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April 2018 Government Affairs Update

Transportation

Broward Metropolitan Planning Organization Roundtable: The Broward MPO held a Mayor's and Elected Officials' Roundtable with local elected officials and staff from all over the county. The event had over 100+ attendees and included a panel discussion with Ft. Lauderdale Mayor Trantalis, Sunrise Mayor Mike Ryan, and Hollywood Mayor Josh Levy. The discussion was open to all local officials on the transportation needs of their areas, their vision for the future, and their suggestions for how to achieve the vision. The discussion covered everything from the ambitious to the fundamental. Officials were concerned with getting their constituents to work reliably, creating east/west and north/south connectors, pros and cons of rail vs. busses, covered bus stops, traffic signal synchronization, as well as moving people in the context of demographic projections such as the "silver tsunami" and millennial economic development.

Transportation Surtax: Broward County will try again at a sales tax increase to fund transportation projects. While a transportation surtax did garner enough votes in Broward to pass in 2016, it ultimately failed due to a separate infrastructure surtax that it was tied to. The debate is over whether to put the surtax question forward on the 2018 ballot or 2020 ballot. A surtax question on the 2018 ballot risks the challenges of lower mid-term turnout and voter fatigue from a crowded ballot that will be shared with Constitutional Revision and Charter Review amendments. A question on the 2020 ballot would mean Presidential year voter turnout and smaller ballot. However, 2020 would also mean a later start date on projects that are already sorely needed. The funding would go towards improvement of roadways, bus routes, bicyclist/pedestrian routes, light rail and traffic signal synchronization. Broward is the only major metropolitan county in Florida that hasn't utilized its local surtax option. Miami-Dade County passed a transportation surtax in 2002, and Palm Beach County passed an infrastructure surtax in 2016.

WAVE Downtown Streetcar Project: One of the biggest projects in Broward transportation history, the WAVE Downtown Streetcar, is in a precarious situation after a second round of proposals came in at higher costs than estimated, the recent Fort Lauderdale elections and growing opposition among certain public groups. The City voted on May 1st 3-2 to request the County not assent to a contract between FDOT and the winning bidder. The decision has unknown legal and financial ramifications as there is a question of interpretation as to whether or not the City is in breach of its contract agreements. Under the contract, the City is allowed out if the actual cost is higher than 125% of the estimated cost, however it is not understood if this cost is the cost reflected in the bid itself or in the contract cost if the bid cost is negotiated down. The question of a breach of contract impacts the City's ability to recoup an estimated \$20 million of \$33

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million already invested. The decision also potentially impacts the City's relationship with the Federal Government and FDOT, who are partners with the City in the project along with the County and South Florida Regional Transportation Authority. A final decision by the County could be made on May 8th. FDOT is scheduled to review proposals on May 3rd.

The County first deferred and then voted against a proposal for a vehicle storage facility that would be needed should the WAVE expand to the airport and seaport, with the logic being that the cost would be less to build now than when it would be needed in the future. County Commissioners were concerned with Fort Lauderdale's potential vote to back out of the deal and with public sentiment against it. The vote also took place prior to the second round of proposals, which Commissioners wanted to see before taking action. Those proposals again came in higher than 125% of estimated costs, leading many to believe the City would be allowed to back out per contract agreements.

Supporters assert the WAVE is the beginning of a larger, regional connector project that will eventually connect the airport, seaport, Davie education hub, and potentially out to the Sawgrass. Opponents believe the technology is outdated and too costly and will lead to worse traffic congestion.

2018 Ballot Questions

Broward voters will be faced with a long and crowded ballot this November. There are currently 5 State Constitutional amendments that have qualified for the ballot: 3 by Legislative Initiative and 2 by voter petition method. In addition, this month the Florida CRC voted to place an additional 8 Constitutional amendments on the ballot (detailed below), and the Broward CRC voted to place 11 Charter amendments on the ballot (detailed below.) If the County approves the Broward CRC proposal this month, we are looking at at least 24 questions for voter consideration in addition to candidate elections. This does not count other proposals which may find their way on the ballot, such as a transportation surtax being discussed at the County.

Legislative & Citizen Initiated Amendments

Here is a helpful link to all of the State Constitutional Amendments:

https://ballotpedia.org/Florida_2018_ballot_measures

Amendment 1- Taxes

Increases the homestead exemption and allows for an additional \$25,000 to be exempted from \$100,000 to \$125,000 portion of home value. Should this pass, certain homeowners could have a maximum of \$75,000 homestead exemption. The Legislature voted to place this on the ballot in 2017. While the proposal does not affect school taxes, it will have a significant financial impact on local governments. It would also impact state revenues as the implementing legislation requires the state to cover the impact on fiscally constrained counties.

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Amendment 2-Taxes

Makes the 10% cap on increases in annual assessments of nonhomestead property passed in the 2008 Save Our Homes amendment permanent. The cap is scheduled to sunset July 2019. The Legislature voted to place this on the ballot in 2017.

Amendment 3-Gambling

Requires 60% of Florida voters to approve any expansion of casino-style gaming rather than allowing the Legislature to expand it. This amendment was placed on the ballot via citizen petition method in a campaign backed by the Seminole Tribe and Disney. Supporters assert the amendment removes the influence of special interest lobbying and campaign donations on decisions that would expand gaming. Opponents believe that the amendment gives a monopoly to the Tribe.

Amendment 4-Suffrage

Automatically restores the right to vote for felons, excluding those convicted of murder or a felony sexual offense, upon completion of their sentences. This was placed on the ballot via the citizen petition method. Supporters contend that the current system of appearing before the clemency board, consisting of the state cabinet officers, is too restrictive and is an outdated system from the Jim Crow era. Opponents argue the current system respects victims. A Federal judge recently deemed the current system's wait-period unconstitutional and ordered it to be changed. The state requested and was granted a stay.

Amendment 5-Legislature

Requires a minimum vote threshold of 2/3rds of the legislature to impose or increase tax or fee. The Legislature voted to place this on the ballot in 2018, and the proposal was originated by the Governor. Opponents argue that the amendment will handicap the decisions of future legislatures to react to changing fiscal situations and to repeal partisan tax policy such as private school voucher tax credits.

Florida Constitution Revision Commission (Florida CRC)

The 2018 Florida Constitution Revision Commission approved 8 ballot questions to amend the Florida Constitution. The Commission is convened every twenty years and is one method to amend the Constitution along with voter petition and Legislative initiative. One ballot initiative, P 6002, includes death benefits for first responders killed in the line of the duty. The language would require employing agencies to provide a death benefit to firefighters, paramedics, emergency medical techs, law enforcement, correctional and correctional probation officers who are killed in the line of duty. It would also require the state to waive education costs for surviving spouses and children to obtain degrees. Controversy surrounds the decision to group some of the proposals together, such as: public vaping with offshore drilling, first responder benefits with checks on college tuition,

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and promotion of civic literacy with the removal of district duties over charter schools and establishment of school board term limits.

- [P 6001: Rights of Crime Victims; Judges](#)
- [P 6002: First Responder and Military Member Survivor Benefits; Public Colleges and Universities](#)
- [P 6003: School Board Term Limits and Duties; Public Schools](#)
- [P 6004: Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces](#)
- [P 6005: State and Local Government Structure and Operation](#)
- [P 6006: Property Rights; Removal of Obsolete Provision; Criminal Statutes](#)
- [P 6007: Lobbying and Abuse of Office by Public Officers](#)
- [P 6012: Ends Dog Racing](#)

Broward Charter Review Commission (Broward CRC)

Similar to the Florida Constitution Revision Commission, Broward County convenes a Charter Review Commission every 12 years to propose amendments to the County Charter. The Commission voted on April 2 to propose 11 Charter amendments. The County Commission is scheduled to vote to approve the amendments for a ballot referendum on May 8th.

- CRC Resolution No. 2018-010, which would adopt fair districting standards to County Commission redistricting
- CRC Resolution No. 2018-011, which would, among other things, require the Board to retain a four-year Florida college or university to identify and designate nine single-member districts in an open and transparent process
- CRC Resolution No. 2018-007, which would establish and address the Broward County Affordable Housing Trust Fund
- CRC Resolution No. 2018-002, which would provide discretion (instead of a mandate) for the Inspector General to commence investigations
- CRC Resolution No. 2018-003, which would require the County Land Use Plan to include the Broward County Zoning Glossary, and which would provide that the Broward County Planning Council shall hold no less than one (1) public hearing prior to consideration of a proposed land use plan or plan amendment
- CRC Resolution No. 2018-004, which would provide for alternate members to be appointed to each of the Central Examining Boards
- CRC Resolution No. 2018-005, which would address the required quorum for the Board of Rules and Appeals
- CRC Resolution No. 2018-006, which would generally require that the County and municipalities post online notices, agendas, and backup materials at least forty-eight (48) hours prior to the scheduled meeting;
- CRC Resolution No. 2018-008, which would change the composition of the board that nominates the Broward County Auditor
- CRC Resolution No. 2018-012, which would change the composition of the Selection-Oversight Committee for the Inspector General
- CRC Resolution No. 2018-013, which would delete certain unnecessary charter references.

http://cragenda.broward.org/docs/2018/CCCM/20180508_563/26772_2018_0508_Exh1_CRC.PDF

2018 Elections



State Elections:

The 2018 Elections include all Florida Cabinet offices (Governor, Attorney General, CFO, Agriculture Commissioner,) all even numbered Senate Districts, and all House districts.

Two Special Elections for House Districts are taking place Tuesday, May 1st:

The special election in Miami Florida House District 114 is to replace Daisy Baez, who resigned last year after pleading guilty to perjury regarding her residency within the Miami-Dade House district. Republican Andrew Vargas, law partner of former State Representative and now Ambassador to the Organization of the American States in President Trump's Administration, faces off against democrat Javier Fernandez. This district appears to now be swinging slightly Democrat by two or three points.

The Polk/Osceola County HD 39 special election is to replace Neil Combee, who resigned after being appointed by President Trump to serve as the state director of USDA's Farm Service Agency. Republican Josie Tomkow is expected to handily defeat her Democratic opponent.

Broward Delegation Elections:

Here is how elections for our Broward Delegation are beginning to shape up. It is important to note that qualifying for the 2018 State elections does not end until June 22nd, leaving plenty of time for additional people to file to run.

We have four open seats, although only two of the four are majority Broward County seats. Representative Moraitis (HD 93) is term-limited and Representative Edwards-Walpole (HD 98) is retiring one term early. HD 93 is considered one of the most competitive general election races in the state. Broward County Commissioner Chip LaMarca will face the winner of a Democratic Primary. HD 98 will be determined by a Democratic Primary election. Currently five first-time candidates have filed to run for the seat. The other open seats include a competitive general to replace term-limited Rep. Manny Diaz (HD 103) and a competitive Republican primary to replace Rep. Carlos Trujillo (HD 105) both majority Miami districts.

In addition to the open seats, three current Broward Representatives are facing primary challenges. As of today, no one has filed to challenge either of the two Broward Senators up for re-election.

Broward County Commission Elections:

All even numbered Broward County districts are up for elections in November. The County has one open seat, District 4, vacated by Chip Lamarca, who is term-limited and seeking election to the state House. It is considered a highly-competitive race between Pompano

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Mayor Lamar Fischer (Dem) and former Oakland Park City Commissioner Shari McCartney (Rep). The other districts up for re-election are District 2 (Bogen), District 6 (Furr), and District 8 (Shareif). As of now, Bogen faces a primary challenge, Furr faces both a primary and a general, and Shareif is unchallenged.

Broward Municipal Elections:

Municipalities holding elections this November include: Cooper City, Coral Springs, Dania Beach, Davie, Hallandale, Hollywood, Lauderdale Lakes, Lauderhill, Margate, North Lauderdale, Oakland Park, Parkland, Plantation, Pompano Beach, Southwest Ranches, Sunrise, Tamarac, West Park, Weston, and Wilton Manors.

Broward County Workshop on Affordable Housing

The County Commission held a workshop on April 17th to discuss how to address an affordable housing crisis. The County is looking at the creation of a Housing Trust Fund, which will go before Broward voters by way of the Broward County Charter Review Commission. Other issues discussed were land use/zoning, living wage, preserving covenants set to expire through community land trusts, leveraging CRA funds, incentivizing mixed-income units, and utilizing available public land.

Presentations/Materials:

<http://www.broward.org/Budget/Archives/Documents/BOCCAffordableHousingWorkshop.pdf>

https://issuu.com/bellsouth303/docs/housing_broward_an_inclusive_plan_f

Rational Nexus for Affordable Housing Regulations

<http://www.broward.org/Budget/Archives/Documents/Exhibit2RationalNexus4AttorneyAffordHousingRegs.pdf>

2017 Broward County Land Use Plan Affordable Housing Policies/Definitions

<http://www.broward.org/Budget/Archives/Documents/Exhibit3BCLUPAffordableHousingPoliciesDef.pdf>

Broward County Workshop on Procurement Code

The County Commission is in the process of updating and streamlining its procurement code. The plan includes updating dollar thresholds, streamlining less controversial projects and ensuring a fair playing field for businesses. It held a workshop on April 17th to discuss changes.

<http://www.broward.org/Budget/Archives/Documents/ProcurementProcessImprovementOptions.pdf>

Marjory Stoneman Douglas High School Public Safety Commission

The Marjory Stoneman Douglas High School Public Safety Commission held its first organizational meeting this month at Broward College's North Campus. The 9/11-style commission was established by the Legislature to investigate the February 14th mass shooting and consists of appointees of the Governor, Senate President and Speaker of the House. It is housed under the Florida Department of Law Enforcement. The commissioners heard an overview and timeline of the shooting from BSO, discussed the schedule and

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purview of the commission going forward, took public testimony, and toured the school. The commission must develop a timeline of events on February 14th, identify policy/process shortcomings that allowed the events to take place and recommend solutions in a report to the Legislature by January 1, 2019. It must also consider other mass shootings in the state, including the Fort Lauderdale Airport and Pulse Nightclub. According to the discussion, it plans to investigate Florida's mental health system, school safety protocols, law enforcement actions, social services for young adults, and the radio dispatch system among all other issues that may have played a role.

MSD Commission Scope and Timeline

<http://www.fdle.state.fl.us/MSDHS/Meetings/Documents/Combined-Mtg-One-materials.aspx>

BSO Overview: <http://www.fdle.state.fl.us/MSDHS/Meetings/Documents/Marjory-Stoneman-Douglas-Shooting-Overview.aspx>

Please contact Candice (candice@tsecgov.com), Corey (Corey@tsecgov.com) or Lauren (Lauren@tsecgov.com) for further information about anything listed in this report.