**2018 Legislative Session Week 3**

**The House and Senate released their initial budget proposals this week and are set to take up each proposal in the full Appropriations Committees next week. The House budget reflected expectations of a difficult year for member projects. Next week’s agenda has only partially been released but several major bills are moving in addition to the budget. We also had a busy week at the Constitutional Revision Commission on local government home rule, declaration of rights and education. Below are highlights from the week. Please reach out with any questions or concerns.**

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**Budget**

The Senate released an 87.3 billion budget, while the House released a 87.2 billion budget. Both proposals fully fund the work program and they are only $3 million apart on DOT funding, which is close to current year funding. The Senate includes $15 million and the House $17 million for the Work Program Integration Initiative. Both proposals are identical in funding of intermodal, rail, seaports, etc.

The Senate budget proposes to keep in place the same proviso from last year that changed the Transportation Disadvantaged formula, resulting in a reduction of funds to Broward County. (Line 1855) The House budget does not include this proviso.

The House budget also includes $150,000 to establish a hurricane workgroup to evaluate issues with acquisition and deployment of emergency generators at highway-railroad crossings and $1.25 million to study emergency power at intersections including alternative energy sources, such as solar powered light signalization (Line 1866). The Senate budget does not include this proviso.

Local transportation project funding requests included are on lines 1906A and are different for each chamber.

Senate:

<https://www.flsenate.gov/Session/Bill/2018/2500/BillText/pb/HTML>

House:

<http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2892&Session=2018&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20APC%2018-01_GAA.pdf>

**Transportation Policy**

**Texting While Driving**

Senate Appropriations Subcommittee on Transportation & Economic Development voted 8-2 and House Judiciary voted 17-1 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. The House committee adopted an amendment that provides consent for the 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 Senate 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 has one more committee in the Senate and the House.

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

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

**High-Speed Rail**

Senate Community Affairs held a workshop but took no vote on a bill that would add significant delays and costs increases to the Brightline project’s goal of connecting South Florida to Orlando. The bill is from the Treasure Coast, which is generally concerned with the passenger rail coming through. The committee held the workshop in light of recent deaths caused by Brightline passenger trains. All Aboard Florida testified that it is in compliance with all FRA standards and that the bill would only duplicate existing regulation. They testified about their public education campaign and the committee appeared to agree that education is the most effective solution to safety. Meanwhile, the House speaker publicly stated that they would hear issues relating to rail.

**Motor Vehicles and Passenger Trains**

Senate Transportation voted 6-1 to pass an SFRTA supported bill that would allow for trains to be up and moving faster after accidents. The bill would change the Florida Uniform Traffic Control law to provide that for purposes of crash report forms: railroad trains are not considered motor vehicles, railroad train engineers are not considered drivers or operators, and train crew and passengers are not considered passengers. The one opposing vote represented the Treasure Coast area that has significant concerns with Brightline. The Senate President Designate expressed strong support of the bill and voted in the affirmative. The bill has two more committees in the Senate. Its House companion has not yet been heard.

<http://flsenate.gov/Session/Bill/2018/01482>

**Smart City Challenge Grant Program**

House Transportation & Tourism voted unanimously to approve a bill that would create a Smart City challenge grant program modeled after the Federal Smart City grant program to encourage innovation and adoption of emerging technologies in transportation. The bill allows counties, municipalities, regional authorities, MPOs, universities among other entities to apply for the grants in order to fund projects that utilize autonomous vehicles, connected vehicle technology, electric and grid-integrated vehicles and infrastructure, and shared mobility innovation and deployment. The bill requires FDOT to publish an RFP by Sept. 1, 2018 and requires the agency to grant at least three recipients up to $6 million. The Senate bill appropriates $15 million for the program, however the appropriation was removed from the House bill. It has two more committees in the House and the Senate.

<https://www.flsenate.gov/Session/Bill/2018/00633>

**Metropolitan Planning Organizations Merger**

House Transportation & Tourism 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 is on the agenda in its second committee next week. Its Senate companion has not yet been heard.

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

**Autonomous Vehicles**

House Appropriations and Senate Transportation voted unanimously to approve an autonomous vehicle package that would update statutes to allow for technology to operate vehicles instead of a human driver with a valid drivers license. The committees adopted amendments that would impose insurance requirements and that would authorize the Florida Turnpike Enterprise fund to fund, construct and operate testing facilities for the advancement of autonomous and connected technology. Trial-attorneys raised concerns regarding liability for manufacturers. The House bill has one more committee of reference, while the Senate bill has two more.

<https://www.flsenate.gov/Session/Bill/2018/00353>

<http://flsenate.gov/Session/Bill/2018/00712>

**Hazardous Walking**

House PreK-12 voted unanimously to approve a bill that raises standards for hazardous walking conditions and would require a school district to initiate proceedings to determine conditions if the local government board cannot reach an agreement. The bill also requires transportation be offered to all students in a 1.5 mile instead of 2 mile radius. The bill has two more committees of reference. Its Senate companion has not yet been heard.

<https://www.flsenate.gov/Session/Bill/2018/01299>

**Intergovernmental Relations**

**Constitutional Revision Commission**

The Local Government Committee of the Constitutional Revision Commission heard several key Proposals today with votes favorable to local governments.

Proposal 95: P 95 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.) The sponsor proposed an amendment that would grandfather ordinances adopted before November 2018 in hopes the committee would accept it as a middle ground, but the amendment failed. The committee temporarily postponed the proposal at the sponsor’s request. The proposal is not dead and will likely return with a new amendment, however the clock is running out.

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

P 61: The 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 ⅔ vote for passage of a preemption was removed in order to move the proposal forward after it had been temporarily postponed in November.

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

**Public Meetings**

House Oversight, Transparency & Administration 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 scheduled for its second of three committees next week. Its Senate companion is before the full Senate.

<https://www.flsenate.gov/Session/Bill/2018/00079>

**Municipal Elections**

House Public Integrity & Ethics voted 12-6 to approve legislation 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 Florida League of Cities opposed the bill, arguing that different election dates protect non-partisan elections, combat voter fatigue, and allow local candidates to reach voters without having to compete with higher offices for TV time, etc. The bill only received one committee of reference after being filed by a committee last week. It is now ready to go to the full House. Its Senate companion has not been heard in its first of three committees.

<https://www.flsenate.gov/Session/Bill/2018/07037>

**Finance & Tax**

**House Tax Cut Package**

House Ways & Means had a preliminary discussion of concepts that may or may not be included in the House tax cut package. The concepts were all from bills that have been already filed, including: reducing the sales tax on commercial leases, exempting products that allow the elderly to age in place, streamlining the process to exempt public entities from sales tax on material for publicly funded construction, and increasing property tax exemptions from $500 to $5000 for the widowed, blind or disabled. The committee did not discuss elements of the Governor’s $180 proposal.

**Financial Reporting**

House Local, Federal & Veterans Affairs voted unanimously to require political subdivisions to keep their budgets posted online for 5 years, timely submit their budgets to EDR and the clerk of courts, conduct annual audits and provide them within 6 months of the end of each fiscal year. The bill has two more committees of reference and has not been heard in the Senate.

<http://flsenate.gov/Session/Bill/2018/01019>

**House Passes Tourism Agency Accountability Package**

The House voted 87-20 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. 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 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. 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. Its Senate companion has been scheduled to be heard in its first of four committees of reference next week.

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

**Growth Management**

**Developments of Regional Impact**

House Agriculture & Property Rights and Senate Community Affairs both unanimously approved a DRI revision package supported by the Florida Association of Community Developers. The package, among other things, transfers more responsibilities to local governments. The House bill has two more committees of reference. The Senate bill has three more committees of reference.

<https://www.flsenate.gov/Session/Bill/2018/01151>

<https://www.flsenate.gov/Session/Bill/2018/01244>