Session

SB0368 – Senator Montford			
Designation	Description	County	District
"Corporal Joseph R. Bertrand Memorial Highway"	Portion of SR 80 between Hickey Creek Road and Carter Lane	Lee	1
"Coach Jeff Sommer Memorial Highway"	Portion of US 41/SR 45/Tamiami Trail between Corkscrew Road and Coconut Road	Lee	1
"Private First Class Joey Moody Bridge"	Bridge #380096 on US 221/SR 55 over the Econfina River	Taylor	2
"Joe C. Peavy Highway"	Portion of SR 53 between US 90/S.R. 10 and the Georgia state line	Madison	2
"Deputy A. Hagood Ellzey Memorial Highway"	Portion of US 19/98 South between mile marker 23 and mile marker 25	Levy	2
"Joe Anderson, Jr., Memorial Highway"	Portion of SR 349 between US 98/SR 55 in Dixie County and S.R. 20	Lafayette	2
"Emmitt G. Coakley 86 Memorial Highway"	Portion of US 1/SR 15 between 5th Avenue and CR 108	Nassau	2
"Rev. Dr. Thomas A. Wright Boulevard"	Portion of CR 1476/NE 8th Avenue between NE 15th Street and NE 26th Terrace	Alachua	2
"Historic Suwannee River Scenic Parkway"	Portion of US 129/SR 51 between I-75 in Hamilton County and I-10 in Suwannee County	Hamilton & Suwannee	2
"SP4 Robert Clifford Millender Memorial Highway"	Portion of US 98/SR 30 between Ryan Drive/W. 11th Street and N.E./SE 12th Street	Franklin	3
"Warren E. 'Charlie' and Shirley Brown Memorial Highway"	Portion of US 98/SR 30 between Rosewood Drive in Okaloosa County and Sunrise Drive in Santa Rosa County	Okaloosa & Santa Rosa	3
"Sheriff Wendell Hall Highway"	Portion of US 90 from Chumuckla Highway to Woodbine Road	Santa Rosa	3
"William H. 'Bill' Mapoles Bridge"	Bridge number 570172 on US 90/SR 10 over the Yellow River	Okaloosa	3
"Brigadier General Thomas 'Mark' Stogsdill Memorial Overpass"	Bridge number 570175 on 77th Special Forces Way over State Road 85	Okaloosa	3

“Wilbur Barry Highway”	Portion of US 29/Pensacola Boulevard between W Street and Marcus Pointe Boulevard/Stumpfield Road	Escambia	3
“Rep. J. Troy Peacock Bridge”	Bridge Number 500087 on I-10 over the Apalachicola River	Gadsden & Jackson	3
“Danny A. Pino Way”	Portion of US 90/SR 10 between N Woodward Avenue and Wadsworth Street	Leon	3
“Candice Ellize Francois Street”	Portion of Palm Avenue between Pembroke Road and Miramar Parkway	Broward	4
“The Hope and Healing Highway”	Portion of US 1 between Broward Boulevard and Sunrise Boulevard	Broward	4
“John U. Lloyd Bridge”	Bridge Number 860920 over the Stranahan River	Broward	4
“Lieutenant Debra Clayton Memorial Highway”	Portion of SR 438 between John Young Parkway and Pine Hills Road	Orange	5
“First Class Deputy Norman Lewis Memorial Highway”	Portion of CR 431/Pine Hills Road between Silver Star Road and SR 50	Orange	5
“Arnold Palmer Expressway”	Portion of SR 408 between Kirkman Road and Clarke Road	Orange	5
“Sergeant Marvin L. Roberts Memorial Highway.”	Portion of SR 19 between SR 50 and CR 478/Cherry Lake Road	Lake	5
“Reverend Kenneth C. Crossman Bridge”	SunRail Bridge Number 750255 over US 17/92/SR 15	Orange	5
“Anelie Cadet Way”	Portion of US 441/SR 500/Orange Blossom Trail between Lake View Drive/Lake Street and SR 451	Orange	5
“Trooper Patrick Ambroise Memorial Highway”	Portion of the Homestead Extension of the Florida 30 Turnpike/SR 821 between mile marker 34 and mile marker 36	Miami-Dade	6
“Robert L. Shevin Memorial Boulevard”	Portion of Miami Avenue between NE 5th Street and US 41/SR 90/SE 7th Street	Miami-Dade	6
“Muhammad Ali Boulevard”	Portion of US 441/SR 7 between NW 52nd Street and NW 65th Street	Miami-Dade	6
“Stanley G. Tate Boulevard”	Portion of SR 922 between NE 10th Avenue and N. Bayshore Drive	Miami-Dade	6
“Herman Echevarria Way”	Portion of US 27/SR 25 between W. 9th Street and E/SE 1st Avenue	Miami-Dade	6

“Robert M. Levy Memorial Boulevard”	Portion of SR 997/Krome Avenue between SW 344th Street and SW 177th Court	Miami-Dade	6
“Irene U. Hooper Memorial Bridges”	Bridge numbers 900110 and 900111, over Pine Channel on US 1/SR 5	Monroe	6
“Georgia Ayers Way”	Portion of SR 9/NW 27th Avenue between SR 934/NW 79th Street and NW 41st Street	Miami-Dade	6
“Dr. Clifford Garfield O’Connor Street”	Portion of NW 32nd Avenue between NW 87th Street and NW 83rd Street	Miami-Dade	6
“Robert ‘Bobby’ L. Parker, Sr., Memorial Highway”	Portion of US 441/SR 7 between NW 155th Lane and NW 151st Street	Miami-Dade	6
“Senator Paul B. Steinberg Bridge”	Bridge number 870054 on SR 112/W 41st Street/Arthur Godfrey Road	Miami-Dade	6
“Lorenzo de Toro Way”	Portion of US 41/SR 90/SW 8th Street between SW 53rd Avenue and SW 56th Avenue	Miami-Dade	6
“Luis Fernando Brande Street”	Portion of SW 22nd Street between SR 933/SW 12th Avenue and SW 13th Avenue	Miami-Dade	6
“Phares Duverne Highway”	Portion of SR 909/W Dixie Highway between NE 6th Avenue and NE 10th Avenue	Miami-Dade	6
“Carmelau Monestime Street”	Portion of NW 2nd Avenue between NW 103rd Street and NW 111th Street	Miami-Dade	6
“Jessie Trice 160 Way”	Portion of 27th Avenue between 54th Street and 215th Street	Miami-Dade	6
"Shepard Broad Causeway"	Beginning at the intersection of State Road AIA and 96th Street in Dade County, and running in a Westerly direction, as nearly as possible in a direct line, through the Town of Bay Harbor Islands, across Broad Causeway, spanning Biscayne Bay, and through the Town of North Miami, to the point where such highway shall intersect with State Road Number 7, along the most practicable and feasible route to be determined by the State Road Department.	Miami-Dade	6
“Reverend Wilner Maxy Street”	Portion of NE 73rd Street between NE 2nd Avenue and NE 3rd Court	Miami-Dade	6

"Lieutenant Benedict J. Thomas Memorial Highway"	Portion of Interstate 75/SR 93A between Fowler Avenue and Fletcher Avenue	Hillsborough	7
"Gulf Coast Highway"	Portion of US 19/SR 55 between the Pinellas County line and the Hernando County line	Pasco	7
"Helen Gordon Davis Boulevard"	Portion of Davis Boulevard between Adalia Avenue and Adriatic Avenue	Hillsborough	7
"Francisco A. Rodriguez Avenue"	Portion of N. Willow Avenue between W. Cypress Street and W. Cass Street	Hillsborough	7
"Olympian Theresa Manuel Way"	Portion of N. Garcia Avenue between W. Palm Avenue and W. Ross Avenue	Hillsborough	7
"C. Bette Wimbish Highway"	Portion of I-375/SR 592 between I-275 and SR 595/4th Avenue	Pinellas	7
"Senator Gerald S. 'Jerry' Rehm Highway"	Portion of SR 580	Pinellas	7
"Purple Heart Trail"	Portion of SR 60 between the Hillsborough County line and Mandalay Avenue	Pinellas	7
World War I, World War II, The Korean War, The Vietnam War, Operation Desert Shield, Operation Desert Storm, Operation Eduring Freedom, Operation Iraqi Freedom.	The Department shall erect an appropriate sign to commemorate each of the following conflicts involving the United States Armed Forces:at intervals determined by the Department, along that portion of SR 589/Veterans Expressway between SR 60 in Hillsborough County and US 98 in Hernando County	Hillsborough & Hernando	7
HB1169 – Representative Sprowls			
"Officer Charles 'Charlie K' Kondek, Jr., Memorial Highway"	Portion of US 19A/SR 595 between Tarpon Avenue and the Pasco County line	Pinellas	7