



**LEGISLATIVE COMMITTEE
MEETING AGENDA**

April 14, 2021 – 11:00 a.m.
12520 Ulmerton Road
Magnolia Room at Florida Botanical Gardens
Largo, FL 33774

THE PLANNING COUNCIL AND METROPOLITAN PLANNING ORGANIZATION FOR PINELLAS COUNTY

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES FROM MARCH 10, 2021**
- 3. TRANSPORTATION FUNDING & POLICY**
 - A. The American Jobs Plan**
 - B. Pedestrian Crossings**
 - C. Vulnerable Road Users**
 - D. Update on Other Transportation Bills**
 - E. Regulation of E-bikes and E-scooters**
- 4. OTHER PROPOSED STATE LEGISLATION**
 - A. Building Design**
 - B. Vacation Rentals and Home-Based Businesses**
 - C. Relief from Burden on Real Property Rights**
 - D. Update on Other Bills of Interest**
- 5. OTHER BUSINESS**
- 6. ADJOURNMENT**

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Appeals: Certain public meetings result in actions taken by the public board, commission or agency that may be appealed; in such case persons are advised that, if they decide to appeal any decision made at a public meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Legislative Committee – April 14, 2021

2. Approval of Minutes from March 10, 2021



SUMMARY

The minutes from the previous Legislative Committee meeting are attached for the committee's review and approval.

ATTACHMENT(S): Minutes of the March 10, 2021 Forward Pinellas Legislative Committee Meeting

ACTION: Committee to review and approve the meeting minutes.

**FORWARD PINELLAS
LEGISLATIVE COMMITTEE MEETING SUMMARY
MARCH 10, 2021**

Committee Members in Attendance:

Councilmember Brandi Gabbard, City of St. Petersburg, Committee Chair
Mayor Cookie Kennedy, City of Indian Rocks Beach, Forward Pinellas Vice Chair

(Representing the Beach Communities)

Vice Mayor David Allbritton, City of Clearwater, Forward Pinellas Treasurer
Commissioner Janet Long, Pinellas County, Forward Pinellas Secretary

(Representing PSTA)

Commissioner Dave Eggers, Pinellas County
Councilmember Bonnie Noble, Town of Kenneth City

(Representing the Inland Communities)

Commissioner Michael Smith, City of Largo

Not in Attendance:

Councilmember Patti Reed, City of Pinellas Park

Also Present:

Whit Blanton, Executive Director

Linda Fisher, Principal Planner

Tina Jablon, Executive Administrative Secretary

Chelsea Hardy, County Attorney's Office

The Forward Pinellas Legislative Committee met in the Magnolia Room at the Florida Botanical Gardens; 12520 Ulmerton Road, Largo.

1. CALL TO ORDER

Councilmember Gabbard called the meeting to order at 11:03 a.m.

Those in attendance introduced themselves. Mayor Kennedy arrived at 11:06 a.m.

2. APPROVAL OF MINUTES FROM FEBRUARY 10, 2020

A motion was made by Commissioner Long and seconded by Vice Mayor Allbritton, and carried unanimously to approve the minutes from the January meeting (6-0; Mayor Kennedy had not yet arrived to the meeting).

3. TRANSPORTATION FUNDING & POLICY

A. Hillsborough Transportation Tax

Whit Blanton updated the committee on the issues surrounding the now invalidated transportation tax that was passed in Hillsborough County. He highlighted the ways in which the situation in Hillsborough impacts Pinellas County.

In response to query by Commissioner Eggers regarding the money that has already been collected in Hillsborough and how that would be returned to taxpayers, Mr. Blanton advised this was still be debated. There are a variety of options being considered for returning and/or keeping the taxes already collected. Commissioner Long opined that it would be nearly impossible to find a way to return the funds, especially because tourists are responsible for contributing as

well. Mr. Blanton further advised that this topic would likely come up at the next TMA Leadership Group meeting scheduled for Friday, March 12, 2021. This new development in Hillsborough is likely to affect the plans for the Regional Express Bus project.

B. Tampa-Hillsborough County Expressway Authority (THEA)

Whit Blanton provided an overview of a bill introduced by Hillsborough lawmakers that would allow THEA to expand into additional counties, expand its board membership and allow for its meetings to be conducted virtually. This would set the THEA Board up to conduct votes on regional items without input from other affected counties.

The group discussed the potential for this to bring about tolls on Pinellas roadways. Whit Blanton stated that Pinellas had previously invited THEA to study tolling on S.R. 611, but did not pursue it due to cost and has since not expressed any further interest. Mr. Blanton further noted that the Advantage Pinellas Plan does indicate some roads have potential for tolling. A few of those possibilities were discussed.

Mr. Blanton stated he did not believe THEA would move into other counties or add tolling facilities without permission. He further advised that the agency cannot operate in the right-of-way of any state highway.

Linda Fisher alerted the group that the bill has not passed any committees thus far, but is scheduled to be reviewed by four. Subsequently, Commissioner Long advised that any bill that has four committee assignments, instead of the usual three, is not likely to be passed.

C. Pedestrian Crossings

Whit Blanton updated the committee on the differences between the bill that was filed last year compared to the one filed this year concerning the Rectangular Rapid Flashing Beacons (RRFBs). He advised that the devices are considered experimental in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) and are not fully recognized. The Florida Department of Transportation (FDOT) has changed its rules to allow them only on roads with a speed limit of less than 35 miles per hour and four lanes of traffic or less. The bill filed this year proposes to reduce that speed limit even further to only 30 miles per hour. This would dramatically reduce the number of permissible RRFBs in Pinellas County. The bill also states that if the federal government does not authorize a change to the MUTCD to allow the color of the flashing lights to be changed to red, then all the RRFBs must be removed entirely. The committee members commented on the safety impacts this would have in Pinellas County, especially along Gulf Boulevard on the beaches. Mr. Blanton stated several organizations are opposing this legislation.

Vice Mayor Allbritton made a motion to recommend another letter of opposition be written and sent, this was seconded by Commissioner Long and carried unanimously (vote: 7-0). Commissioner Eggers suggested including a map with the letter and inquired about additional information on the RRFBs currently located in Pinellas County.

D. Vulnerable Road Users

Whit Blanton provided highlights from HB 605 and SB 950 which seek to protect vulnerable road users by forcing motor vehicles to change lanes to allow distance between them and a bicyclist or non-motorized road user. Forward Pinellas will continue to monitor the progress of these bills.

E. Transportation Projects

Whit Blanton described a transportation bill (HB 729 & SB 1364) that covers multiple topics to include setting a maximum limit on transportation trust funds that can be spent on transit, removing the minimum percentage of funds that FDOT must spend on highway landscaping, and requiring the use of native plants. Mr. Blanton has spoken with District Seven on these items.

F. Electric Vehicles

Whit Blanton outlined bills that would create charging stations in rest areas for electric vehicles, establish a grant program to expand electric vehicle infrastructure and create a licensing fee structure for electric vehicles. None of the bills would impact the state transportation fund or local government budgets, but would help fund infrastructure.

Commissioner Long asserted that Pinellas County is already moving in this direction with strategic planning for resiliency. She also stated that the Pinellas Suncoast Transit Authority (PSTA) is making a concerted effort to transition its fleet to electric vehicles and has a great partnership with Duke Energy.

Linda Fisher advised that the bill has passed the Transportation Committee.

G. Tampa Bay Area Regional Transit Authority

Whit Blanton reviewed the two opposing bills currently making their way through session. He reminded the committee that Forward Pinellas has not, and probably should not, take any specific action regarding this proposed legislation. A letter was sent to Senator Rouson on behalf of the Chairs Coordinating Committee (CCC). There was some discussion about the intended goals and potential impacts of the bills. Vice Mayor Allbritton advised that the City of Clearwater has officially opposed. There was additional discussion about the inner workings at TBARTA and the possibility of some reorganization occurring. There is an emergency meeting scheduled for March 26th to take up the topic, per Commissioner Long. However, she expressed concern over the ongoing issue of reaching quorum to conduct TBARTA business. Some historical information regarding the formation of TBARTA and its original mission was offered by Commissioner Long in response to suggestion by Commissioner Eggers that TBARTA, and the regional voices, more effectively articulate the value of TBARTA to legislators. Commissioner Long feels the agency is meeting the intent of the mission it was originally charged with despite challenges. Ultimately, it was decided that Forward Pinellas would continue to monitor and report on any progress. Councilmember Gabbard advised the City of St. Petersburg was doing the same.

4. OTHER PROPOSED STATE LEGISLATION

A. Building Design

Linda Fisher reviewed the proposed legislation, HB 55 and SB 284, and reminded the committee members that it would preempt local governments' ability to regulate building design, with limited exceptions. She alerted the group that the House bill is moving quickly and has already passed three committees. On March 5, 2021 Whit Blanton and Linda Fisher, along with St. Petersburg staff and 1000 Friends of Florida, met to discuss the best approach for opposing the bills. At that meeting, there were discussions about modifying the bill language to limit negative impacts while still supporting affordable housing which is the bill's stated intention.

Councilmember Gabbard stated that Elizabeth Abernethy, City of St. Petersburg staff, has been championing the City's opposition to the bill. The City feels it will make affordable housing more challenging, by limiting design for missing middle type housing, which is a key factor in how residents perceive and react to proposed developments.

Commissioner Long made a motion to recommend Forward Pinellas write a letter of opposition, which was seconded by Vice Mayor Allbritton and carried unanimously (vote: 7-0).

Mayor Kennedy clarified to whom the letter would be distributed to ensure the entire Pinellas Legislative Delegation would be included in the distribution.

B. Vacation Rentals

Linda Fisher provided an update to the committee on vacation rentals advising that a new pair of bills would now allow local regulations so long as they don't prohibit vacation rental entirely or seek to regulate the frequency or duration of stays. The new bills would also allow existing ordinances to be amended so long as the amendments follow the aforementioned guidelines.

Mayor Kennedy stated that HB 219 has stopped its movement through committees, but the Senate companion bill is still progressing. She inquired of staff if they were aware that HB 403 and SB 266 may also be involved in the vacation rentals issue. Staff was not aware, but will now add them to the list of bills being monitored.

It was also noted that Senator Hooper has expressed some misgivings that the bills are too broad and may have a negative impact on the hotel industry. Vice Mayor Allbritton advised that the City of Clearwater has opposed the bills.

C. Virtual Meetings

Linda Fisher updated the committee on HB 1019 and SB 972 which amend Florida statutes to allow boards with membership that crosses county lines to conduct meetings virtually.

Chelsea Hardy advised that partners in Miami-Dade County have drafted proposed legislation which has yet to make its way into a bill. They are hopeful to acquire a sponsor in Senator Cruz. They provided both broad and narrow options for

amending statutes. The broader language will simply allow for virtual meetings under any circumstance. The narrower language would negate the need for an Executive Order from the Governor, but still require a local state of emergency be declared to permit virtual meetings. Ms. Hardy will continue to keep the committee updated of any progress.

At the recommendation of Mr. Blanton, the committee agreed to monitor the situation and respond accordingly as bills progress or are filed. Mr. Blanton will discuss this topic when he meets with the legislative delegates over the summer in preparation for the next session. Councilmember Gabbard suggested forming a coalition to tackle this subject. She also reminded the group that the 2022 session starts in January. Therefore, committees will begin meeting again in October 2021.

D. Flooding and Sea Level Rise

Linda Fisher advised the committee that there are several interrelated bills to create funding and resources to address the issues of flooding and sea level rise. Councilmember Gabbard cautioned the group against referring to this as a Republican led package, but rather to refer to it as bipartisan as many were involved in its development. She added that Pinellas County Property Appraiser Mike Twitty helped champion HB 1379, which seeks to create a tax exemption for floodproofing buildings.

E. Additional Bills of Interest

At the opening of the floor for any additional comments, Councilmember Gabbard alerted the group that the urban agriculture bill, SB 628, has passed one committee and the City of St. Petersburg lobbying team was actively pursuing it.

Vice Mayor Allbritton alerted the committee about SB 360, which would require fire prevention communication equipment to have a certain minimum radio signal strength. He stated it would be very difficult to bring existing buildings into compliance. This bill is opposed by Senator Hooper, who is a former firefighter.

5. OTHER BUSINESS

A. Letter to Secretary Buttigieg

B. Form Letter to President Biden

Referring to the agenda packet, Mr. Blanton provided a brief overview of the two letters already sent on behalf of Forward Pinellas as authorized by the board.

He further advised that a roundtable with area MPOs would be held in the coming weeks to discuss a response to any upcoming federal legislation resulting from Secretary Buttigieg's appointment.

He highlighted the Vision Zero letter that was sent to President Biden and alerted the committee that the full board would be asked to adopt the Safe Streets Pinellas Action Plan in support of Vision Zero at the board meeting later today.

6. ADJOURNMENT

There being no additional items for discussion, the meeting adjourned at 12:17 p.m.

3A. The American Jobs Plan

SUMMARY

On March 31, President Biden proposed a significant, wide-ranging spending plan that would invest \$2 trillion in infrastructure projects and job creation. The American Jobs Plan proposes to invest \$621 billion in transportation, including spending on roads, bridges, ports, and rail systems nationwide, which is in addition to the FAST Act. The plan also addresses affordable housing, education, health care, childcare, utilities, and workforce development. As an initial proposal that will ultimately need congressional approval, the plan is likely to evolve significantly as it moves forward through the process. The executive director will provide the committee with an overview of the proposed plan.

ATTACHMENT(S):

- [FACT SHEET: The American Jobs Plan \(link\)](#)
- Summary by the National Association of Regional Councils

ACTION: None required; informational item only.

From: Kramer, Jeffrey <kramer@cutr.usf.edu>
Sent: Wednesday, March 31, 2021 5:19 PM
To: Kramer, Jeffrey
Cc: Kramer, Jeffrey; Erich Zimmermann
Subject: FW: NARC Member Alert: Biden Plan Summary

Dear MPOAC Governing Board and Staff Directors' Advisory Committee members,

I am forwarding a very quick summary of the Administration proposal (the American Jobs Plan) released today (provided by our friends at the National Association of Regional Councils, NARC).

Please note that the surface transportation funding contained in the bill is not for a reauthorization package, but is above and beyond funding through the FAST Act authorization.

Also understand that this is an initial proposal. We will see soon enough how Congress reacts. But I wanted to make sure that the MPOAC membership is aware of the ongoing discussion in Washington and that I will forward information of interest to the membership as I receive it

jeff

Jeff Kramer, AICP
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Due to Florida's broad open records law, email to or from university employees is public record, available to the public and the media upon request.

From: Erich Zimmermann <erich@narc.org>
Sent: Wednesday, March 31, 2021 4:53 PM
To: Kramer, Jeffrey <kramer@cutr.usf.edu>
Subject: NARC Member Alert: Biden Plan Summary

NARC Member Alert: Biden Plan Summary

Biden Announces American Jobs Plan

This afternoon President Biden is introducing his American Jobs Plan in Pittsburgh. This wide-ranging proposal would invest in transportation infrastructure of all types, affordable housing, public schools, colleges and childcare facilities, VA hospitals, water, electricity transmission, electric vehicles, broadband, workforce development and more.

Plan Overview:

According to the [initial outline released today by the administration](#), the plan seeks to: create millions of good jobs, rebuild our country's infrastructure, and position the United States to out-compete China. The plan would put significant focus on targeting investment to traditionally underinvested areas, including neighborhoods bisected by interstate highway facilities, rural areas, and more. The plan also focuses heavily on revitalizing American manufacturing, research and development, and worker and workplace protections.

The price tag for this initial proposal is estimated at \$2 trillion, which represents an investment of approximately 1% of GDP per year for a period of eight years. This would be offset significantly by changes to the tax code, including increases in the taxes that businesses pay.

An important note: the surface transportation funding contained in the bill is not for a reauthorization package but is above and beyond funding through the FAST Act authorization. In a call with stakeholders today, USDOT also indicated these funds would be performance-based and not distributed by formula. So the details on these proposals will be extremely important to understanding who might receive the funds and how they can be used.

Below are the areas of focus of the plan and a brief outline of what the investment in each area would accomplish:

Transportation: \$621 billion

- Modernize 20,000 miles of highways, roads, and main-streets.
- Fix the ten most economically significant bridges in the country in need of reconstruction.
- Repair the worst 10,000 smaller bridges.

- Replace thousands of buses and rail cars, repair hundreds of stations, renew airports, and expand transit and rail into new communities.
- Bridges, highways, roads and main streets: increase of \$115 billion. These funds are in addition to and separate from FAST Act surface transportation authorization and likely will not be distributed by formula.
- Road Safety: \$20 billion, to improve road safety for all users, including increases to existing safety programs and a new Safe Streets for All program to fund state and local “vision zero” plans and other improvements to reduce crashes and fatalities, especially for cyclists and pedestrians.
- Transit: \$85 billion, to modernize existing transit and help agencies expand their systems to meet rider demand.
- Amtrak/Passenger Rail: \$80 billion, to address Amtrak’s repair backlog; modernize the high traffic Northeast Corridor; improve existing corridors and connect new city pairs; and enhance grant and loan programs that support passenger and freight rail safety, efficiency, and electrification.
- Electric Vehicles: \$174 billion, including for manufacturers, consumers, and state and local governments. Incentivizes the build-out of a national charging network and would replace 50,000 diesel transit vehicles and electrify at least 20 percent of our yellow school bus fleet through a new Clean Buses for Kids Program at the Environmental Protection Agency, with support from the Department of Energy.
- Airports: \$25 billion, including funding for the Airport Improvement Program, upgrades to FAA assets that ensure safe and efficient air travel, and a new program to support terminal renovations and multimodal connections for affordable, convenient, car-free access to air travel.
- Inland waterways, coastal ports, land ports of entry, and ferries: \$17 billion, including a Healthy Ports program to mitigate the cumulative impacts of air pollution on neighborhoods near ports.
- Equity and Access: \$20 billion, for a new program that will reconnect neighborhoods cut off by historic investments and ensure new projects increase opportunity, advance racial equity and environmental justice, and promote affordable access.
- Large Projects: \$25 billion, for a dedicated fund to support ambitious projects that have tangible benefits to the regional or national economy but are too large or complex for existing funding programs.

Resilience: \$50 billion

- Dedicated investments to improve infrastructure resilience, including investments in FEMA’s Building Resilient Infrastructure and Communities program, HUD’s

Community Development Block Grant program and investments in nature-based infrastructure, climate-smart technologies, and water efficiency and recycling.

Water: \$111 billion

- Replace 100 percent of the nation’s lead pipes and service lines and upgrade and modernize America’s drinking water, wastewater, and stormwater systems, tackle new contaminants, and support clean water infrastructure across rural America.

Broadband: \$100 billion

- Build high-speed broadband infrastructure to reach 100 percent coverage and reduce the cost of broadband internet service and promote more widespread adoption.

Electric Grid: \$100 billion

- Build a more resilient electric transmission system and incentivize investment in clean electricity.
- \$16 billion for plugging orphan oil and gas wells and cleaning up abandoned mines.
- \$5 billion for remediation and redevelopment of Brownfield and Superfund sites.
- \$10 billion for public land conservation, including development of a Civilian Climate Corps.
- Invests in Economic Development Agency’s Public Works program (while lifting the cap of \$3 million on projects) and in “Main Street” revitalization efforts through HUD and USDA.
- Specifically targets investments in the development of new markets and new industries.

Affordable Housing: \$213 billion

- Produce, preserve, and retrofit more than two million affordable and sustainable homes, including a plan to eliminating state and local exclusionary zoning laws; build and rehabilitate more than 500,000 homes for low- and middle-income homebuyers.
- \$20 billion in tax credits through the Neighborhood Homes Investment Act (NHIA).
- \$40 billion to improve the infrastructure of the public housing system in America.
- Upgrade homes through block grant programs, the Weatherization Assistance Program, and by extending and expanding home and commercial efficiency tax credits.

- \$27 billion Clean Energy and Sustainability Accelerator to mobilize private investment into distributed energy resources; retrofits of residential, commercial and municipal buildings; and clean transportation.

Public schools: \$100 billion

- Upgrade and build new public schools, through \$50 billion in direct grants and an additional \$50 billion leveraged through bonds.

Colleges: \$12 billion

- Community college infrastructure.

Child Care Facilities: \$25 billion

- Upgrade childcare facilities and increase the supply of childcare in areas that need it most.
- Child Care Growth and Innovation Fund for states to build a supply of infant and toddler care in high-need areas.
- Expanded tax credit to encourage businesses to build childcare facilities at places of work (employers receive 50 percent of the first \$1 million of construction costs per facility).

VA Hospitals: \$18 billion

- Modernization of Veterans Affairs hospitals and clinics.

Federal Buildings: \$10 billion

- Modernization, sustainability, and resilience of federal buildings.
- Federal Capital Revolving Fund to support investment in a major purchase, construction or renovation of Federal facilities.

Care Economy: \$400 billion

- Expanding access to quality, affordable home- or community-based care for aging relatives and people with disabilities by expanding access to long-term care services under Medicaid.

R&D and New Technologies: \$180 billion

- \$50 billion in the National Science Foundation (NSF), creating a technology directorate that will collaborate with and build on existing programs across the government.

- \$30 billion in additional funding for R&D that spurs innovation and job creation, including in rural areas.
- \$40 billion in upgrading research infrastructure in laboratories.
- \$35 billion for climate science innovations, including ARPA-C to develop new methods for reducing emissions and building climate resilience.
- \$5 billion increase in funding for other climate-focused research.
- \$15 billion in demonstration projects for climate R&D priorities.
- \$10 billion R&D investment at HBCUs and other MSI.
- \$15 billion in creating up to 200 centers of excellence that serve as research incubators at HBCUs and other MSIs.

Manufacturing and Small Businesses: \$300 billion

- \$50 billion to create a new office at the Department of Commerce dedicated to monitoring domestic industrial capacity and funding investments to support production of critical goods.
- \$50 billion in semiconductor manufacturing and research, as called for in the bipartisan CHIPS Act.
- \$30 billion over 4 years to create U.S. jobs and prevent the severe job losses caused by pandemics through major new investments in medical countermeasures manufacturing; research and development; and related biopreparedness and biosecurity.
- \$46 billion to jumpstart clean energy manufacturing through federal procurement.
- \$20 billion in regional innovation hubs and a Community Revitalization Fund, including at least ten regional innovation hubs to leverage private investment to fuel technology development, link urban and rural economies, and create new businesses in regions beyond the current handful of high-growth centers. The Community Revitalization Fund will support innovative, community-led redevelopment projects that can spark new economic activity, provide services and amenities, build community wealth, and close the current gaps in access to the innovation economy for communities of color and rural communities that have suffered from years of disinvestment.
- \$14 billion for NIST to bring together industry, academia, and government to advance technologies and capabilities critical to future competitiveness.
- Quadruple support for the Manufacturing Extensions Partnership.

- \$52 billion in domestic manufacturers.
- \$31 billion in programs that give small businesses access to credit, venture capital, and R&D dollars, including funding for community-based small business incubators and innovation hubs to support the growth of entrepreneurship in communities of color and underserved communities
- \$5 billion for a new Rural Partnership Program to help rural regions, including Tribal Nations, build on their unique assets and realize their vision for inclusive community and economic development and will empower rural regions by supporting locally-led planning and capacity building efforts, and providing flexible funding to meet critical needs.

Workforce Development: \$100 billion

- \$40 billion investment in a new Dislocated Workers Program and sector-based training.
- \$12 billion investment for workforce development opportunities in underserved communities.
- \$5 billion over eight years in support of evidence-based community violence prevention programs.
- \$48 billion in American workforce development infrastructure and worker protections, including registered apprenticeships and pre-apprenticeships and strengthening the pipeline for more women and people of color to access these opportunities and supporting community college partnerships that build capacity to deliver job training programs based on in-demand skills.
- Worker Protections: \$10 billion for enforcement of provisions related to workplace safety and health rules.

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3B. Pedestrian Crossings

SUMMARY

As previously discussed, House Bill (HB) 1113 by Representative Fine, and Senate Bill (SB) 1412 by Senator Perry, propose to significantly limit state and local governments' ability to use yellow rectangular rapid flashing beacons (RRFBs) at pedestrian crossings. The bills are moving rapidly through the legislative process. Among other provisions, the bills would require that the Florida Department of Transportation request federal authorization to allow yellow RRFBs to be replaced by red RRFBs; and if permission is not granted, require that they be either replaced with more traditional traffic signals or removed.

HB 1113 has passed two of its three committees. A proposed amendment by Representative Slosberg at the March 16 Tourism, Infrastructure & Energy Subcommittee meeting would have deleted the requirement that yellow RRFBs be removed if federal authorization to turn them red was denied. The amendment was deemed unfriendly by the sponsor and was not adopted. The bill is currently in the Commerce Committee.

SB 1412 has passed the Transportation committee, its first committee stop, and is currently in the Appropriations Subcommittee on Transportation, Tourism, and Economic Development. An amendment has been filed that would enable the use of Pedestrian Hybrid Beacons as an additional tool, which was not referenced in the original draft. That amendment does not obviate the worst aspects of the bill regarding pedestrian safety and accessibility.

Per the Board's direction at the March meeting, staff wrote a letter of opposition to the bills, which was shared with members of the reviewing committees, the Pinellas County Legislative Delegation, and others. The City of St. Petersburg also passed a resolution opposing the bills in March.

A Forward Pinellas blog post on the proposed bills has been shared widely on social media, and has brought the issue to the attention of ABC Action News and Bay News 9, which both ran segments that included an interview with the executive director.

Per the committee's request last month, a map of RRFBs in Pinellas County is provided.

ATTACHMENT(S):

- [House Bill 1113 \(link\)](#)
- [Senate Bill 1412 \(link\)](#)
- Forward Pinellas Letter Opposing SB 1412 and HB 1113
- City of St. Petersburg Resolution Opposing SB 1412 and HB 1113
- ["Proposed Law Would Put Pedestrians at Risk," Forward Pinellas Blog, March 29, 2021 \(link\)](#)
- Map of RRFBs in Pinellas County

ACTION: None required; informational item only.



March 22, 2021

Senator Keith Perry
406 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: SB 1412 and HB 1113 – Traffic and Pedestrian Safety

Dear Senator Perry:

On behalf of Forward Pinellas, the metropolitan planning organization (MPO) for Pinellas County, I am writing in strong opposition to SB 1412 and HB 1113, both titled “Traffic and Pedestrian Safety.” As the transportation planning agency in a county that has made significant investment in mid-block crosswalks to encourage safe pedestrian access to destinations, these bills would set roadway safety in Florida back decades, to a time when Florida only designed roadways for the speed and convenience of motorized vehicles.

The bills are unnecessary, expensive, and would undermine the safety of pedestrians and bicyclists by restricting their access and removing the protections in place for them as legitimate users of public space. Mid-block crosswalks with yellow flashing beacons are a cost-effective solution to our [“Dangerous by Design”](#) roadways, where Florida leads the nation in pedestrian traffic deaths.

The bills appear innocuous, but the following provisions make this legislation harmful:

- Requiring traffic control signal devices and pedestrian control signals at mid-block crosswalks with posted speed limits of 30 miles per hour or more to be coordinated with traffic control signal devices at intersections adjacent to the crosswalk, and
- If the Federal Government denies the request to turn the yellow flashing beacons to red, the applicable entity must remove all yellow RRFBs at mid-block crosswalks by October 1, 2025.

The requirement that mid-block crosswalk signals (rectangular rapid flashing beacons, or RRFBs) be coordinated or timed with the adjacent traffic signal is impractical and displays a lack of understanding about traffic engineering practice. Most mid-block crosswalks are in locations far away from a full traffic signal, hence the need for the crossing. It is this excessive spacing of traffic signals that creates hazardous walking conditions on many Florida roadways, resulting in pedestrians killed or seriously injured attempting to cross without any protection. Mid-block crosswalks with RRFBs operate “on-demand,” not contingent on a change in signal phase at a full intersection that may be several hundred or several thousand feet away. Even if possible, timing them with the adjacent signal would build in delays of 60 to more than 180 seconds, undermining the purpose of the crossing.

The bills are an unfunded mandate on state and local governments, already struggling with budgets that barely fund transportation operations and maintenance costs. The House staff bill analysis shows the state's fiscal impact is estimated at \$14.9 million and the local government impact is likely far greater. ***In Pinellas County alone, there are more than 350 RRFBs at mid-block crosswalks.*** The City of St. Petersburg estimates that these bills, if passed, would force the removal of 90 mid-block crossings at a cost of \$750,000 in that city alone.

While there is no risk-free form of transportation, mid-block crossings with RRFBs are very effective at reducing the risk of people crossing the road being struck by a motor vehicle. According to the FHWA, the devices can reduce pedestrian crashes by 47 percent, with motorist compliance typically reaching 85-90 percent. In recognition of their effectiveness and their significant safety benefits, the Federal Highway Administration and Florida Department of Transportation have authorized and endorsed their use in certain settings. The FHWA lists the RRFBs as the top countermeasure for its [Safe Transportation for Every Pedestrian \(STEP\) 2.0](#) initiative.

RRFBs reinforce the legal obligation of vehicles to stop for a pedestrian using a marked crosswalk. They provide higher visibility, especially in low light or night-time hours, as a safety countermeasure for people using state and local roadways. In the Pinellas County beach communities along Gulf Boulevard/SR 699, a major tourist destination, mid-block crosswalks with RRFBs are effective tools for speed management, where speeding on this corridor once was a major cause of vehicle crashes.

Mid-block crosswalks with RRFBs do not belong everywhere. The Florida Department of Transportation has made reasonable changes to its traffic engineering manual that ***limit RRFBs to roadways with a posted speed of 35 mph or less***, and to roadways with no more than four through travel lanes, with an exception for divided roadways if a raised median is in place. Those are reasonable restrictions. The Pedestrian Hybrid Beacon is a more appropriate crosswalk device for such higher speed, wider roadways.

Forward Pinellas is committed to safety for all roadway users in Pinellas County, and mid-block crosswalks with RRFBs are a key part of the solution. We recognize they do not remove all risk to pedestrians, and there is a significant need for additional statewide education, testing and enforcement of existing laws to further increase the effectiveness of RRFBs and other safety devices on the roadway network. Thank you for your consideration.

Respectfully,



Whit Blanton, FAICP
Executive Director

cc: Senate Transportation Committee
Senate Appropriations Committee
House Infrastructure & Tourism Appropriations Subcommittee
Pinellas County Legislative Delegation
Forward Pinellas Board

RESOLUTION NO. 2021 _____

A RESOLUTION OPPOSING FLORIDA SB 1412 AND HB 1113; ENCOURAGING GOVERNOR DESANTIS TO VETO THE LEGISLATION SHOULD IT BE APPROVED; AND INSTRUCTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO CERTAIN ENTITIES AND PEOPLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg (“City”) has a strong interest in providing public rights-of-way that are safe, efficient and cost-effective multimodal transportation systems that are accessible to all residents and visitors, preserve neighborhoods, protect natural resources, and promote economic development; and

WHEREAS, in 2006 the City received approval from the Federal Highway Administration (“FHWA”) to begin testing of Rectangular Rapid Flashing Beacons (RRFBs) at certain unsignalized pedestrian crosswalks throughout St. Petersburg to enhance public safety; and

WHEREAS, based on analyses of RRFBs implementation in St. Petersburg and other cities and counties across the nation, the FHWA has endorsed the RRFB as an effective, low-cost tool and top countermeasure to improve roadway safety, especially for pedestrians, and especially at locations where traffic signal warrants could not be met; and

WHEREAS, according to the FHWA, RRFBs can reduce pedestrian crashes by 47%; and

WHEREAS, the proposed legislation, SB 1412 and HB 1113 propose to make significant modifications to the allowable use of RRFBs within the state of Florida by considerably reducing the situations for which they could be installed and force removal of existing devices while the devices will be allowable in the rest of the country; and

WHEREAS, the proposed legislation provides that other traffic control devices could be used at pedestrian crosswalks in lieu of RRFBs without fully recognizing contextual challenges that would render the alternatives infeasible or impractical and inordinately expensive; and

WHEREAS, the House Staff Analysis states that the bill “will likely have a significant, negative fiscal impact to state and local governments”; and

WHEREAS, the proposed legislation would require local municipalities like the City to remove pedestrian crosswalks in locations where an alternate to the RRFB cannot be installed by 2025, and it’s estimated this would require the City to remove approximately 90 pedestrian crosswalks with considerable safety and cost implications estimated to be over \$750,000; and

WHEREAS, the City has several long-standing policies and initiatives aimed at encouraging more people to walk and bicycle in St. Petersburg, and the proposed legislation would significantly hinder the City's ability to provide necessary infrastructure which enables more people to safely cross the street; and

WHEREAS, the City adopted a Complete Streets Implementation Plan that calls for an additional 190 pedestrian and bicycle crossings to be installed at locations not likely to meet the criteria provided in SB 1412 and HB 1113; and

WHEREAS, the Florida Department of Transportation (FDOT) has adopted a statewide Complete Streets Policy and Florida Design Manual that directly supports mid-block crossings using tools like the RRFB and Pedestrian Hybrid Beacons (PHB); and

WHEREAS, in November 2020 FDOT updated the statewide Traffic Engineering Manual to establish revised criteria and guidance for crosswalks at midblock and unsignalized intersections that sets forth more rigid rules for installation and use of RRFB, PHB, and other crosswalk design treatments to increase traffic safety; and

WHEREAS, the FDOT has formally adopted a safety target of zero fatalities and the City and other organizations believe this legislation will undermine those areas in which the state of Florida has shown great leadership; and

WHEREAS, the City recognizes that the presence of RRFBs do not remove all risk to pedestrians within RRFB-equipped crosswalks and there is a significant need for additional state-wide education, testing and enforcement of existing laws to further increase the effectiveness of RRFBs and other safety devices on the roadway system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that this Council opposes SB 1412 and HB 1113 which are currently proposed in the 2021 Legislative Session.

BE IT FURTHER RESOLVED by this Council that Governor DeSantis is encouraged to veto the legislation should it be approved by the legislature.

BE IT FURTHER RESOLVED that this Council hereby instructs the City Clerk to transmit a copy of this Resolution to each Bill Sponsor, the Pinellas County delegation in Tallahassee, Governor DeSantis, and the Executive Director of Forward Pinellas which serves as the Pinellas County Planning Council/Metropolitan Planning Organization.

This resolution shall become effective immediately upon its adoption.

Approved as to form and substance:

/s/ Jane Wallace

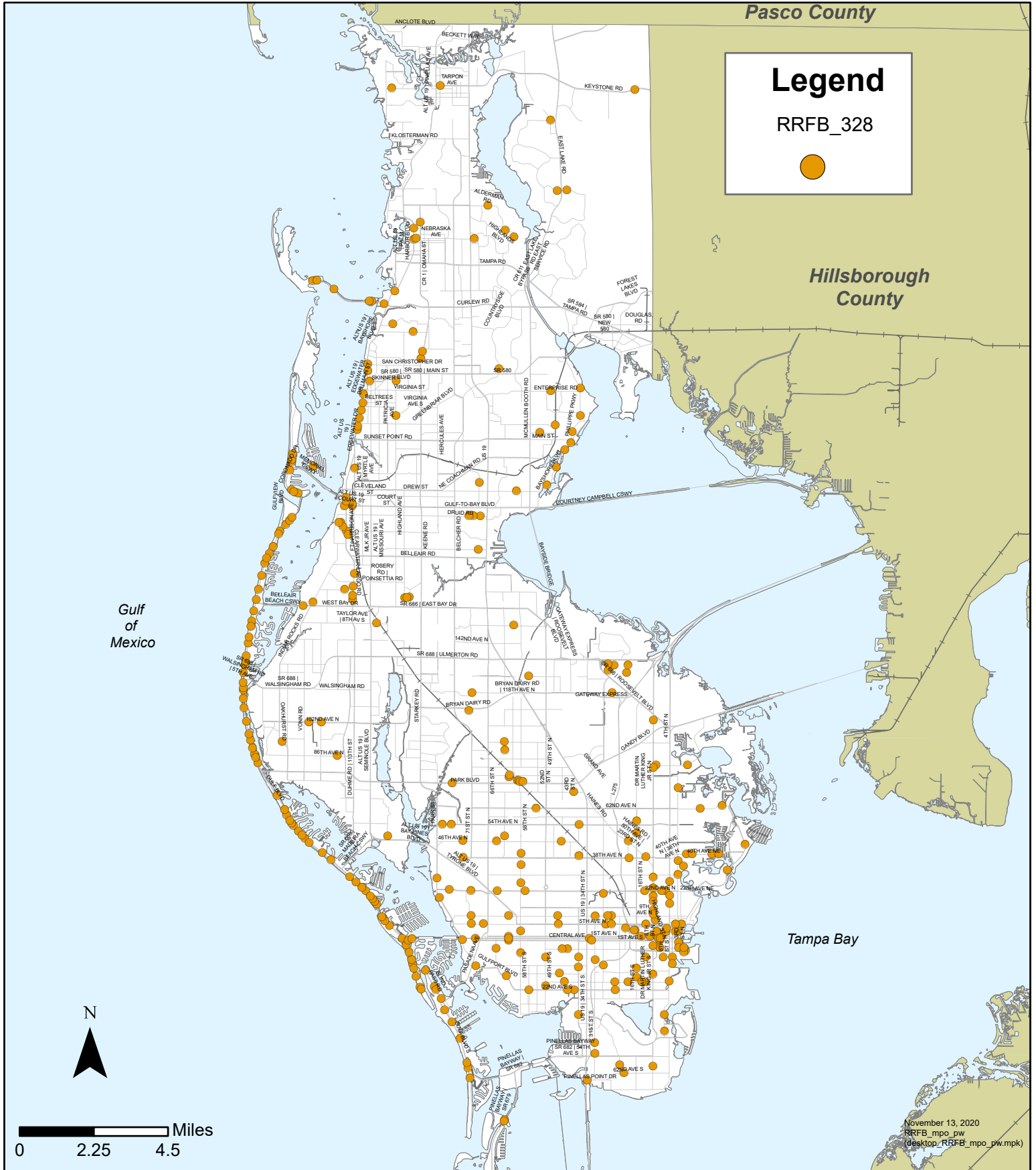
City Attorney (designee)

Rectangular Rapid Flashing Beacons (RRFBs)



**FORWARD
PINELLAS**

Integrating Land Use & Transportation



Data Source: Forward Pinellas, 2020. Map Produced: March 31, 2021.

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November 13, 2020
RRFB_mpo_pw
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SUMMARY

The original version of House Bill (HB) 605, filed by Representative Hunschofsky, and Senate Bill (SB) 950, filed by Senator Book, would have prohibited vehicles from passing bicyclists or other nonmotorized road users while occupying the same travel lane. Both bills have since been amended, and now require only that vehicles pass “at a safe distance of not less than 3 feet.” HB 605 has passed two committees and is now in the Commerce Committee. SB 950, which is currently referred to only two committees, has passed Transportation and is now in Rules.

SB 278, filed by Senator Baxley, and HB 1643, filed by Representative McClain, propose the “Vulnerable Road User Act,” imposing criminal penalties on a person who commits a moving violation that causes serious bodily injury or death to vulnerable transportation users or workers within the right-of-way. Neither bill has been heard by any committee. SB 278 is currently in the Transportation Committee, and HB 1643 is in the Criminal Justice & Public Safety Subcommittee.

One consideration is whether language from these bills could potential be integrated into HB 1113 or SB 1412, whose stated intent is to improve pedestrian safety. Forward Pinellas staff is coordinating with regional partners to explore this option.

ATTACHMENT(S):

- [House Bill 605 \(link\)](#)
- [Senate Bill 950 \(link\)](#)
- [Senate Bill 278 \(link\)](#)
- [House Bill 1643 \(link\)](#)

ACTION: None required; informational item only; or as deemed appropriate by the committee.

3D. Update on Other Transportation Bills

SUMMARY

As discussed at previous meetings, we are tracking a number of other bills with relevance to local, regional, and statewide transportation planning efforts. The current status of each is listed below.

Tampa Bay Area Regional Transit Authority

- [Senate Bill \(SB\) 1130](#), filed by Senator Brandes, would dissolve TBARTA and distribute its assets to member local governments represented on the authority's board. The effective date is July 1, 2022. There is no House companion. The bill has not yet been heard by any of its three committees, and does not have a current committee assignment.
- [House Bill \(HB\) 389](#), filed by Representative Mariano, and [SB 422](#), filed by Senator Rouson, would delete the requirement that TBARTA coordinate with the Chairs Coordinating Committee or participate in the regional MPO planning process, and revise the TBARTA board quorum and majority voting requirements. HB 389 passed the Tourism, Infrastructure & Energy Subcommittee on April 1 and is now in Local Administration & Veterans Affairs. SB 422 passed the Transportation Committee on February 16 and is now in Community Affairs.
- [HB 2037](#), filed by Representative Toledo, would allocate \$1.5 million in nonrecurring funds to TBARTA for fiscal year 2021-2022, drawn from the State Transportation (Primary) Trust Fund. There is no Senate companion. The bill passed the Infrastructure & Tourism Appropriations Subcommittee on March 17 and is now in Appropriations.

Electric Vehicles

- [SB 138](#) and [HB 817](#) would establish an Electric Vehicle Infrastructure Grant Program to provide financial incentives for the installation of electric vehicle charging infrastructure, open to local governments, state agencies, public transit agencies, public universities, airports, and ports. While HB 817 allocates \$5 million in non-recurring funds to the grant program, this provision was removed from SB 138 by a Transportation Committee amendment on March 10. SB 138 also passed the Appropriations Subcommittee on Transportation, Tourism, and Economic Development on March 23, and is now in Appropriations. HB 817 has not yet been heard by any of its three committees, and is currently in Tourism, Infrastructure & Energy.
- [SB 140](#) and [HB 819](#) would impose a license fee structure for electric and plug-in hybrid vehicles. Such vehicles would be subject to the same licensing fee as non-electric vehicles, plus an additional flat fee ranging from \$35 to \$235 depending on vehicle

mode and size. The new fee collection would begin on January 1, 2025. These bills are linked to SB 138/HB 817 and have been discussed together at committee stops.

- [SB 1276](#), filed by Senator Hooper, proposes to create a similar “motor vehicle fuel tax equivalent” license fee, which would take effect when the EV adoption rate reaches 5%. The additional fee would be \$200 for electric vehicles and \$50 for hybrid vehicles. There is no House companion. The bill has not yet been heard by any of its three committees, and does not have a current committee assignment.
- [Senate Memorial 1332](#), filed by Senator Brandes, and [House Memorial 1509](#), filed by Representative Hunschofsky, urge the United States Congress to authorize installation of electric vehicle charging stations in rest areas on the interstate highway system. Each memorial has been referred to two committees, but neither has been heard by any.

Transportation Projects

- [HB 729](#), filed by Representative Gregory, and [SB 1364](#), filed by Senator Brodeur, propose changes to statutes governing various aspects of transportation projects. The bills would limit expenditures from the State Transportation Trust Fund for public transportation projects such as transit, airports, seaports, and regional transportation authorities to no more than 25% of revenues deposited in a given fiscal year. A current requirement for the Florida Department of Transportation (FDOT) to spend 1.5% of the cost of new roadway construction projects plant materials would be removed. FDOT would also gain the ability to enter into no-bid contracts up to \$1 million to repair or improve roadways “which may have contributed to one or more fatalities.” HB 729 has not yet been heard by any of its three committees, and is now in Tourism, Infrastructure & Energy.

Use of Wireless Communications Devices While Driving

- [HB 91](#), sponsored by Representative Slosberg, would expand the current state prohibition on texting while driving to include any holding or touching of a wireless communications device. Use of hands-free devices would still be permitted. There is no Senate companion. The bill has been referred to four committees but has not been any heard by any, and is now in Tourism, Infrastructure & Energy.

ATTACHMENT(S): None

ACTION: None required; informational item only.

3E. Regulation of E-bikes and E-scooters

SUMMARY

Legislation passed in 2020 created [Section 316.20655, Florida Statutes](#), to address the growing popularity of electric bicycles, also known as e-bikes. E-bikes provide riders a motorized assist with pedaling at certain speeds, and fall into three classes based on the level of assistance provided. The new statute gives e-bikes the same rights and responsibilities as traditional bicycles, but preserves the right of a local government to adopt an ordinance governing their operation on streets, highways, and sidewalks under its jurisdiction. Motorized scooters have been subject to similar legislation since 2019.

These relatively new technologies offer both benefits and challenges. They offer wider opportunities for non-automobile travel, particularly for riders with disabilities and in traditionally underserved areas, and can provide first-mile/last mile solutions for transit. However, the higher speed of the vehicles, combined with their shared travel space with pedestrians and slower manual bicycles, creates new opportunities for conflicts and potential safety concerns. Some questions about regulatory jurisdiction also remain unanswered, such as whether a local government has the authority to regulate e-bikes and e-scooters on a state road within its boundaries.

Forward Pinellas recommends that local governments in Pinellas County develop a consistent approach for regulating e-bikes and e-scooters. In 2016, an MPO subcommittee developed a white paper of recommendations for e-bike use on the Pinellas Trail. Both e-bikes and e-scooters have been allowed on the Pinellas Trail since the applicable statutes took effect, but existing signage and web content sends a conflicting message to users (i.e., “no motorized vehicles”). Thus far, municipal efforts to study and regulate these transportation modes have been limited to larger communities, including St. Petersburg and Clearwater.

A new effort is underway by a coalition of mayors from seven barrier island communities, where e-bikes and e-scooters have been cited as a safety issue along Gulf Boulevard, as well as on the beach itself. Staff would like to hold a discussion among the committee members about how best to develop a coordinated approach for regulating these technologies.

ATTACHMENT(S): None.

- [“Pinellas beach mayors say they want to pump the brakes on electric bikes, scooters.” ABC Action News, Feb 17, 2021 \(link\)](#)
- Florida’s e-Bike Law, handout from peopleforbikes.org
- *Considerations for E-Bike Use on the Pinellas Trail*, Pinellas County MPO subcommittee white paper, 2016

ACTION: Committee to discuss and provide direction to staff.



FLORIDA'S E-BIKE LAW FOR THE ROAD

- » E-bikes are regulated like bicycles. The same rules of the road apply to both e-bikes and human-powered bicycles.
- » E-bikes are not subject to the registration, licensing or insurance requirements that apply to motor vehicles.
- » Florida designates three classes of e-bikes:
 - Class 1: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.
 - Class 2: Bicycle equipped with a throttle-actuated motor, and that ceases to provide assistance when the e-bike reaches 20 mph.
 - Class 3: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph.
- » Class 1, 2 and 3 e-bikes may be ridden wherever bicycles are allowed, including bicycle lanes and multi-use paths.
- » All operators and passengers under 16 years of age are required to wear a helmet.
- » A city, town or state agency that has jurisdiction can restrict where e-bikes are allowed. When in doubt, check for local rules and regulations.

* The following Florida laws are referenced: Fla. Stat. §261.03, 316.008, 316.027, 316.2065, 316.20655

eMTB GUIDELINES

- » On federal, state, county and local trails, e-mountain bike (eMTB) access varies significantly.
- » Generally, any natural surface trail that is designated as open to both motorized and non-motorized uses is also open to eMTBs.
- » eMTBs may not be allowed on trails managed for non-motorized activities
- » Do not ride your eMTB in areas where the local rules are unclear. Ride legally and only on authorized trails to show that mountain bikers are responsible trail users.
- » When in doubt, ask your local land manager about access to specific trails. Local land rules change frequently.

CHECK OUT

- » A map of great eMTB rides at peopleforbikes.org/emtb
- » eMTB "Adventures" at peopleforbikes.org/e-bikes

FLORIDA'S E-BIKE LAW FOR TRAILS

- » LOCAL: Consult your local land management agency.
- » STATE: The Florida Department of Environmental Protection allows Class 1 e-bikes wherever traditional bicycles are allowed. Some State Parks may restrict e-bike access on mountain bike trails based on local discretion. Contact your local State Park for their most up to date e-bike policy. PeopleForBikes is monitoring this policy and will update this document as needed.
- » FEDERAL: The majority of public lands managed for recreation in Florida are under the jurisdiction of the U.S. Forest Service, where eMTBs are considered motorized vehicles and have access to motorized trails. Contact the U.S. Forest Service Southern Regional Office for more information.

GREAT eMTB RIDES IN FLORIDA

- » **Alafia River State Park**
Lithia | 8.5 miles
- » **Oleta River State Park**
North Miami Beach | 17 miles
- » **Jonathon Dickinson State Park**
Jupiter | 9 miles
- » **Fort Clinch State Park**
Fernandina Beach | 5.4 miles



Learn more at PeopleForBikes.org/e-bikes

- » Blogs and webinars
- » E-bike laws around the country
- » E-bike statistics and research
- » Buying guide
- » Retailer materials
- » eMTB management resources

With an e-bike, bicyclists can ride more often, farther, and for more trips.

Electric bicycles are designed to be as safe as traditional bicycles, do not compromise consumer safety, and benefit bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience.

In many states, e-bikes are regulated under antiquated laws primarily aimed at combustion engine vehicles such as mopeds or scooters. PeopleForBikes is clarifying state laws governing the use of e-bikes in the U.S. Every state's law is different, but the objective is to ensure that low-speed e-bikes are regulated similarly to traditional, human-powered bicycles.

Considerations for E-Bike Use on the Pinellas Trail

SUMMARY

This white paper provides an overview of electric bicycles and its role in meeting the mobility needs of Pinellas County residents and visitors. This paper covers the history, legal definitions, sales, and a review of relevant e-bike literature from around the United States.

Introduction

Electric-assist bicycles, or “e-bikes”, are becoming increasingly popular throughout the United States with an estimated 350,000 sold in 2015¹.

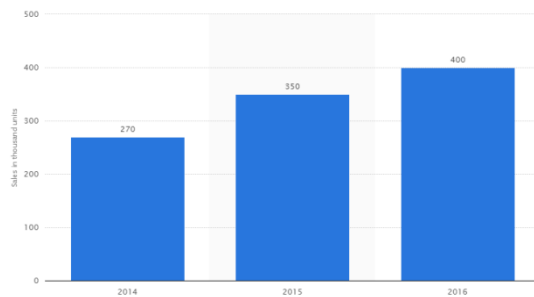


Figure 1 - Projected sales of electric bicycles in the United States from 2014 to 2016 (in 1,000 units), courtesy of Statista

E-bikes are filling a growing niche in the bicycle marketplace and Pinellas County’s Parks and Conservation Resources Department (PCR) reports that their use on the Pinellas Trail is also increasing. While attitudes towards bicycling in Pinellas County are very positive, e-bike use is not widely accepted on multi-use trails, primarily due to actual or perceived conflicts with other trail users. This white paper attempts to provide an objective, unbiased examination of

the implications of e-bike use on the Pinellas Trail and the potential benefits that could be realized.

History of E-bikes

In its most basic form, an e-bike is a bicycle that is outfitted with an electric-assist motor, rechargeable battery and controller system. The electric-assist motor provides supplemental power to a rider who may also manually power the bicycle via pedaling alone. The assistive power can be applied to the bicycle in various ways including; a motor built into the hub of the front or rear wheel, a motor mounted on the frame driving the rear wheel with a chain or rubber belt, power may be transferred to one or the other wheel from a motor mounted directly above the wheel by bringing a powered roller or rubber belt into contact with the tire, or the bicycle's chain may be driven by a sprocket which may force the rider to pedal or incorporate a ratchet allowing either pedaling or powering or both.

Electric bicycle technology is nearly 120 years old and has evolved over time, from a bicycle outfitted with a steam engine to the sleek and stylish e-bikes with lithium-ion batteries of today. The first e-bike patent was issued to

¹ <http://www.statista.com/statistics/255614/size-of-the-bicycle-market-in-the-united-states/>

Ogden Bolton, Jr. on December 31, 1895². He designed and patented (#552,271) an electric bicycle with a motor very similar to the hub motor type used today (see Figure 2). A few years later, Hosea W. Libbey invented an electric bicycle that used two motors and two batteries. Nearly 50 years later, Jesse D. Tucker was awarded a patent for a design modification which enabled the use of the pedals with or without the use of the electric motor. Since that time, five additional e-bike-related patents have been issued with the latest in 2002 for a modular motorized wheel hub assembly.

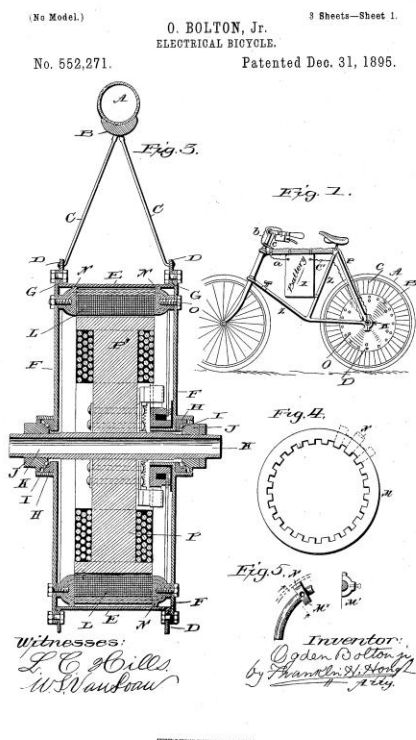


Figure 2 - Drawings from U.S. Patent 522,271: Electrical Bicycle by Ogden Bolton, courtesy of the U.S. Patent and Trademark Office

U.S. E-bike Sales

In the United States, the Light Electric Vehicle Association reported that 900 retailers carry e-

² <http://www.google.com/patents?vid=552271>
 "Electric Bicycles", D. Henshaw & R. Peace

bikes across the United States and that e-bike sales doubled between 2012 and 2013. Although the number of e-bikes sold is a fraction of the total bicycles sold in a given year, it is still considered a significant and growing segment of the market. Volatility in the price of gasoline as well as shifting preferences of aging Baby Boomers and Millennials could further increase the future demand for e-bikes.

Locally, Bob Nohren the owner of the Energy Conservatory provided a great deal of insight from the perspective of a local bike shop owner. Mr. Nohren sells approximately 2-3 e-bikes per month and feels that this number will increase as more manufacturers enter the market and drive down prices. The average price for one of his entry level e-bike costs around \$2,300. He further believes that his customers are attracted to e-bikes because they make long distance commuting easier and help aging individuals who may have physical disabilities to stay active longer.



Figure 3 - Prodecotech Stride 500 White v5 E-bike

It is important to note that as the global market develops, two distinct types of electric bicycles are emerging. One is similar to a standard bicycle with pedals, but it has an electric-assist motor that engages on command or when the cyclist pedals. This type of electric bicycle is commonly referred to as a bicycle-style electric bike (BSEB). These are the most popular type in the United States and Europe, with many

people using the electric motor mainly for help in wind or on steep hills. By contrast, in China, traditional electric bicycles have evolved into bigger machines that resemble Vespa scooters. They have small, wide-set pedals that most cyclists do not use as they travel entirely on battery power. These bikes move at up to 30 miles an hour, with a range of 50 miles on a fully charged battery. This type of electric bicycle is commonly referred to as a scooter-style electric bike (SSEB). For purposes of this discussion, the SSEB does not meet the regulatory guidelines established by State and Federal law and would be prohibited from use on multi-use trails.



Figure 4 - Jetson SSEB

Existing E-Bike Regulations

The legal framework of federalism as established by the 10th Amendment to the United States Constitution is the foundational principle to help understand how e-bike laws are structured in the United States. The Consumer Product Safety Commission (CPSC) regulates the manufacture and sale of consumer products. Products that do not fall under the CPSC, such as firearms, motor vehicles, and food and drugs are specifically identified in law as being under the jurisdiction of other federal agencies. Similarly, the National Highway Traffic Safety Administration (NHTSA) regulates the safety requirements of motor vehicles including fuel

economy, manufacturer and importer licensing, and safety testing. With that said, this framework does not affect how states may decide to govern the licensing and use of consumer products, such as bicycles.

The United States Consumer Product Safety Act states that electric bicycles and tricycles meeting the definition of low-speed electric bicycles are considered consumer products. The CPSC has regulatory authority to assure, through guidelines and standards, that the public will be protected from unreasonable risks of injury or death associated with the use of electric bicycles. The Act defines a "low speed electric bicycle" as a two or three wheeled vehicle with fully operable pedals, a top speed when powered solely by the motor under 20 mph (32 km/h) and an electric motor that produces less than 750W (1 hp). The Act authorizes the CPSC to protect people who ride low-speed electric vehicles by issuing necessary safety regulations. In conformance with the law defining this category of electric-power bicycle (15 U.S.C. 2085(b)), CPSC rules stipulate that low speed electric bicycles (to include two- and three-wheel vehicles) are exempt from classification as motor vehicles providing they meet the definition contained in the Act. An electric bicycle operating within these specifications is subject to the CPSC consumer product regulations for a bicycle. Commercially manufactured e-bikes exceeding these power and speed limits are regulated by the federal Department of Transportation (DOT) and NHTSA as motor vehicles, and must meet additional safety requirements. The legislation enacting this amendment to the CPSC is also known as HR 727. The text of HR 727 includes the statement: "This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements." While Federal

law governs consumer product regulations for "low speed electric bicycles," as with motor vehicles and bicycles, regulation of how these products are used on public streets is subject to state statutes.

Florida Statute §316.2068 specifically authorizes electric bicycles not capable of speeds in excess of 20 mph to operate as a right on certain premises and under certain conditions as follows:

1. On a road or street where the posted speed limit is 25 mph or less;
2. On a marked bicycle path;
3. On any street or road where bicycles are permitted;
4. At an intersection, to cross a road or street even if the road or street has a posted speed limit of more than 25 mph;
5. On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

Thus, Florida law provides that electric bicycles are permitted on multi-use trails as long as they are not capable of speeds in excess of 20 mph, are operating pursuant to any of the conditions above, and absent any local restrictions to the contrary.

E-Bike Literature Review

The existing literature concerning e-bike use on multi-use trails is somewhat limited. However, examples in Boulder, Colorado and Knoxville, Tennessee highlight factors for consideration when introducing e-bikes to trail systems.

In early 2014, the City of Boulder began a pilot project to allow and test e-bike use on hard-surface multi-use trails. The pilot project was authorized for 11 months with a sunset date of December 31, 2014.

Policy support for the pilot project was established in the City of Boulder's Transportation Master Plan (TMP). The TMP goal statements included;

- Provide mobility through choices;
- Pedestrian has priority;
- Hold vehicle miles traveled at 1994 levels; and
- Reduce single occupant vehicle trips by 25% by 2025

The pilot project had several elements including; an analysis of modal traffic volumes, vehicle speeds and crash experience, field observations, intercept surveys, bike/walk audits, and input from a community stakeholder group.

An observation of multi-use trail users during the pilot project period revealed that e-bikes made up a very small portion of trail users. Over a seven-hour observation period, 1,000 bikes were counted and only three (of the 1,000) were e-bikes. Accordingly, there were no reported traffic collisions involving e-bikes and less than 1% had "hard braking" interactions with other trail users. In addition, staff conducted intercept surveys of trail users and found that the majority of respondents had interacted with e-bikes and supported their use on multi-use trails. Based on the information from the pilot project, the Boulder City Council removed the sunset date from the ordinance and now allows e-bikes on hard-surface multi-use trails.

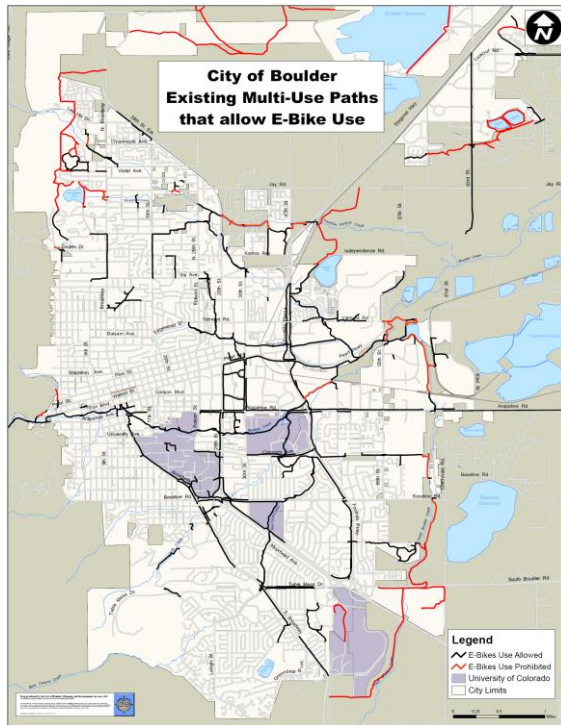


Figure 5 - City of Boulder Trails that allow e-bikes

In Knoxville, Tennessee, the trip characteristics, safety, and physical health implications of e-bike use in the University of Tennessee’s bike sharing program (cycleUshare) were studied as part of a doctoral dissertation.

First, an analysis of behaviors and perceptions were studied from a representative sample including user characteristics, trip purpose, alternative trip mode, bike choice, and user perceptions about e-bikes and regular bikes. The author was able to draw several conclusions including; e-bike users travel greater distances under a shorter timeframe allowing for additional stops, trips by e-bike were shown to have a wider variety of trip purposes than regular bicycle trips, and e-bikes greatly expands user mobility.

The safety portion of the research study entailed an analysis of observed behaviors under four scenarios: 1) riding behaviors on directional roadway segments, 2) riding behaviors on shared use paths, 3) stopping behavior at stop-

controlled intersections, and 4) stopping behaviors at signalized intersections. The author’s conclusions were as follows; the travel speeds for e-bike users were higher on average (13.3 kph), than those for regular bicycle users (10.5 kph), regular bicycle users had slightly higher average travel speeds than e-bike users, 12.6 kph versus 11.0 kph respectively, on multi-use paths, the average wrong-way riding rate by regular bicycles was not significantly different than that for e-bikes, e-bike users were more likely to obey stop signs, and there was no significant difference in stopping behaviors for regular bikes and e-bikes at stop-control and signalized intersections.

Lastly, the health implications of e-bike use entailed an analysis of the physical energy demands and level of enjoyment associated with completing a 2.75 mile trip by walking, riding a regular bike, and riding an e-bike. The main conclusion from this portion of the research was that e-bike trips require 24.5% less power on average from the user than regular bicycle trips. It was also noted that e-bike users would benefit more in terms of physical health than a user making a trip of the same duration by walking, but less than someone selecting a regular bicycle. When asked about the level of enjoyment using a five-point Likert scale, participants responded favorably after trips on both bicycle types. The author believes that these results suggest that e-bikes can serve as a gateway to active transportation for sedentary individuals.

Policy Implications for the Pinellas Trail

Millions of dollars have been invested around the County to expand the Pinellas Trail Loop and other community trail systems. These investments have led to increased usage, better safety and health outcomes and have served to increase multimodal connectivity between

destinations. With that said, e-bike use has the potential to expand the use of the Pinellas Trail by addressing limitations of pedal-powered bicycles related to trip distance, physical disability, comfort and convenience.

PCR is responsible for operating and maintaining the Pinellas Trail through limited staff resources that are augmented by a robust cadre of volunteer Auxiliary Trail Rangers. Most trail policies are set by PCR and follow state and national guidance. This approach has helped the Pinellas Trail be consistently designated as one of the premier urban bike trails in the United States. However, as with most transportation assets, user safety and providing a high-quality user experience are constant challenges. These challenges can become more complex and difficult to manage as the number and diversity of trail uses increase, but adjusting policies to stay ahead of future trends will help keep the Pinellas Trail as a national leader in trail operations.

The Pinellas Trail is enjoyed by bicyclists, runners, and walkers. These user groups co-exist while having differing speeds and intent. Many enjoy the Pinellas Trail for exercise or passive recreation while others use it as an alternative transportation facility. Unlike most trail systems in Florida, the Pinellas Trail has several overpasses that allow trail users to cross busy roadways in a safe manner. While these overpasses increase safety, they may also be a barrier to trail use because of the amount of strength it takes to climb over and across these structures. This coupled with the fact that Pinellas County's population is quickly aging, means that trail use policies will need to be adjusted in order to maintain the desired user experience for both residents and visitors.

Moreover, Pinellas County has serious health challenges. Obesity rates and prevalence of chronic diseases are higher than the national

average and are negatively impacting our community. The Center for Disease Control's (CDC) Behavioral Risk Factor Surveillance System (BRFSS) reported that 22.4% of Pinellas County adults were sedentary or did not participate in leisure-time physical activity in 2012. The research cited previously indicates that e-bike use could be part of the solution to help reverse these health challenges.

Lastly, there appears to be two main concerns when evaluating the impacts of e-bikes on multi-use trails. The following analysis is provided for consideration;

- *E-bikes are too fast.* The speed limit on the Pinellas Trail is 20 mph. Standard pedal-powered bicycles can exceed that speed, and regularly do. E-bikes are governed at 20 mph and their range is based on the storage capacity of the battery and the amount of power used during a trip. None of the other similar power-assisted devices are significantly faster than a fit rider on a regular bicycle. Also, the speed of any product that is used on the Pinellas Trail must be operated within the posted speed limit and in a safer manner based on given conditions.
- *Other vehicles will be mistaken for e-bikes.* There is an assertion by some that believe allowing e-bikes on multi-use trails will inevitably lead to vehicles such as motorized scooters, being used on multi-use trails by a confused public. This is a classic example of a slippery slope argument, where a course of action is rejected because, with little or no evidence, there is a belief that it will lead to a chain reaction resulting in an undesirable end. In this case, there is no empirical evidence that communities which have allowed e-bikes on multi-use trails have also seen the use of other vehicles that do not meet the e-bike definition. The literature shows that those communities have been

clear in educating the public about the laws and standards governing BSEB which has led to an orderly incorporation of e-bikes on multi-use trails.

Conclusion

As stated earlier in this report, the cost of an entry-level e-bike can exceed several thousand dollars. Because of the cost, it is not anticipated that there will be a multitude of e-bikes inundating the Pinellas Trail initially. Use and ridership will increase over time as the cost of an e-bike decreases, but a change in policy at this time will increase trail user comfort and familiarity with these types of bicycles. Furthermore, as the Pinellas County population increases there will be more interest and need for e-bikes in order to allow residents and visitors to use the trail regardless of age or ability. Lastly, while it would benefit the personal health of individuals to ride a pedal-powered bicycle, not all are capable or want to all the time. People that commute to work by bicycle may prefer an e-bike while opting for a pedal-powered bicycle when riding for recreation. Providing this option may result in less on-road vehicle trips and pollution.

There are many other economic and environmental benefits associated with e-bike use on the Pinellas Trail. Bicyclists tend to shop local and invest in the local economy. E-bikes support local trips to shopping, employment for people of all ages and abilities. E-bikes are an efficient zero emission transportation option, reducing green house gas and vehicle miles traveled. An estimated 40 percent of all car trips are less than two miles away. Reducing the number of trips made by cars can help better manage congestion and free up capacity for essential motor vehicle trips. E-bikes expand the distance a bicyclist is willing and able to ride, which increases the potential to shift single occupant vehicle trips to e-bike trips.

In conclusion, allowing the use of e-bikes on the Pinellas Trail supports a complete transportation system and the Pinellas County MPO's Long Range Transportation Plan goals. While the subcommittee believes that e-bikes expand modal choice and helps aging generations stay active and healthy, there is also a need for better etiquette among multi-use trail users. Conflicts among trail users seem to be based on a lack of respect and/or courtesy, not mode choice. It is recommended that PCR work with its partners to develop and publicize a set of trail user etiquette guidelines. These etiquette guidelines could include things such as;

- **KEEP RIGHT** (Ride/Skate/Walk as far to the right as practical, except when passing another user going your direction (pass on the left). Control your speed, slow down and use caution when approaching or overtaking other trails or pathways users.)
- **BE PREDICTABLE** (Travel in a consistent and predictable manner. Always look behind before changing positions on the trail or path.)
- **DON'T BLOCK THE TRAIL** (Ride/Skate/Walk single file when other users are present. Use no more than half the trail or path so as not to block the flow of other users. When stopping, move off the trail or path.)
- **BE CAUTIOUS** (Use extra caution where the trail crosses streets, driveways, or other trails and paths.)
- **BE COURTEOUS** (Before passing, be courteous and announce your intentions by saying "passing on your left" or ringing a bell. All users, including bicyclists, joggers, walkers, wheelchairs, skateboarders, bladers and skaters, should be respectful of other users regardless of their mode, speed, or skill level.)

- **BE RESPECTFUL OF PRIVATE PROPERTY** (Trails may be open to the public, but often the adjacent land is private property. Please respect all property rights.)
- **CONTROL YOUR BICYCLE** (Pay attention. Anticipate problems. Keep your speed under control. Be prepared to stop.)
- **BICYCLISTS ALWAYS YIELD** (Make your approach known. Be courteous. Always yield to other non-motorized users.)
- **NEVER SPOOK ANIMALS** (Animals startle easily and can cause a dangerous situation for you and others.)
- **PLAN AHEAD** (Know your equipment and ability, carry gear for changing weather conditions.)

Acknowledgments

The writing of this report was a collaborative effort of Pinellas County MPO staff and the E-Bike Subcommittee. The Pinellas County MPO staff would like to thank Win Dermody, Chip Haynes, Georgia Wildrick, Brian Smith, Tom Ferraro, Bert Valery, Bob Nohren, Mike Crawford, and Becky Afonso for their support, input, and guidance in the creation of this report.

Type	Driver's License	Registration	Roadway	Sidewalk	Helmet
Bicycle-Pedal Power	No	No	Yes-Must obey motor vehicle laws	Yes-Bicycle laws apply (Chapter 316.2065(10), F.S.)	Under 16 years of age (Chapter 316.2065(d))
Bicycle-Electric Motor Under 20 mph	No	No	Yes-Must obey motor vehicle laws	Yes-Bicycle laws apply (Chapter 316.2065(10), F.S.)	No-Must be 16 years of age or older
Bicycle Gas Motor 50cc or Less	Yes-Class E same as moped, no motorcycle endorsement	Yes-same as moped	Yes-Must obey motor vehicle laws	Yes-Pedal power only, Bicycle laws apply (Chapter 316.2065(10), F.S.)	No
Go-Ped (gas or electric scooter)	Yes-Class E	No*	No*	Foot power only	No
Mini Cycle	Yes-Class E	No*	No* (Chapter 316.2128(1), F.S.)	No	No
Scooter-Less than 50cc, 30 mph or less	Yes-Class E	Yes*	Yes* (Chapter 316.2128(1), F.S.)	No	No
Moped (Gas or electric less than 50 cc, 2bhp or less, or 30 mph or less)	Yes-Class E	Yes	Yes	Yes-Pedal power only, (Chapter 316.208(3) or (4), F.S.)	No (Yes for passengers under 16 years of age)
Motorcycles and Scooters 50cc and Higher	Yes-Need motorcycle endorsement	Yes	Yes	No	No

* According to Florida Law, go-peds, mini cycles, and electric scooters are considered motor vehicles. However, because go-peds, mini cycles, and electric scooters are not manufactured to meet the requirements under the Federal Motor Vehicle Safety Act, they cannot be registered for operation on public roadways, even if the operator has a valid driver's license. Florida Statutes can be viewed at [FSS can be viewed at http://www.leg.state.fl.us/statutes](http://www.leg.state.fl.us/statutes).

4A. Building Design

SUMMARY

House Bill (HB) 55, filed by Representative Overdorf, and Senate Bill (SB) 284, filed by Senator Perry, would prohibit local zoning and development regulations relating to building design elements for single-family houses and duplexes, including the appearance of roofs, porches, windows, entry doors, garage doors, and architectural style. In the current version of the bills, exceptions apply for designated historic properties, Community Redevelopment Areas, master planned communities, or as needed to meet requirements of the National Flood Insurance Program.

Both bills are continuing to move quickly through the legislative process. SB 284 has passed two committees and is currently in Rules. HB 55 has cleared its committees and moved to the House floor vote, then was temporarily postponed at second reading on March 31.

Per the Board's direction at the March meeting, staff wrote a letter of opposition to the bills, which was shared with members of the reviewing committees, the Pinellas County Legislative Delegation, and others.

The City of St. Petersburg, 1000 Friends of Florida, the Florida League of Cities, and other stakeholders have joined in lobbying efforts to stop the proposed legislation or amend it to be less damaging. Through their efforts, Senator Powell proposed two amendments at the March 15 Community Affairs Committee meeting. One amendment would have limited the bills application to new affordable housing units only, while another would have limited it to only to "open lots" that have never been developed. Both amendments were withdrawn when the bill sponsor asked for more time to study them. Forward Pinellas staff will continue to monitor this bill and participate in efforts to oppose it.

ATTACHMENT(S):

- [HB 55 \(link\)](#)
- [SB 284 \(link\)](#)
- Forward Pinellas Letter Opposing HB 55 and SB 284

ACTION: None required; informational item only.



April 9, 2021

Senator Keith Perry
406 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: SB 284 and HB 55 - An Act Relating to Building Design

Dear Senator Perry:

Forward Pinellas, the planning council and metropolitan planning organization for Pinellas County, has reviewed Senate Bill 284 and House Bill 55, entitled “An act relating to building design.” On behalf of our 24 municipalities and the unincorporated county, we would like to express our strong opposition to these bills, which undermine local governments’ ability to determine the character of their own communities.

We object to the assertion that local governments should not be allowed to regulate building design for most single-family and two-family dwellings. Building design is essential to community character. Particularly for mature communities such as those in Pinellas County, where neighborhoods are already established and new development is primarily in the form of infill and redevelopment, design standards ensure that new residential structures fit in aesthetically and functionally, without disrupting quality of life for existing residents.

Rather than detracting from housing affordability, building design is essential to addressing it. In an increasingly common approach to addressing the housing affordability crisis, a number of communities in Pinellas County allow and encourage the construction of “missing middle” housing—small multifamily buildings, including duplexes, that are compatible in scale and design with single-family neighborhoods. These buildings provide more dwelling units on less land without disrupting existing neighborhoods, placing housing affordability within reach of more families. But this important new source of affordable housing cannot be implemented without building design regulations.

Building design is also essential to the walkability of neighborhoods. The location and design of garages can affect the safety of pedestrians on the sidewalk. The presence of front porches draws residents outdoors and directs more attention toward the street, which can increase public safety. The design of building frontages, such as the presence and visibility of windows and doors, can mean

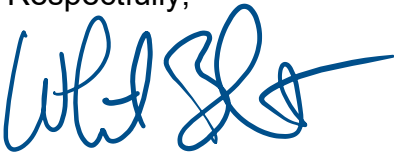
the difference between an inviting streetscape that encourages walking, and an imposing one that discourages it. The same factors that affect walkability also affect other non-automobile modes of transportation, such as biking and transit use. Preempting building design will contribute to an environment that is less safe for these vulnerable transportation users.

The above issues can be mitigated somewhat by the amendments to SB 284 proposed by Senator Powell. Creating an exemption for previously developed parcels would protect mature communities from negative impacts to their current character and walkability; and limiting the preemption to affordable housing units as defined by Section 420.0004, Florida Statutes, would limit negative impacts more broadly while still meeting the bill's intended purpose of promoting housing affordability. While the proposed legislation remains problematic generally, we support these amendments.

Forward Pinellas is committed to advocating for our member local governments and ensuring their ability to create safe, healthy, equitable communities that respect local character. While well-intended, this proposed legislation advocates for a one-size-fits-all legislative approach that is at odds with the established principles of sound land use planning. I urge you to consider the negative consequences, both direct and indirect, of these bills.

Please contact me at 727-464-8712 if you would like clarification on the Forward Pinellas policy position.

Respectfully,



Whit Blanton, FAICP
Executive Director

cc: Members of the Senate Committee on Community Affairs
Members of the Senate Committee on Regulated Industries
Members of the Senate Committee on Rules
Pinellas County Legislative Delegation
Forward Pinellas Board

4B. Vacation Rentals and Home-Based Businesses

SUMMARY

As discussed last month, two competing sets of bills have been filed governing local regulation of vacation rentals. Current statutes preempt most local regulation, particularly for the duration and frequency of vacation rental stays. Ordinances adopted prior to July 1, 2011 are grandfathered, but cannot be amended without risking their grandfathered status.

House Bill (HB) 219, filed by Representative Fischer, and Senate Bill (SB) 522, filed by Senator Diaz, propose to expand the current preemption further to include local inspection, licensing, and regulation of online advertising platforms. The House bill would also prohibit vacation rental regulations other than those that apply uniformly to all residential properties, which could potentially invalidate some remaining local ordinances for non-grandfathered communities. However, both bills would add a provision allowing grandfathered ordinances to be amended if they are being made less restrictive. SB 522 has passed two of its three committees and is now in Rules. HB 291 has passed one committee and is in Ways & Means.

HB 1481, filed by Representative Goff-Marcil, and SB 1988, filed by Senator Pizzo, would reduce some of the current state preemption on local regulation of vacation rentals. The bills would explicitly allow local governments to regulate vacation rentals as long as they do not prohibit the uses, regulate their siting, or regulate the duration or frequency of stays; and would also allow grandfathered ordinances to be amended more broadly without losing their grandfathered status. Neither bill has been heard by any committees. HB 1481 is currently in Regulatory Reform, but SB 1988 does not have a current committee assignment.

A third set of bills propose to preempt local regulation of home-based businesses, which may have indications for vacation rentals as well as affecting local governments more broadly. SB 266, filed by Senator Perry, and HB 403, filed by Representative Giallombardo, would allow residential property owners to operate businesses from their homes if the business does not create a substantial increase in traffic, noise, or solid waste/recycling, and is not visibly inconsistent with residential zoning. All licensure and regulation of home-based businesses would be preempted to the state. SB 266 has passed two of its three committees and is now in Rules. HB 403 was only referred to two committees, has passed both of them, and is awaiting a House floor vote.

ATTACHMENT(S):

- [House Bill 219 \(link\)](#)
- [House Bill 1481 \(link\)](#)
- [House Bill 403 \(link\)](#)
- [Senate Bill 522 \(link\)](#)
- [Senate Bill 1988 \(link\)](#)
- [Senate Bill 266 \(link\)](#)

ACTION: None required; informational item only.

4C. Relief from Burden on Real Property Rights

SUMMARY

A pair of bills seek to reduce what is perceived as a “burden” on private property rights created by local government land use regulation. Originally two separate bills, House Bill (HB) 421, filed by Representative Tuck, and HB 1101, filed by Representatives Persons-Mulicka and McClain, have been consolidated into one, with identical companion Senate Bill (SB) 1876 filed by Senator Albritton. Both versions of the bill are at their last committee stops, with HB 421 & 1101 now in Judiciary, and SB 1876 now in Rules.

The bills contain concerning provisions, including allowing a property owner to file a challenge under the Land Use and Environmental Dispute Resolution Act if a request for a comprehensive plan amendment is denied. Comprehensive plans are the bedrock of communities' land use planning, and established law grants broad legislative discretion to local governments in considering whether to approve or deny requests for amendments. Treating the denial of a request for a comprehensive plan amendment as a "dispute" conflicts with this established law and undermines the integrity of the comprehensive planning process.

Several provisions would also make it easier for private property owners to bring legal claims against local governments, while making it more difficult and expensive for local governments to defend their regulatory actions.

A similar, but even more damaging bill was filed last year and opposed by Forward Pinellas. While this year's version is not as problematic as last year's, the committee may wish to consider sending a similar letter of opposition.

ATTACHMENT(S):

- [House Bill 421 & 1101 \(link\)](#)
- [Senate Bill 1876 \(link\)](#)
- Letter from Forward Pinellas opposing similar 2020 legislation

ACTION: None required; informational item only; or as deemed appropriate by the committee.

FORWARD PINELLAS

P: (727) 464.8250

F: (727) 464.8212

forwardpinellas.org

310 Court Street
Clearwater, FL 33756



February 14, 2020

Representative James "J.W." Grant
417 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

RE: HB 519 – Private Property Rights Protection

Dear Representative Grant:

Forward Pinellas—the planning council and metropolitan planning organization for Pinellas County—has reviewed House Bill 519, entitled "Private Property Rights Protection." On behalf of our 24 municipalities and the unincorporated county, we would like to express our strong opposition to this proposed legislation, which would expose local communities to unpredictable and potentially extreme financial liability, and undermine their ability to practice reasonable land use regulation.

The bill would amend provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act and Land Use and Environmental Dispute Resolution Act to make property owner challenges to local government land use regulation easier and increase the amount of damages that may be claimed. While well-intentioned, these amendments would tip the balance of fairness away from local governments by:

- Creating a presumption that if one property owner settles a claim under the Bert J. Harris Act, then owners of "similarly situated residential parcels" are entitled to equivalent settlements. No definition is provided for "similarly situated" parcels, exposing local governments to virtually open-ended legal liability with no sound basis.
- Removing the award of attorney fees and reasonable costs if the local government is the prevailing party in a Bert J. Harris action, while expanding the same type of compensation if the property owner is the prevailing party. By removing the financial risk and increasing the potential compensation for claimants, this provision would incentivize frivolous challenges to land use regulation.
- Imposing administratively burdensome notice requirements on local governments, and in some cases, allowing a property owner to sue the local government without even going through the normal process of submitting an application for development.

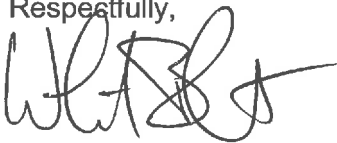
- Allowing a property owner to file a challenge under the Land Use and Environmental Dispute Resolution Act if a request for a comprehensive plan amendment is denied. Comprehensive plans are the bedrock of communities' land use planning, and established law grants broad legislative discretion to local governments in considering whether to approve or deny requests for amendments. Treating the denial of a request for a comprehensive plan amendment as a "dispute" conflicts with this established law and undermines the integrity of the comprehensive planning process.

These are only the most problematic provisions of House Bill 519. The vast majority of the proposed changes would negatively affect local governments from a policy-making, regulatory, administrative, financial, and litigation perspective.

Forward Pinellas is committed to advocating for our member local governments and ensuring their ability to create safe, healthy, equitable communities that respect local character. While well-intended, this proposed legislation would materially harm the ability of our communities to conduct sound land use planning. I urge you to consider the negative consequences, both direct and indirect, of this bill.

Please contact me at 727-464-8712 if you would like clarification on the Forward Pinellas policy position.

Respectfully,

A handwritten signature in black ink, appearing to read 'Whit Blanton', with a long horizontal flourish extending to the right.

Whit Blanton, FAICP
Executive Director

cc: Pinellas County Legislative Delegation
Forward Pinellas Board

4D. Update on Other Bills of Interest

SUMMARY

More than 2,900 bills have been filed for the 2021 Legislative Session. We are tracking a number bills with relevance to local and regional land use planning efforts, as listed below.

Growth Management

[HB 59](#), filed by Representative McClain, and [SB 496](#), filed by Senator Perry, would require a Private Property Rights element to be adopted into local comprehensive plans, and allows amendment of certain development orders associated with developments of regional impact. HB 59 passed a House floor vote on April 1, and SB 496 has been placed on the special order calendar for the Senate on April 7.

Urban Agriculture

At the request of the City of St. Petersburg, [SB 628](#), filed by Senator Rouson, and [HB 1013](#), filed by Representative Rayner, propose to distinguish urban agriculture from traditional farming in rural areas, which is exempted from most local land development regulations under the Florida Right to Farm Act. This proposed legislation would create the Florida Urban Agriculture Act, allowing reasonable regulation within statutorily designated dense urban land areas. SB 628 has passed two committees and is now in Rules. HB 1013 has passed one committee and is now in State Affairs.

Solar Electrical Generating Facilities

[SB 1008](#), filed by Senator Hutson, [SB 1960](#), filed by Senator Bean, and [HB 761](#), filed by Representative Overdorf, would permit solar facilities (including solar farms and related buildings, transmission lines and substations) as-of-right in agricultural land use categories and zoning districts. The uses would be required to comply with minimal criteria such as setbacks and buffering applicable to similar uses within the agricultural district. Effective date for both bills: July 1, 2021. None of the bills has been heard by any committee thus far.

Legal Notices

[HB 35](#), filed by Representative Fine, and [SB 402](#), filed by Senator Rodrigues, propose to allow local governments to advertise public hearings on websites in lieu of a newspaper, with each bill taking a different approach. HB 35 would allow notices to be published on the local government website, provided that the local government maintains a registry of citizens who opt to be notified by mail or email, and advertises the availability of this service in a newspaper once per year. SB 402 permits notices to be published on a “website established by the Supreme Court” for a fee of no more than \$500. HB 35 passed a House floor vote on March 18 and has been received by the Senate, where it has been referred to the Appropriations Committee. SB 402 has passed one committee and is now in the Appropriations Subcommittee on Criminal and Civil Justice agenda for April 8.

Impact Fees

[HB 337](#), filed by Representative DiCeglie, and [SB 750](#), filed by Senator Gruters, would place new conditions on impact fee collection by local governments. New definitions appear to allow the fees to be used only for emergency medical, fire, and law enforcement facilities. The bill would allow fees to be collected only if the local government has planned or funded capital improvements within the impact fee assessment district. Increases to impact fees were limited to 3% annually in the original bills, but have been revised to allow a maximum of 25% spread over two years or 50% spread over four. HB 337 has passed two committees and is currently in State Affairs. SB 750 has passed two committees and is now in Appropriations.

Regional Planning Councils

[SB 62](#), filed by Senator Bradley, proposes to abolish the state's regional planning councils. Local governments would have the option of entering into agreements to create regional planning entities, but without the authority of current regional planning councils. Effective date: July 1, 2021. There is no House companion. The bill has passed one committee and is currently in Judiciary.

ATTACHMENT(S): None

ACTION: None required; informational item only.