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2019 REGULAR LEGISLATIVE SESSION WEEK 1

The 2019 Legislative Session Florida Legislative Session was officially convened this week. Each Chamber's presiding officers welcomed policymakers and Governor DeSantis delivered the State of the State address. DeSantis told the Legislature that they were the right leaders at the right time to address the State's challenges in this Legislative Session, rather than future Sessions. The Legislature appears to be in agreement with the Governor as policy and appropriations bills are moving quickly through committees. We also had a successful Palm Beach County Days and look forward to a successful Broward Days next week. Below are highlights of issues that we are following. Please don't hesitate to reach out with any questions.

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2019 LEGISLATIVE SESSION CONVENES

President Bill Galvano welcomed the members of the Senate by thanking them for their hard work and encouraging thoughtfulness and cordiality and adherence to a greater cause than an individual agenda. He reminded members that they serve large, diverse districts in a large, diverse body.

Speaker Jose Oliva spent much of his address speaking about the need to address what he calls the "healthcare industrial complex", the higher education system and the need to continue to empowering parental choice. The Speaker committed to supporting our neighbors still recovering in the panhandle and to Governor DeSantis' push for environmental support.

After convening both chambers together, Florida's 46th Governor, Ron DeSantis, delivered the State of the State address. He highlighted his visions for education, the environment, elected official accountability and his commitment to helping restore the panhandle. He committed himself to the continued economic growth Florida is experiencing and reforming the requirements for occupational licenses. The governor discussed his vision for enhancing the state's university and college system and emphasized his focus on skills-based education. In the much discussed realm of healthcare, Governor DeSantis pledged his support of policies to reduce the cost of prescription drugs and health care pricing transparency. He reiterated his support of the families who lost a loved one in the tragedy and his commitment to supporting the recommendations of the MSD Commission. He concluded his speech with a plea to prohibit sanctuary cities and highlighting the state's condemnation of socialism and of any entity that attempts to boycott, divest or sanction the State of Israel.

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TRANSPORTATION

DRIVING WHILE DISTRACTED

Senate Innovation, Industry & Technology unanimously approved a bill that would permit law enforcement to issue citations for moving violations for operating a vehicle while distracted after adopting an amendment to require the race/ethnicity of violators be recorded to address racial profiling concerns. The bill exempts motor vehicle operators who are receiving information related to navigation of the vehicle, including emergency and weather alerts; communicating with hands free devices; reporting an emergency, crime or suspicious activity; or operating an autonomous vehicle in autonomous mode. The bill would require law enforcement to issue only verbal or written warnings from the bill's effective date of October 1, 2019 to December 31, 2019. After December 31, law enforcement may issue a uniform traffic citation and are permitted to access cell phone billing information for proof of violation. A person can elect to take a distracted driving course for the first violation, which would waive assessed points and associated costs. A person can also have a citation connected to a handheld device waived after showing proof of purchase of a hands free device. A distracted driving offense would constitute three points to a driver's record, an offense that results in a crash would impose six points, and an additional two points would be assessed if the violation occurs in a school zone. The bill also authorizes the Department of Highway Safety and Motor Vehicles to contract with counties, school districts, and local law enforcement to conduct a statewide education campaign. The bill has widespread support from public safety advocates, industry leaders, and transportation organizations. Proponents of the bill argue that the law is necessary due to the high number of crashes and fatalities in the state that are a result of distracted driving. They also argue that the law will change behavior and force voluntary compliance, much like the seat belt law. The bill still has two more committees of reference in the Senate. Its House companion has not yet been heard in its first of three committees.

[SB 76](#)

MICROMOBILITY & MOTORIZED SCOOTERS

House Transportation & Infrastructure unanimously voted to approve a preemption on local government regulations of motorized scooters. However committee members from both parties expressed concerns and the sponsor committed to continue working with stakeholders. Bike sharing companies testified about the market disadvantage the bill would impose on them by allowing scooters to take over the right of way with no brick and mortar overhead. They also pointed out that bike sharing companies are required to have a hurricane plan in place, which is not included in the bill for scooters, to ensure inventory is not dangerously left out during a storm. Members were also concerned about scooters being left on sidewalks and that cities could be forced to contract with vendors. The Florida League of Cities opposed the bill. The sponsor argued that the Legislature should make policies for people, not cities, and that mobility between cities is harmed by variations in transportation options and regulations.



[HB 453](#)

PASSENGER TRAINS

House Transportation & Infrastructure unanimously passed a bill that would change law enforcement procedures after an accident involving a passenger train. The bill gives law enforcement discretion in interviewing “witnesses” to the accident. Current law treats passenger trains as motor vehicles and therefore all passengers must be interviewed as witnesses whether they actually witnessed the events or not. The process is lengthy and causes unnecessary delays in getting trains back up and running. The bill has two more committees of reference in the House. Its Senate companion will be heard in its first of three committees next week.

[HB 341](#)

AUTONOMOUS VEHICLES

House Transportation & Infrastructure voted to approve a bill that updates statutes to embrace developments in autonomous vehicle technology and continue to make Florida one of the leading states in the country. The bill is supported by the Florida Chamber of Commerce. The Florida Justice Association opposed the bill, claiming the legislation does not adequately address insurance, liability, and responsibility to call law enforcement in case of accidents. Disability advocates expressed excitement for the technology and urged Legislators to consider accessibility. The bill has two more stops in the House. Senate packages with Autonomous Vehicle language have not yet been heard.

[HB 311](#)

SUNTRAX PRESENTATION

The Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development heard a presentation from representatives from the Florida Department of Transportation and Florida Polytechnic University on the Department’s furthering of the Governor’s mission to advance transportation and autonomous vehicles. SunTrax is just off of I-4 in Polk county. Phase 1 is an oval of roads that are built for highway speeds. Phase 2 is the infield of the oval and is looking to address the needs of the autonomous vehicle industries. The infield will contain testing areas for geometric roadways for sensors, airport drop-off, tolls, and a flat tarmac space using augmented reality. The goal of the facility will be to be re-configurable, therefore instead of building brick and mortar buildings, shipping containers will be used. SunTrax is part of the Central Florida Autonomous Vehicle Partners, one of the ten USDOT AV Proving Ground Designees. Senator Simpson suggested Magic Leap as an augmented reality partner for FDOT. Dr. Rahul Razdan shared that the university’s priority is identifying the problems that make autonomous vehicles difficult to fully implement. Florida’s strengths include a great regulatory structure, large market size, and market growth. Weaknesses include research

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and development and decision-makers for highway autonomous vehicles are not based here in Florida. Florida's role can be other AV fields beyond highway including agriculture, planned communities, logistics, marine, and public transportation. Senator Brandes mentioned the projects that are in place or in planning, including Babcock Ranch, The Villages, and Jacksonville in Florida and shared his excitement. He asked about how the state can better plan. The presenter highlighted that those examples were mainly in sub and planned communities, he also discussed the difficulties of weather, potential new lane markings, etc. Sen. Brandes asked when this starts to play out, the response was that the generic AV is far out, but there are opportunities to build planned communities AV ready with appropriate restrictions.

[Presentation \(Beginning on Page 40\)](#)

SENATE PRESIDENT'S TRANSPORTATION PRIORITY

Senate Infrastructure and Security passed SB 7068 unanimously. Members raised several concerns but agreed that the bill was an important discussion to have. The Senate plans to continue working out concerns as they continue the concept through the process. The bill brings significant tolled-road projects to three rural corridors in western Florida, termed Multi-use Corridors of Regional Economic Concern (MCORES):

- 1) Southwest-Central Florida Connector, extending from Collier County to Polk County
- 2) Suncoast Connector, extending from Citrus County to Jefferson County
- 3) Northern Turnpike Connector, extending from the northern terminus of the Florida Turnpike northwest to the Suncoast Parkway

It partly funds the projects by a phased-in redirection of portions of license fees currently going towards General Revenue to the State Transportation Trust Fund and then using that increase directly for the projects via a formula laid out in the bill with specific increases to the Small County Outreach Program (SCOP), Transportation Disadvantaged (TDTF), Small County Road Assistance Program (SCRAP) and an FDOT Workforce Development program created in the bill. Other funding sources include toll revenue bonds, bridge and right-of-way construction bonds, and advances from the State Transportation Trust Fund (that must be paid back) for the FDOT Financing Corporation to use through P3s or other similar partnerships. Members were concerned with the whole in general revenue, but committee staff suggested that the fees being diverted were always meant for the STTF. The RV coalition expressed frustration that the fees were meant to be a temporary tax to help the state out during a difficult revenue challenge in the recession and that the bill would make them permanent. The Sierra Club also expressed concern over the environmental impact and authority of DEP to oversee it. The Florida Chamber and Small County Coalition supported the bill.

[SB 7068](#)

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House Ways & Means voted to approve a transportation package relating to the Tri-County area after adopting a strike-all amendment. The bill is targeted to mostly Miami-Dade, Miami-Dade MPO and the Miami-Dade Expressway Authority. The package, however, does contain provisions that benefit South Florida, such as a permanent extension of statute that allows the Tri-Counties to use toll revenues attributable to users within their counties and a section on incentivizing P3 projects. The bill also requires financial disclosures for transportation authority officials. The bill has one more committees in the House. Its Senate companion will be heard in its first committee of reference next week. We will continue to monitor all amendments to the legislation as closely.

[HB 385](#)

AFFORDABLE HOUSING

Senate Community Affairs unanimously approved a bill that would explicitly allow local governments to exempt impact fees for affordable housing without having to backfill with general revenue. The committee adopted a strike-all that also revised SAIL program considerations of local government contributions to account for transportation, such as access to public transit and adequate parking. The bill has two more committees in the Senate. It has not been heard in the House.

[SB 350](#)

FINANCE & TAX

COMMUNITY REDEVELOPMENT AGENCIES

House Local, Federal & Veterans Affairs voted 10-4 to advance a leadership priority that would phase out existing Community Redevelopment Agencies with no outstanding bond obligations by 2039, unless a 2/3rds vote to continue by the creating local government body. requires a countywide referendum passed by 2/3rds of eligible voters to create new CRAs. The bill also reforms CRAs, including ethics training for CRA commissioners; procedures for board appointments and procurement; and reporting requirements. It requires CRAs to stick to an annual adopted budget and requires CRAs created by a municipality to send adopted budgets and amendments to the County within 10 days of adoption. It also authorizes a creating local government to establish the amount of Tax Increment Financing (between 50-95% of the increment) available to the CRA and removes a three-year limit on rollover funding for adopted projects. Members who voted in opposition supported reforms for CRAs but were concerned about the phase-out provisions and felt a 2/3rds countywide threshold is too difficult to meet, preventing localized municipal CRAs. Supporters argued CRAs drain county resources and should therefore be subject to a countywide vote. The bill has two more committees in the House. Its Senate companion has not yet been heard.

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[HB 9](#)

LOCAL TAX REFERENDA

House Local, Federal & Veterans Affairs voted 9-3 to require that a referendum to adopt or amend a local government discretionary surtax must be held at a general election and passed by 2/3rds of voters. This will limit the timing and frequency of these referenda to even-year November elections. The bill requires that surtax questions also be held at a general election, but also adds a requirement that the surtax must be supported by two-thirds of the qualified electors voting on the ballot question. Local governments and school districts that adopt a surtax referendum after January 1, 2020 must submit the referendum to OPPAGA at least 180 days before the referendum is held. Petition referendums must also be submitted within the 180 day timeframe. The House and Senate bill have two committees remaining in each Chamber.

[SB 336](#) & [HB 5](#)

RETAINAGE FEES

Senate Community Affairs voted to approve bills reducing the allowable amount of retainage public entities may withhold from contractors during a construction project after adopting an amendment that expanded the scope of the bill to include local governments. The legislation reduces the allowable amount of retainage from 10 to 5% until 50% completion of the project and from 5 to 2.5% after 50% completion. Originally the bill only applied to state public entities. The Florida League of Cities testified against the bills explaining the importance of flexibility in retainage rates as they act as an insurance policy to hold contractors accountable. Supporters argue current rates were prohibiting small contractors from participating in public projects who lose working capital when payments are delayed. The sponsor said that 31 states have adopted the same caps and that Florida was losing talented general contractors as a result. Committee members questioned if retainage caps were needed and cannot just be negotiated based upon the market. The Florida Association of Contractors and Builders supports the legislation. The Florida League of Cities and several counties opposed the bill. Broward County testified that studies have shown states that do have lower rates delay completion of projects without having the leverage of retainage and Florida doesn't have direct contracts as they do in other states. He gave an example of a courthouse project that is currently unfinished in the county. The Senate bill has one more committee of reference. The House bill has two more committees.

[HB 101](#) & [SB 246](#)

GROWTH MANAGEMENT

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COMMUNITY DEVELOPMENT DISTRICTS (CDD)

House Local, Federal & Veterans Affairs voted 12-1 to advance two bills related to CDDs. HB 437 has the creating local government authority identify parcels of land adjacent to the CDD that may be annexed over the next ten years. It also allows for CDDs to merge with other CDDs and with Special Districts. It would retain the one-acre, one-vote elections process for CDD boards. The bill has two more stops in the House. Its Senate companion will be heard in its first committee next week. HB 641 increases the vote threshold to authorize bonds on a CDD board to a 2/3rds majority. The sponsor said that it would increase input from the community on fiscal responsibility. The bill has two more stops in the House. Its Senate companion has not been heard in the Senate.

[HB 641](#)

[HB 437](#)

SMALL SCALE COMPREHENSIVE PLAN AMENDMENTS

House Commerce voted unanimously to approve a bill that repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government. The bill is intended to help speed up the development process and was praised by a member of the committee for helping to encourage density and community planning. The bill has one more committees of reference in the House. Its Senate companion has not been heard.

[HB 6017](#)

Next Week

[HB 905](#)- Department of Transportation

[SB 302](#) - Nonemergency Medical Transportation Services

[SB 898](#) - Transportation

[SB 1002](#) - Motor Vehicles and Railroad Trains

[SB 1000](#)-Communications Services Taxes

[SB 78](#)- Coastal Public Construction

[HB 15](#) - Local Government Fiscal Transparency

[HB 9](#) - Community Redevelopment Agencies