



2018 LEGISLATIVE SESSION WEEK 1

Greetings from Tallahassee! We have finished the first official week of the 2018 Legislative Session. Usually the first week is ceremonial in many ways, however I truly believe that this year is showing an aggressive movement with both policy and appropriations to craft the budget as early as possible and set the stage for each Chamber's priorities. As always, please do not hesitate to call me with any questions or if you would like additional information. Have a wonderful weekend!

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TEXTING WHILE DRIVING

House Transportation & Infrastructure voted unanimously to pass the Speaker's texting while driving legislation that would make it a primary offense to text and drive. The policy would allow law enforcement to pull a driver over solely for texting while driving but does not change penalties. The bill prevents law enforcement from accessing information on a cell phone without a warrant, from confiscating devices or using intimidation tactics. Concerns were raised over racial profiling by law enforcement and differentiating between use of a phone to text or use of a phone to navigate. The sponsors asserted that law enforcement is trained to tell the difference and that data shows the seatbelt law is enforced demographically proportionate to the population despite similar concerns when the law was passed. Members also stated that, while racial profiling is a concern, people of color are also affected by the dangers of texting while driving. Meanwhile, Senate Transportation unanimously approved texting while driving as a primary offense after adopting an amendment that would require law enforcement to notify drivers that they have a right to deny officers access to their phones. The bills are supported by a wide coalition of private industries, local governments, law enforcement and public safety advocates. The House and Senate bills both have two more committees of reference.

<https://www.flsenate.gov/Session/Bill/2018/00033>

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

METROPOLITAN PLANNING ORGANIZATIONS

House Local, Federal & Veterans Affairs voted 13-1 to approve a bill that would restrict the number of voting members allowed on the board of MPOs according to population. MPOs in regions with populations fewer than 500,000 would be restricted to 11 voting members, regions with populations greater than 500,000 would be restricted to 15 voting members, and regions above 1 million would remain the same. Voting members would be apportioned geographically. The bill would prohibit entire county commissions from serving on the board, prohibit weighted voting and require by-laws. The sponsor stated

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that he intends to make changes to the bill that would remove changes to populations above 500,000, but that he feels strongly regarding term-limit establishments. He also stated that he fully recognize that there are MPOs throughout the state that are well-run and do not need changes. His concerns largely lay with Leon County in his local district. No amendment has been filed at this time, but the sponsor gave assurances that concerns would be addressed. The MPO AC opposes the bill, citing variations and complexity of MPOs in the state, but appreciates the sponsors openness to modifications. The sponsor's concerns largely deal with local issues in Leon County. Members of the committee from Miami-Dade county expressed concerns over reaching a quorum with large voting memberships, to which the MPO AC responded was a localized concern and not representative of other areas. It has one more committee of reference in the House. Its Senate companion has not yet been heard in its first committee of reference.

<https://www.flsenate.gov/Session/Bill/2018/00575>

BICYCLIST AND PEDESTRIAN SAFETY

House Transportation & Infrastructure voted unanimously to pass a bill to provide greater direction to motorists overtaking a bicyclist or pedestrian. The bill requires motorists in the same travel lane as a pedestrian or cyclist to exit the lane in order to pass or to stay a safe distance behind the motorist until it is feasible to vacate the lane. Motorists would be required to pass at a maintained distance of 3 feet. If a separate bicycle lane exists, motorists are allowed to pass without added precautions. The bill also requires that motorists be at least 20 ft ahead of the bicyclist prior to making a right turn and must use a turn signal. It also instructs groups of cyclists to come to a full stop at a stop sign intersection and proceed only groups of 10 and motorists would be required to allow the group of 10 to cross the intersection before proceeding. The bill has one more committee of reference. It does not have a Senate companion.

<https://www.flsenate.gov/Session/Bill/2018/00117>

ELECTRIC VEHICLES

House Transportation & Infrastructure voted unanimously to pass a bill that would require the Florida Transportation Commission to study electric vehicles for longterm transportation planning purposes once the percentage of registered electric vehicles in the state reaches a certain threshold. The committee adopted an amendment that included hybrid vehicles and allowed 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 two more committees of reference. Its Senate companion has two more committees of reference.

<https://www.flsenate.gov/Session/Bill/2018/00981>



HOUSE PASSES RED LIGHT CAMERAS

The House voted 83-18 to approve a bill that would repeal all local red light camera programs. The bill was “fast tracked” by the House as it was only assigned to one committee. The Senate companion has not yet been heard in its first committee of reference.

<http://www.flsenate.gov/Session/Bill/2018/06001>

MIAMI-DADE CHARTER COUNTY AND REGIONAL TRANSPORTATION SURTAX

House Ways & Means voted along party lines to approve a bill that would require the use all proceeds of a Charter County and Regional Transportation Surtax passed in Miami-Dade County in 2002 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. Due to the economic recession in 2009, the County chose to shift funds from transit capital projects to operational costs in order to avoid impacts. Miami-Dade County testified that the Mayor has begun shifting the funding back to its original purpose and that the bill will require the shift too quickly, causing harm to other areas of the budget, specifically salaries of 54 bus drivers. Members who voted in opposition were concerned about budget impacts and felt that the local government should be allowed to take a cautious approach to re-organizing funding. The sponsor stated that congestion problems are too severe to continue allow the funding to be diverted from the voters wishes. The bill has one more committee in the House. Its Senate companion has two more committees of reference.

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

HOUSE PASSES ETHICS REFORM

The House passed multiple Speaker priority ethics reform bills this week with widespread bipartisan support.

HB 11 passed 101-1 and would require local governments to have internal controls against waste, fraud and abuse; post budget documents online within a certain time frame; respond to audits in a certain time frame and require specific certification for audits; and report travel. It also codifies language passed in a budget implementing bill limiting travel reimbursement for state travel for agency employees. It's Senate companion, which is not

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identical, has two more committee stops in the Senate.

HB 7003 passed 100-2. It is identical to a local government ethics package passed last year. The bill includes lobbyist registration requirements, creates a local government lobbyist registry, places ethics training certification requirements on local government officials, and includes language for municipal officials to file the same Form 6 financial disclosures as county and state elected officials. HB 7005 passed 103-0 and would create a trust to fund the local government lobbyist registration required in HB 7003.

<http://www.flsenate.gov/Session/Bill/2018/00011>

<http://www.flsenate.gov/Session/Bill/2018/07003>

<http://www.flsenate.gov/Session/Bill/2018/07005>

PUBLIC MEETINGS

Senate Rules unanimously passed a bill to allow 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 bill is now ready to go before the full Senate. Its House companion has not yet been heard in its first of three committees.

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

MUNICIPAL ELECTIONS

House Governmental Accountability voted 18-1 to file a bill that would require municipal elections be held on either the first Tuesday after the first Monday in November in an odd-numbered year or the third Tuesday in March in an odd-numbered or even-numbered year. The bill would not affect elections filling vacancies or recall elections. The bill also allows municipal officials to remain in office until the next election established as a result of the bill. The bill has not yet received committee references. Its Senate companion has not been heard in its first of three committees.

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

HOUSE PASSES COMMUNITY REDEVELOPMENT AGENCIES (CRAS)

The House passed its CRA reform bill in a 72-32 vote. Unlike the Senate bill, the House bill phases out existing CRAs unless voted on to extend by a majority of the local government board and would require a special act of the Legislature for the creation of any new CRAs after October 1, 2018. Like the Senate bill, the House bill includes: requiring CRAs to stick with an adopted budget, capping administrative and overhead costs to 18%, requiring ethics training for board members, requiring audit and performance data be posted online, requiring municipal CRAs to send adopted budgets to the county in which it is created within 10 days since adoption. The bill also prohibits use of tax incremental funding for

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festivals that promote tourism. CRA reform is a priority of several members, including the House Speaker, in light of a grand jury report and of recent high-profile scandals. Like most of the Speaker's priorities this year, the House bill was only referenced to one committee. The Senate bill has three more committees of reference.

<http://www.flsenate.gov/Session/Bill/2018/00017>

HOUSE PASSES LOCAL GOVERNMENT FISCAL TRANSPARENCY

The House voted 91-12 to pass a bill that would require additional meetings, public notices, and a debt analysis prior to any tax or fee increase. It would also require property tax and commission voting records relating to tax and fee increases be posted on local government websites. The bill is a priority of the House Speaker and "fast tracked" by the House (or only assigned to one committee.) Due to the House's rush, most conversations regarding this bill will take place with Senators. Its Senate companion has not been heard in its first of three committees of reference.

<http://www.flsenate.gov/Session/Bill/2018/00007>

COUNTY & MUNICIPAL OFFICERS AND EMPLOYEES

House Local, Federal & Veterans Affairs voted 12-2, but not without concerns of committee members, to approve a bill that would have a significant impact on official travel by local government officers and also provides financial disclosure/reporting requirements for local government candidates and officers. Under the bill, official travel and an itemized list of anticipated expenses associated with the travel must be approved at a noticed public hearing. Expenses are limited to costs necessarily incurred by the public officer during a time period 24 hours before the beginning of the event to 24 hours after the end of the event. The bill prohibits all foreign travel. All travel, purpose of travel, and proof of expenses must be reported to the local commission on ethics or state commission on ethics if a local one is not established. Travel by County Constitutional Officers is exempt. The bill additionally would require municipal officers and candidates for municipal office to file a Form 6 financial disclosure and require candidates to publish campaign finance reports on the county or municipalities website. Local government advocates expressed alarm with the prohibition on foreign travel and its impact operations and growth of seaports and airports, Florida's position as a global hub particularly with Latin American and Caribbean trade, and the property insurance and re-insurance market as competitive companies are often located overseas. Additionally, local governments asked for greater flexibility in the time period limit to account for unforeseen events like flight cancellations and flexibility with public hearing requirements. Members of the committee echoed the concerns, supporting the bill only with assurances that the sponsors would work on the language. The presenter of the bill, who is standing in for the sponsor currently deployed on National Guard duty, noted that he wasn't aware of the issues that were brought up in testimony and committed to sit with local governments to learn about travel and purposes that

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necessitate it. He stated the intent of the bill is to prevent employees from taking taxpayer funded vacations. The bill has two more committees of reference. Its Senate companion has not been heard in its first of three committees.

<https://www.flsenate.gov/Session/Bill/2018/00815>

HOUSE TOURISM AGENCY ACCOUNTABILITY PACKAGE

House Ways & Means voted 15-5 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. 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. The amendment better defined economic development activities, clarifying that local government board members are subject to requirements beyond state ethics standards they are currently under that ordinary local government activities are not considered economic development. The amendment also clarified that local governments can use their own travel ordinances so long as it is uniform for all employees. Despite the amendment some concerns remain over whether salary limits apply to local governments and the broad definition of tourism promotion agencies as any agency that receives tourist tax dollars. Business, economic development and tourism groups also expressed concern 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. The sponsor disagreed that transparency would lead to a competitive disadvantage as it ensures against waste and abuse. Other bills included in the Speaker's push that would redefine "trade secret" to require a vendor get court approval before blocking public access to contract details (HB 459, 461) were not heard. The bill is now ready to go before the full House. Its Senate companion has not yet been heard in its first committee of reference.

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

TOURIST DEVELOPMENT TAX

House Tourism & Gaming voted 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. The sponsor characterized the bill as a "glitch fix" because his home county determined that estuaries and lagoons were not included in the use of taxes. Tourism promotion agencies oppose the bill out of concern that more revenue will be diverted from advertising and promotion to other projects that local governments want to do aside from tourism. Members expressed

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concern that the funding could be abused and asked that further conditions be placed on use of the funding to address tourism agency concerns. The sponsor stated the bill simply allows for more uses and gives local control to those uses as current statute already treats things like beach enhancement as acceptable uses and is not strictly defined as advertising dollars. The bill has two more committees of reference in the House. Its Senate companion also has two more.

<https://www.flsenate.gov/Session/Bill/2018/00658>

ENERGY 2040 TASK FORCE

Senate Communications, Energy & Public Utilities voted unanimously to approve a bill that reboot a task force within the Public Service Commission to project the state's energy needs and supply while increasing competition and consumer choice. The previous task force was established under Governor Bush when energy technology and projections were radically different. The task force will study energy supply and government revenue as well as emerging technologies, including solar, electric vehicles, and the smart grid. It would make recommendations to the Legislature by January 1, 2020. It has two more committees of reference. Its House companion has not yet been heard in its first of three committees.

<https://www.flsenate.gov/Session/Bill/2018/01038>