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2018 LEGISLATIVE SESSION WEEK 4

Happy Friday! As subcommittees are coming to an end legislators and lobbyists have given their last ditch efforts to keep bills alive. Budgets in both chambers have been heard in their appropriations committees and will be voted on in both the House and Senate floor next week. This will put them in posture to move into conference as early as next weekend. We are continuing to work on your priorities, as well as reviving appropriations projects for conference. A couple of things to mention is that the CRC will be meeting in Fort Lauderdale on Tuesday at Nova Southeastern University and the Cabinet will be meeting in Tampa on Thursday. Our biggest highlight for next week is...wait for it... BROWARD DAYS 2018!!!! It's not too late to register and hop in the car for a short 7 hour drive (or catch a flight) to remind the Legislators from around the state who we are, what we stand for and what's important.

Some of next week's highlights also include:

Finance: Tourist Development Tax, Permit Fees, House Tax Package

Transportation: SB 1482 Motor Vehicles and Passenger Trains and the Senate Alternative Transportation Authority bill

Thank you again for all of the continued communication up to this point in Session and as always should you have any questions regarding the budget or would like additional information from this report, please do not hesitate to call me. Have a wonderful weekend!

Candice

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TRANSPORTATION POLICY

TEXTING WHILE DRIVING

House Appropriations voted unanimously to make texting and driving a primary offense. The policy would allow law enforcement to pull a driver over solely for texting while driving but does not change penalties. Law enforcement would be required to notify drivers that they have a right to deny officers access to their phones. Search of phones must be voluntary and unequivocal. Members who voted against the proposal remain concerned with the possibility of racial profiling by law enforcement although the committee adopted an amendment to require the drivers race/ethnicity to be recorded and provided to DHSMV to be included in an annual report of statewide totals. The legislation is supported by a wide coalition of private industries, local governments, law enforcement and public safety advocates. The bill is now before the full House and has one more committee in the Senate.

<https://www.flsenate.gov/Session/Bill/2018/00090>

<http://flsenate.gov/Session/Bill/2018/00033>

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MIAMI-DADE CHARTER COUNTY AND REGIONAL TRANSPORTATION SURTAX

Senate Finance & Tax voted unanimously to approve a bill that would require the use all proceeds of a Charter County and Regional Transportation Surtax passed in Miami-Dade County be restricted to transportation purposes only. Allowable uses are: planning, design, engineering, and construction of fixed guideway rapid transit systems; acquisition of right-of-way for fixed guideway rapid transit systems, provided that the current owner of the right-of-way is a willing seller or lessor; purchase of buses and other capital costs for a bus system; payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems or bus systems; and as security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, and construction of fixed guideway rapid transit systems or bus systems. The bill only applies to Miami-Dade County, who opposes the bill out of concerns that the sudden shift of funding from operational to capital would be harmful. The shift to operational originally occurred out of necessity during the economic recession. The sponsor argues that the bill is not only about accountability but also worsening congestion in Miami-Dade. It has one more committee of reference in both the House and the Senate.

<https://www.flsenate.gov/Session/Bill/2018/00688>

ELECTRIC VEHICLES

House Transportation & Tourism voted unanimously to pass a bill that would require the Florida Transportation Commission to study electric and hybrid vehicles for longterm transportation planning purposes once the percentage of registered electric vehicles in the state reaches a certain threshold. The bill allows the FTC to perform the study prior to the percentage threshold being reached. The intention of the bill is to prepare the state for the increased use of the technology, including understanding infrastructure needs and declining gas tax revenues. The bill has one more committee in the House and two more committees of reference in the Senate.

<https://www.flsenate.gov/Session/Bill/2018/00384>

METROPOLITAN PLANNING ORGANIZATIONS MERGER

House Local, Federal & Veterans Affairs voted unanimously to approve a bill that allows MPO boards to expand their membership after merging together. The bill is intended to merge the fragmented Tampa Bay transportation planning boards. The bill has one more committee of reference in the House. Its Senate companion has not yet been heard.

<https://www.flsenate.gov/Session/Bill/2018/00807>

ALCOHOL ON TRAINS

House Careers and Competition unanimously approved a bill that exempts railroad and

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sleeping car operators from a two ounce bottle size limitation for alcoholic beverages. The bill has two more committees in the Senate and one in the House.

<http://flsenate.gov/Session/Bill/2018/01265>

INTERGOVERNMENTAL RELATIONS

CONSTITUTIONAL REVISION COMMISSION

The Local Government Committee and Legislative Committee of the Constitutional Revision Commission met this week for its final week of subcommittees before the full CRC takes up proposals.

Proposal 95: P 95 was brought back up in Local Government for a vote after being temporarily postponed last week and unanimously failed after the sponsor requested the committee vote it down to allow him to focus on retooling the language. He stated he wants to rewrite the language based on the U.S. Commerce Clause. P 95 is now dead, however the sponsor intends to attempt a later amendment onto a different proposal, which unlike the Legislature, is allowed under CRC rules.

The proposal is similar in concept to Speaker Corcoran's big preemption bill in the 2017 Legislative Session that was encouraged by the Florida Retail Federation. It would prohibit local government from passing regulations that intrude or impede upon commerce, trade, and labor that doesn't exclusively take place within its boundaries (essentially everything.) A coalition of home rule, human rights and animal rights activist opposed the proposal, and Commissioner Solari debated eloquently in favor of home rule.

<http://flcrc.gov/Proposals/Commissioner/2017/0095>

P 61: The Legislative Committee approved Proposal 61, which would require a stand-alone bill relating to only one subject for legislation preempting local governments. Unfortunately, an original requirement to require $\frac{2}{3}$ vote for passage of a preemption was removed last week in order to move the proposal forward after it had been temporarily postponed in November. The proposal will now go to the full CRC committee.

<http://flcrc.gov/Proposals/Commissioner/2017/0061>

SENATE PASSES PUBLIC MEETINGS

The full Senate unanimously voted to pass legislation allowing two or more board members to gather without public notice so long as official business is not conducted. The bill is meant to correct what some see as a broad interpretation of the Sunshine Law that can impede government process. The House bill also unanimously moved through its

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second of three committees this week.

<http://flsenate.gov/Session/Bill/2018/00192>

FINANCE & TAX

LOCAL TAX REFERENDA

The House voted 84-27 to preempt the timing of holding local tax referenda elections to require they be held in only in general elections. The Senate and House sponsors reneged on compromise language that had been worked out last year with local governments that would have allowed for special elections, so long as a 60% threshold was required for passage. The Senate bill has two more committees of reference.

<http://www.flsenate.gov/Session/Bill/2018/00317>

TOURIST DEVELOPMENT TAX

House Commerce voted 18-6 to pass a bill that would expand use of Tourist Development Tax dollars to include work on “public facilities,” defined essentially as any capital project with a lifespan of 5+ years that is related to enhancing tourism. It also allows for improving estuaries and lagoons. The local tourist development council would make a recommendation for the project to the County Commission for approval. Tourism promotion agencies are aggressively opposed to the bill out of concerns it will divert revenue from advertising and promotion to other projects that local governments want to do aside from tourism. The bill is now ready to go before the full House. Its Senate is scheduled for its second of three committees next week.

<https://www.flsenate.gov/Session/Bill/2018/00585>

SENATE TOURISM AGENCY ACCOUNTABILITY PACKAGE

Senate Commerce & Tourism voted to pass a key bill in the Speaker’s push for Economic Development and Tourism Promotion Accountability after adopting an amendment that addressed several concerns of local governments and placed the bill out of line with the House version which was passed off the floor last week. The bill includes requiring local tourism councils to go before the County Commission for contracts above a threshold dollar amount, limit salaries/travel reimbursements and post contracts online. Business, economic development and tourism groups are also concerned that private companies will no longer want to work with them out of fear of being required to expose trade secrets, putting them at a competitive disadvantage with agencies representing areas outside of Florida. Contracts above \$250,000 would have to go before the County Commissions and contracts above \$5000 must be posted online. Proponents argue that transparency would not lead to a competitive disadvantage as it ensures against waste and abuse. The bill has

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three more committees in the Senate.

<http://www.flsenate.gov/Session/Bill/2018/00003>