



**LEGISLATIVE COMMITTEE  
MEETING AGENDA**

**November 10, 2020 – 10:30 a.m.**  
12520 Ulmerton Road  
Magnolia Room at Florida Botanical Gardens  
Largo, FL 33774

**THE PLANNING COUNCIL AND METROPOLITAN PLANNING ORGANIZATION FOR PINELLAS COUNTY**

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- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES FROM OCTOBER 14, 2020**
- 3. FOLLOW-UP DISCUSSION TOPICS**
  - A. Rectangular Rapid Flashing Beacons (RRFBs)**
  - B. TMA Leadership Group Draft Position Statement on Transit Funding**
  - C. Implementation of HB 1339 (Affordable Housing)**
  - D. Review of Vacation Rental Legislation**
  - E. Preemption of Local Building Design Requirements**
  - F. CARES Act Program**
  - G. Ability to Conduct Virtual Public Meetings**
- 4. RECOMMENDATION OF 2021 LEGISLATIVE PRIORITIES**
- 5. ADJOURNMENT**

*Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the Office of Human Rights, 400 South Fort Harrison Avenue, Suite 300, Clearwater, Florida 33756; [(727) 464-4062 (V/TDD)] at least seven days prior to the meeting.*

*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 – November 10, 2020**

**2. Approval of Minutes from October 14, 2020**



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**SUMMARY**

The minutes from the October 14, 2020 meeting are attached for the committee's review and approval.

**ATTACHMENT(S):** Minutes of the October 14, 2020 Forward Pinellas Legislative Committee Meeting

**ACTION:** Committee to review and approve the meeting minutes.

**FORWARD PINELLAS  
LEGISLATIVE COMMITTEE MEETING SUMMARY  
OCTOBER 14, 2020**

Committee Members in Attendance:

Commissioner Dave Eggers, Pinellas County, Forward Pinellas Chair  
Mayor Cookie Kennedy, City of Indian Rocks Beach, Forward Pinellas Treasurer  
Vice Mayor David Allbritton, City of Clearwater  
Councilmember Brandi Gabbard, City of St. Petersburg

Also Present:

Whit Blanton, Executive Director  
Linda Fisher, Principal Planner  
Tina Jablon, Executive Administrative Secretary  
Chelsea Hardy, County Attorney's Office  
Cheryl Reed, Intergovernmental Relations Coordinator, City of Largo

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

1. CALL TO ORDER

Commissioner Eggers called the meeting to order at 11:38 a.m.

2. APPROVAL OF MINUTES FROM MARCH 11, 2020

A motion was made by Councilmember Gabbard, which was seconded by Vice Mayor Allbritton, and carried unanimously to approve the minutes from the March meeting (4-0).

3. FOLLOW UP FROM THE 2020 LEGISLATIVE SESSION

Linda Fisher and Whit Blanton updated the group on two bills of significance from last session and their impacts locally.

- A. HB 1339 (Affordable Housing) allows local governments to approve affordable housing on industrial land. Forward Pinellas staff proposes working with local planning directors and Pinellas County Economic Development to develop a set of best practices for implementing the law. This process will likely begin by holding a workshop on the subject.

Commissioner Eggers reiterated the importance of preserving industrial land. He feels strongly that residents moving into a predominantly industrial development should sign a waiver stating they won't oppose the presence of the neighboring industrial uses.

Councilmember Gabbard indicated that the City of St. Petersburg has already given approval for staff to proceed with developing a streamlined process to take advantage of the new law. She stressed that affordable housing is the number one priority in the city and that available land is the primary obstacle. She stated it is important to find a balance between jobs and housing in order to improve quality of life. She is glad a countywide approach is also being developed and encouraged doing so with an open mind.

Mayor Kennedy expressed her desire for mixed uses to be considered wherever possible to combine housing and employment. Councilmember Gabbard cited an example of such in the Commerce Park proposal in Midtown.

- B. HB 1371 (RRFBs) in its original 2020 version would have greatly restricted the use of Rectangular Rapid Flashing Beacons (RRFBs), limited them to roadways meeting certain specifications and required them to be red instead of yellow. Existing RRFBs would have been required to be phased out if they did not meet the specifications as outlined. Whit Blanton alerted the group that Representative Randy Fine plans to bring the bill back again this session. Continued concern about the bill was expressed by the committee members who are worried about the local impacts to roadway safety for vulnerable users. There was also some discussion about the types of roadway limitations that might be more appropriate for consideration and existing RRFBs that would be impacted by this law. Mr. Blanton outlined the possibility of forming a coalition to strongly oppose this legislation as a reasonable next step. Potential partners could include the Metropolitan Planning Organization Advisory Council (MPOAC), Florida Association of Counties, and Florida League of Cities

It was mentioned that the Sadowski Housing Trust Fund was fully funded for 2020. However, Councilmember Gabbard advised the group to stay alert about this stating the details need to be clarified in terms of what it can and cannot be used for. She is concerned the original purpose of the fund is being diluted. It is possible that COVID-19 impacts may lead to a raid on the fund. She expressed some agreement with the prospect of it being used to provide housing-related COVID relief. Commissioner Eggers suggested legislators needed to be afforded a bit of leeway this year, but agreed it should be monitored.

Mayor Kennedy reminded the group that short-term vacation rentals are still a local issue of importance. The current statute grandfathers in communities that adopted regulations prior to July 1, 2011. However, efforts persist to remove this grandfathering language and preempt vacation rental local regulation entirely by the state. Although efforts last session to thwart this were successful, it is anticipated to return this year.

#### 4. LEGISLATIVE PRIORITIES

##### A. Forward Pinellas Legislative Priorities

Whit Blanton reviewed the suggested priorities as developed by staff for the upcoming legislative session. He encouraged the committee members to be thinking of the top six or so to pursue this year and to be prepared to finalize those at the next meeting.

Mr. Blanton also cited an item not on the list, but worth considering. The legislature should consider making greater allowances for virtual public meetings even during non-emergency situations. Currently, virtual public participation is always allowed. However, it is much more difficult for members of a governing body to participate virtually. There are a variety of changes being considered by many groups across the state. This includes the MPOAC, Florida League of Cities, Florida Association



of County Attorneys and Indian Rocks Beach. Mr. Blanton elaborated on the benefits of making changes.

B. Partner Coordination

Councilmember Gabbard updated the group on the draft priorities being considered by the City of St. Petersburg Legislative Affairs and Intergovernmental Relations Committee. They have proposed a bill to address the local option sales taxes and the ability to use the funds on affordable housing in order to clarify confusing language about land acquisition. She also reminded the committee of St. Petersburg's former efforts to amend the Florida Right to Farm Act to allow local regulation of urban agriculture. Subsequent to the previous effort, it was determined that a local ordinance allowing regulation of urban agriculture would be permissible even under the Florida Right to Farm Act.

5. TRANSPORTATION FUNDING

A. TBARTA Legislative Request for Operational Funding

B. TMA Leadership Group Draft Position Statement on Transportation

Whit Blanton reviewed the draft position statement on transit funding that will be voted on by the TMA in late November. He indicated this also relates to operational funding for TBARTA. He plans to take it to the Forward Pinellas board next month in advance of that vote.

Cheryl Reed suggested that an extension of the CARES Act be made a priority. Currently all funds must be spent by December 31, 2020. She pointed out there is ongoing need that will well extend past that deadline and applications are difficult to process quickly. There was consensus among the group that this was needed for a variety of reasons.

6. ADJOURNMENT

There being no additional items for discussion, the meeting adjourned at 12:44 p.m.

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**SUMMARY**

Unsuccessful legislation proposed during the 2020 session (House Bill 1371 and Senate Bill 1000) would have significantly limited state and local governments' ability to use yellow rectangular rapid flashing beacons (RRFBs) at pedestrian crossings, requiring their removal within four years from roadways with more than two lanes or speed limits above 35 miles per hour; and for the remaining eligible roadways, requiring existing yellow RRFBs to be replaced with red RRFBs within 12 months after the date of federal authorization, if granted.

RRFBs have been proven effective at reducing injuries and fatalities for vulnerable road users, and the legislation would have forced the costly removal or replacement of many of the several hundred RRFBs throughout Pinellas County. Forward Pinellas strongly opposed the bills.

Similar legislation may be proposed in 2021. However, the Florida Department of Transportation has made policy changes concerning locations where RRFBs may be deployed. The policy limits use of the beacons to roadways with four or fewer through lanes with posted speeds of no more than 35 miles per hour. This policy directive may discourage additional legislation in the coming Legislative Session.

**ATTACHMENT(S):**

- RRFB Fact Sheet
- Letter from Whit Blanton to Representative Fine dated January 20, 2020

**ACTION:** Committee to consider recommending a policy position on RRFBs.

# WELCOME TO THE TRAIL!

Our latest **Rectangular Rapid Flashing Beacons (RRFBs)** have arrived to make it safer and easier for pedestrians & bicyclists to cross the road. [HERE'S HOW IT WORKS](#) ▶



1 Pedestrians and bicyclists activate **FLASHING LIGHTS** by pressing the button.

2 **FLASHING LIGHTS** alert drivers that pedestrians and bicyclists are waiting to cross.

→Pedestrians and bicyclists may cross after ensuring that motorists have stopped and it is safe to cross.  
→It is good practice for pedestrians and bicyclists to make eye contact with drivers before starting to cross.

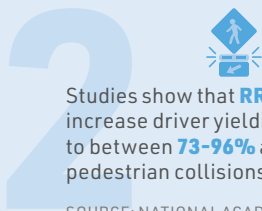
3 **FLASHING LIGHTS** are set to flash long enough to give pedestrians and bicyclists time to cross.

4 Pedestrians and bicyclists finish crossing. **FLASHING LIGHTS** turn off after the set time for pedestrians and bicyclists to cross.

## FAST FACTS

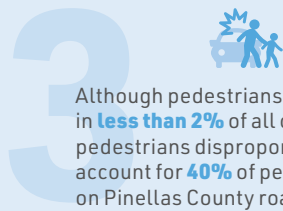


Did you know that the **RRFB was invented in Florida**, with the first installations in St. Petersburg?



Studies show that **RRFBs** increase driver yielding rates to between **73-96%** and reduce pedestrian collisions by **47%**.

SOURCE: NATIONAL ACADEMIES OF SCIENCE, FHWA



Although pedestrians are involved in **less than 2%** of all collisions, pedestrians disproportionately account for **40%** of people killed on Pinellas County roadways. **71%** of collisions involving a pedestrian that is seriously injured or killed do not occur at an intersection.


## SAFE CROSSING TIPS


**FLASHING LIGHTS** increase pedestrian & bicyclist visibility at crosswalks that don't have traffic signals or stop signs.

The lights are activated when a pedestrian or bicyclist pushes the button.



## PEDESTRIANS & BICYCLISTS

1. Press the button to activate the **FLASHING LIGHTS**
2. Before you cross, make sure all vehicles have stopped  
if the roadway has more than two lanes, check for stopped cars in each lane before proceeding
3. **FOR PEDESTRIANS** , start crossing after you have confirmed vehicles in both directions have stopped

**FOR BICYCLISTS** , when traveling on a street and approaching a crosswalk with a RRFB, ride in the direction of traffic and always yield to pedestrians

## DRIVERS

1. Always yield to pedestrians—it's the law!
2. Pay attention to the road and don't be distracted
3. Obey the speed limit so you don't need to make a dangerous stop





January 28, 2020

Representative Randy Fine  
222 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

RE: SB 1000 and HB 1371 – Traffic and Pedestrian Safety

Dear Representative Fine:

Forward Pinellas – the metropolitan planning organization for Pinellas County – has reviewed the proposed House Bill, “HB 1371” referred to as the “Turn the Flashing Yellow Crosswalks Red” bill, and the associated Senate Bill, “SB 1000,” and want to express our strong opposition. We are concerned that the proposed legislation removes local decision-making on the use of a pedestrian and bicycle safety device that is proven effective at reducing injuries and fatalities for our most vulnerable road users. If signed into law, this bill would undermine local and regional decision-making using legislative fiat to drastically curtail one of the most effective tools in the toolbox for safety.

The use of Rectangular Rapid Flashing Beacons (RRFBs) originated in Pinellas County almost 15 years ago as an experimental traffic control countermeasure to reinforce safe mid-block crossings in locations where signalized intersections are too far apart. In recognition of their effectiveness at increasing motorist yield rates when people are using crosswalks and their significant safety benefits,<sup>1</sup> the Federal Highway Administration and Florida Department of Transportation have authorized and endorsed their use in a variety of settings. The FHWA lists the RRFBs as the top countermeasure for its [Safe Transportation for Every Pedestrian \(STEP\) 2.0](#) initiative.

These yellow flashing beacons provide higher driver yield rates for pedestrians as demonstrated by the City of St. Petersburg’s analysis in 2010 and by the Texas A&M Transportation Institute (TTI)<sup>2</sup> in 2016. Factoring in appropriate design considerations and location, the 2016 TTI study and compliance with FHWA conditions, RRFBs increase pedestrian safety at uncontrolled marked crosswalks by 98 percent. In St. Petersburg, motorist compliance increased from two percent prior to installation of RRFBs to more than 90 percent afterwards. They have since been deployed throughout Pinellas County and many other jurisdictions across the state and country.

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<sup>1</sup> Federal Highway Administration. *MUTCD – Interim Approval for Optional Use of Pedestrian-Actuated Rectangular Rapid-Flashing Beacons at Uncontrolled Marked Crosswalks (1A-21)*. Memo 1A-21. March 2018.

<sup>2</sup> Fitzpatrick, K., M. Brewer, R. Avelar, and T. Lindheimer. *Will You Stop for Me? Roadway Design and Traffic Control Device Influences on Drivers Yielding to Pedestrians in a Crosswalk with a Rectangular Rapid-Flashing Beacon*. Report No. TTI-CTS-0010. Texas A&M Transportation Institute, College Station, Texas. June 2016.

Requiring the conversion of yellow RRFBs into a coordinated traffic signal device (red signal phase) would be a step backwards for safety and accessibility. Traffic control devices, such as full traffic signals and High Intensity Activated Crosswalk (HAWK) beacons, must meet a higher standard and create a longer delay for motorists. These devices are not interchangeable or equal. Unlike RRFBs, which allow vehicles to continue once a pedestrian clears the travel lane, motorists may not continue until the signal returns to green. Because of these standards and additional delay caused to vehicle traffic, coupled with a significant unfunded mandate, FDOT and local governments will likely remove most of the RRFBs and not replace them with a red-phased signal.

Finally, the Pinellas Crash Data Management System we maintain shows far higher rates of pedestrian and bicyclist injuries and fatalities at fully signalized intersections than at mid-block crossings with RRFBs. Signalized intersections are prone to crashes involving pedestrians when drivers fail to yield while turning. We also have a high rate of red light running throughout Florida, leading to a significant problem for pedestrian safety at our intersections, not the mid-block crosswalks. The current design and implementation of RRFBs saves lives by physically highlighting the existing legal requirements for cars to yield for people in crosswalks.

Forward Pinellas is committed to safety for all roadway users in Pinellas County, and RRFBs are a key part of the solution. I urge you to consider the negative consequences, both direct and indirect, of this proposed bill. This legislation will reduce safety for pedestrians and bicyclists. It will force the costly removal or conversion of **nearly 400 RRFBs** in Pinellas County alone with neither funding nor commensurate replacement designs options, and it reinforces a culture of speed that is a principal factor in Florida's dangerous roadways. A much more effective approach would be to increase funding for education and enforcement of traffic laws, such as making High Visibility Enforcement a year-round activity.

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: Pinellas County Legislative Delegation  
Forward Pinellas Board

**3B. TMA Leadership Group Draft Position Statement on  
Transit Funding**

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**SUMMARY**

At its October meeting, the Legislative Committee reviewed the draft Tampa Bay Transportation Management Area (TMA) Leadership Group position statement on legislative earmarks and transit funding, with a call for expanded flexibility of program eligibility within the state's Transportation Trust Fund.

The position statement stemmed from the use of legislative earmarks for regional transit that in effect has reduced funding for needed local transit projects. While earmarks merely reallocate funding from existing priorities, increasing flexibility of funds in urban areas enables MPOs and transit agencies to collaborate on priorities and direct resources to projects where they are most needed. The TMA Leadership Group directed staff to refine and simplify the draft position statement, coordinate with each county's and transit agency's legislative and government affairs staff, and work with other large urban areas across Florida to build support. The TMA Leadership Group will act on the position statement at its next meeting on November 20<sup>th</sup>.

**ATTACHMENT(S):** Draft TMA Policy Position Statement on Transit Funding

**ACTION:** Committee to recommend approval of the draft TMA position statement, modify the statement, or take other action as appropriate.





Hillsborough MPO  
Metropolitan Planning  
for Transportation



FORWARD  
PINELLAS  
Integrating Land Use & Transportation

## Tampa Bay Transportation Management Area (TMA) Leadership Group

Representing the MPOs in Pasco, Pinellas, & Hillsborough Counties

### POSITION STATEMENT ON TRANSIT FUNDING

**DRAFT– REV 10.19.20**

For our legislative delegation, transit agencies, and others, the TMA Leadership Group respectfully highlights drawbacks of state legislative earmarks for public transit projects.

- State legislative earmarks, unless they are specifically funded through state general revenue, **do not result in new funding for transit.**
- Instead, they mandate that FDOT's transit office **shift limited dollars away from the essential services** that are a high priority to HART, PSTA, PCPT, and TBARTA and for which they would otherwise have been used.
  - A 2020 \$1.5 million earmark for TBARTA operations was covered by postponing work on HART's maintenance facility.
  - A 2020 \$1 million earmark for TBARTA to conduct studies of innovative transit solutions was covered with funds assigned to improve PSTA's 100X express bus service that connects Pinellas to Tampa.
  - FDOT chose these projects for postponement in the context of raising questions about whether the local agencies had additional funds in place to complete those particular projects. But in the absence of earmarks, the funds would likely have been used for projects similar to the above.
- The shift of state dollars away from essential services **aggravates existing shortfalls** in transit funding. Tampa Bay spends far less on transit than any other major metro area, providing service on par with Sheboygan, WI and Chattanooga, TN, communities one-fifth our size.
- Poor workforce access to jobs, education, and upward mobility, resulting from the lack of adequate essential transit services, has been identified by the Tampa Bay Partnership as one of the region's **greatest obstacles to prosperity.**

Therefore, the TMA Leadership Group highlights the need to **expand funding for woefully underfunded transit agencies, rather than reallocating the scarce existing resources.**



(Optional Page 2)

The TMA Leadership Group provides the following suggestions to address these challenges.

**1. Use state general revenue (not the transportation trust fund) to support TBARTA.**

- TBARTA's regional tasks and responsibilities were mandated by the state legislature without state funding. If it is up to the local governments to fund them, the local governments, facing shortfalls, need more tools; see #5.
- Provide \$1.5 million for annual operations directly to TBARTA -- which was created as an agency of the state -- and not as a part of FDOT's budget.
- If general revenue is not available, identify that funding for TBARTA is to be taken off-the-top of the transportation trust fund statewide, rather than falling entirely on the FDOT District 7 budget and thereby the local transit agencies.

**2. Provide greater flexibility in the use of transportation trust fund dollars.**

- Make transit an eligible and prioritized use of funding allocated to the Strategic Intermodal System and state highway system.
- This is especially important in sub/urbanized areas where highway expansion will impact adjacent communities. Transit expands the capacity to move people with much less impact.

**3. Allow bus rapid transit (BRT) to be an eligible expense under 341.303 FS.**

- Change "intercity rail" to "intercity fixed-guideway transit," and define "fixed-guideway" as being at least 50% in dedicated ROW.
- This puts BRT on a level playing field with Miami's TriRail and Orlando's SunRail, including state match of local construction funds, plus 7 years of operations.

**4. Consider surcharges on activities that would benefit from expanded transit.**

- A rental car surcharge to fund regional transit was approved by the legislature previously but vetoed by the governor. Other suggestions include a vehicle registration surcharge and/or a voluntary specialty license plate to improve transit in the Tampa Bay area.

**5. Allow local communities to invest in their future.**

- Transportation funding shortfalls in Florida's major metros, including Tampa Bay, are in the hundreds of millions of dollars, affecting maintenance and safety too.
- Consider indexing the local-option fuel tax to inflation, similar to the state fuel tax. Consider expanding the Charter County & Regional Transportation System Surtax to allow municipalities over 150,000 in population (or the largest municipality in a county) to enact a surtax by referendum.
- At the very least, do not put restrictions on local governments' existing tools.

(Optional Page 3)

Finally, the TMA Leadership Group respectfully requests that the transit agencies inform us and each other when they seek federal discretionary grants, such as CIG or BUILD grants, to enable the region to speak with one voice in communicating with the FTA.

The TMA offers to provide letters of support for such regionally significant projects, on behalf of the three MPOs.

**3C. Implementation of HB 1339**

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**SUMMARY**

House Bill (HB) 1339, signed into law on June 9, 2020, allows a local government to approve an affordable housing development on any parcel designated for residential, commercial, or industrial use, notwithstanding any other law, local ordinance, or regulation to the contrary. While the new law departs from a longstanding countywide policy to reserve industrial land for employment-related land uses, some local governments have begun exploring using the new options it provides.

Forward Pinellas staff has been coordinating with the City of St. Petersburg as they consider local policies for implementing the new law. In addition, we anticipate convening a working group of planning directors in early 2021 to develop a coordinated set of recommended best practices.

**ATTACHMENT(S):**

- [Chapter 2020-27, Laws of Florida \(formerly HB 1339\)](#)
- Presentation to St. Petersburg's Housing, Land Use and Transportation (HLUT) Committee, September 10, 2020
- Letter from Whit Blanton to Barry Burton dated August 21, 2020

**ACTION:** Committee to consider recommending a policy position on HB 1339 implementation.



HB1339

HLUT Committee

September 10, 2020



# BACKGROUND

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HB 1339 – July 1, 2020

F.S. 166.04151.6

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.



# PUBLIC INPUT

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AHAC – July 22, motion to encourage adoption and streamlined process

Forward Pinellas – April 21<sup>st</sup> letter to County Administrator



# POTENTIAL CODE MODIFICATIONS

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- Add to Chapter 17.5
- Location:

## Land Use/Zoning Categories:

- Single-family categories, NT and NS
- Employment Center categories
- Institutional Center categories
- Industrial Center categories



# POTENTIAL CODE MODIFICATIONS

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## Industrial considerations

- Loss of employment generating land
- Compatibility
- Environmental Quality/analysis:
  - Soil contamination
  - Odor
  - Noise (existing industrial land uses)
  - Air quality
  - Vehicular conflict (loading/trucks)





# POTENTIAL CODE MODIFICATIONS

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## Affordable Housing Site Plan Review Process

- One public hearing vs. multiple steps
- Minimum project size –Units? Acreage? Density per acre?
  - Require Multi-family only
  - Variable mins. for residential and non-residential districts
- Mixed-use projects
- 100% affordable (120% and below) vs. affordable units above base density
- Multi-family only vs. single-family
- Public Notice
- Fee for review



# POTENTIAL CODE MODIFICATIONS

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Compliance with Affordable housing program

% of units at income tiers (60/80/120)

Affordability period: 30 years; 50 years; In perpetuity (Land trust);

- Unless Future Land Use and Zoning are amended
- Non-conforming use consideration



# NEXT STEPS

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- Public Outreach
- DRC – LDR text amendment
- CPPC – Comp Plan text amendment
- City Council
  - LDR text amendment
  - Comp Plan text amendment
  - Housing text amendment



## FORWARD PINELLAS

P: (727) 464.8250

F: (727) 464.8212

forwardpinellas.org

310 Court Street  
Clearwater, FL 33756



August 21, 2020

Barry Burton, Pinellas County Administrator  
310 Court Street  
Clearwater, FL 33756

RE: House Bill 1339

Dear Mr. Burton:

In follow-up to the 2020 Legislative Session, I wanted to make you aware of a new law that has implications for countywide and local government land use regulation. House Bill 1339, an omnibus bill addressing affordable housing that was approved by the Governor on June 9, contains preemption language that conflicts with a provision of the Countywide Plan. Our representative in the County Attorney's Office has determined that the new general law supersedes the Special Act granting authority to the Countywide Plan, and that we can no longer enforce the conflicting provision.

The new law amends Sections 125.01055 and 166.04151, Florida Statutes, to allow the governing body of a county or municipality to approve an affordable housing development on any parcel designated for residential, commercial, or industrial use. However, the Countywide Plan does not allow residential developments in industrial land use categories. While the provision remains in force for general residential uses, affordable housing developments are now exempt from that restriction.

This legislative action upends a longtime countywide policy, informed by more than 15 years of research, to reserve industrial land for land uses associated with high-wage employers, including manufacturing, office, and research/development. These employers are critical to the strength of Pinellas County economy and the ability of households to earn a living wage; yet from a real estate perspective, they are easily out-competed by developments that turn higher short-term profits, particularly retail and residential. Prohibiting residential uses on industrial land helps maintain a supply of land that meets high-wage employers' needs, and is a key part of the County's economic development strategy.

It's important to note that while the Countywide Plan cannot stop a local government from allowing affordable housing on industrial land, no local government is *required* to do so. It's simply an option. The Board of County Commissioners is free to continue its current industrial land policy within the unincorporated county, and I strongly encourage it to do so, along with our other partner local governments.

I'm happy to discuss this topic with you further at your convenience.

Sincerely,

Whit Blanton, FAICP  
Executive Director

cc: Forward Pinellas Board

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## **SUMMARY**

As requested at the October Legislative Committee meeting, following is a summary of legislation pertaining to vacation rentals to assist the committee in developing a policy recommendation for consideration by the full board.

In 2011, the Florida Legislature passed legislation limiting the ability of local governments to regulate the use of vacation rentals, defined as residences that are rented out to visitors on a short-term basis. Local regulations adopted before June 1, 2011 are grandfathered, but amendments to such regulations, even to make them less restrictive, may remove the grandfather protection and invalidate the local ordinance.

In 2014, the law was amended to clarify that local governments may not prohibit vacation rentals or regulate the duration or frequency of stays. Regulations that apply to all residential uses, such as parking and noise restrictions, may be applied to vacation rentals.

Bills proposing to further amend the statute have been filed in virtually every legislative session since 2011. A number of bills have proposed allowing grandfathered communities to amend their regulations to be less restrictive without invalidating the grandfather protection. Conversely, other bills have proposed to remove the grandfather clause entirely and preempt all regulation to the state.

In addition, while not related to land use regulation, in 2015 certain online vacation rental reservation platforms such as Airbnb and VRBO began to pursue voluntary partnerships with some Florida counties to collect and remit local bed taxes on behalf of their hosts. During the 2020 session, Senate Bill 1128 proposed to require online platforms to collect bed taxes, and to remit them to the state rather than counties. The bill did not pass.

In October 2020, the Florida Supreme Court declined to hear a challenge to a decision by the 4<sup>th</sup> District Court of Appeals, ruling on a lawsuit brought against Palm Beach County by Airbnb, holding that online platforms could not be required to collect and remit bed taxes, since they do not own the properties.

## **ATTACHMENT(S):**

- Sections 509.032 and 509.242, Florida Statutes
- [Attorney General's Advisory Legal Opinion AGO 2019-07](#) (link)
- "Fla. Supreme Court Allows Airbnb Tax Ruling to Stand," <https://www.floridarealtors.org>, retrieved on October 20, 2020

**ACTION:** Committee to consider recommending a policy position on vacation rental legislation.

## Chapter 509

### LODGING AND FOOD SERVICE ESTABLISHMENTS; MEMBERSHIP CAMPGROUNDS

#### 509.032 Duties.—

##### (7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. [553.80](#) and [633.206](#).

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

#### 509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(c) Vacation rental.—A vacation rental is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.



## NEWS & MEDIA

OCTOBER 20, 2020

# Fla. Supreme Court Allows Airbnb Tax Ruling to Stand

By Hannah Morse

**A property appraiser wanted Airbnb-like sites to collect and pay renters' taxes, but an appeals court said no and the Supreme Court decided not to review the decision.**

TALLAHASSEE, Fla. – An appellate court ruling that favored vacation rental companies over Palm Beach County Tax Collector Anne Gannon will stand. On Monday, the Florida Supreme Court declined to hear Gannon's challenge of the 4th District Court of Appeal's March ruling.

The appellate court said Airbnb, HomeAway and TripAdvisor were not required to collect and pay tourist taxes because they “did not have possessory interests in the properties” and are “simply conduits” to a vacation rental owner renting their property to a guest.

Palm Beach County commissioners in June 2019 signed off on a requirement that Airbnb and others collect and pay taxes to the tax collector. Airbnb later sued, calling the clause “unconstitutional and unlawful.”

Out of a settlement, Airbnb had to regularly submit to the tax collector's office information on Airbnb hosts to ensure the hosts were registered with that office and were paying tourist taxes.

The county's 6% tax on hotels and motels pays to promote Palm Beach County, as well as for beach renourishment and debt on major facilities, such as a spring training baseball stadium and the county convention center.

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**SUMMARY**

Unsuccessful legislation proposed during the 2020 session (House Bill 459 and Senate Bill 954) would have prohibited local governments from imposing design requirements on one- or two-story residential buildings, such as the appearance of roofs, porches, windows, entry doors, garage doors, and architectural style. The only exceptions would have been for specified types of historic properties, where design elements are needed to meet National Flood Insurance Program requirements, or in Community Redevelopment Areas.

The proposed legislation would have undermined local governments' ability to determine the character of their own communities. The ability to regulate building design extends beyond aesthetics, and influences neighborhood safety, walkability, and even affordability. Forward Pinellas strongly opposed the bills.

**ATTACHMENT(S):** Letter from Whit Blanton to Representative Overdorf dated February 14, 2020

**ACTION:** Committee to consider recommending a policy position on state preemption of local building design requirements.



February 14, 2020

Representative Tobin Rogers “Toby” Overdorf  
1401 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

**RE: HB 459 and SB 954 – An Act Relating to Building Design**

Dear Representative Overdorf:

Forward Pinellas—the planning council and metropolitan planning organization for Pinellas County—has reviewed House Bill 459, entitled “An act relating to building design,” and the associated Senate Bill 954. 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 one- and two-story residential structures for the following reasons:

- 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.
- Building design is 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.
- 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 small multifamily buildings 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.

- Residential building design affects more than just neighborhoods. Two-story residential structures are commonly found in traditional downtowns and town centers, and for many small communities, may actually comprise the bulk of these areas. The ability of local governments to determine the character of the civic and economic centers of their communities, therefore, depends on their ability to regulate the design of these structures.

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: Pinellas County Legislative Delegation  
Forward Pinellas Board

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**SUMMARY**

At the October Legislative Committee meeting, the members discussed the federal Coronavirus Aid, Relief and Economic Security (CARES) Act providing grants to some residents and businesses impacted by the COVID-19 pandemic, and the difficulty Pinellas County is having disbursing those funds due to program restrictions.

Pinellas County received \$170 million in CARES Act funding, and is implementing a program to award the grants. However, extensive federal requirements for documenting applicants' eligibility have created a backlog in processing the requests, and some of the funds are not anticipated to be expended by the end of the calendar year. Any funds unused by that date will be forfeited back to the U.S. Treasury Department.

**ATTACHMENT(S):** "Pinellas County Commission approves \$170 million in coronavirus relief," <https://www.tampabay.com>, July 9, 2020

**ACTION:** Committee to consider recommending a policy position on extension of the federal CARES Act program deadline.

# Pinellas County Commission approves \$170 million in coronavirus relief

Over \$112 million in federal funding will go to individuals, families and businesses most impacted by the pandemic.



The Pinellas County Commission during a Zoom meeting on July 7. [ Pinellas County Commission ]

By [Rebecca Torrence](#)

Published Jul. 9

Advertisement

The Pinellas County Commission approved a plan on Tuesday to distribute the remaining \$170 million in CARES Act funding.

The budget proposal, which uses federal funding for COVID-19 relief, is divided into support for three main groups: individuals and families, local businesses and public health programs.

The Financial Assistance program for individuals and families launched May 1 and had been set to expire June 30. It will continue to provide assistance with overdue rent, mortgages and utility payments.

Individuals and families can now receive a maximum of \$5,000 in grants, an increase of \$1,000 from the previous maximum. Applicants with up to \$10,000 in liquid assets are eligible.

Local businesses will also get another chance to qualify for relief grants. Businesses with more than 25 employees and home-based businesses may now be eligible for grants under the expansion.

While the expansion is targeted at businesses that have not received any CARES Act funding, businesses that have already received grants can apply for more.

The proposal set aside a total of \$26.2 million for individual and family grants, as well as \$36.9 million for local business grants. The grants distributed over the past two months are included in these totals.

With these changes, county leaders hope to provide assistance to more families and businesses that previously didn't qualify for funding.

The budget also allocated \$30 million to nonprofit organizations that supplement basic needs during the pandemic, like food and housing security.

The county's public health response will receive \$55.9 million, including testing, contact tracing, and the purchase of masks for healthcare providers.

Nearly \$13 million is reserved for local governments, though the proposal does not detail how much each municipality can receive. County Administrator Barry Burton said he plans to consider dividing the available funds evenly between Pinellas County cities.

The proposal passed unanimously, but not without criticism.

Commissioners raised concerns for individuals whose grant applications are currently being processed.

While Pinellas County has given out \$13.8 million in grants to local businesses, only \$1.5 million has been given to individuals and families. To secure a grant, applicants must provide proof of residency, a W-9 form, and an affidavit confirming a loss of income directly tied to COVID-19.

Currently, 3,000 applications for individual funding remain in the queue.

"If you want us to cut them a check tomorrow without any documentation, we can," said Burton. "But then we put ourselves at risk. The program has federal government requirements."

Commission Chairwoman Pat Gerard called the backlog "crazy.

"Frankly, I don't have a problem with us taking on the risk of opening up those guidelines for documentation," said Gerard.

While more industries are now eligible for grants, some industries remain ineligible, which Commissioner Karen Seel took issue with.

"There should be exceptions if someone can prove they can't access their customers because of the stay-at-home rules, no matter what category they're in," Seel said.

County administrators affirmed that they have the flexibility to make those adjustments as needed, but that some restrictions were necessary.

"If we simply handed out a check to every single business, we wouldn't have sufficient funds to cover everybody," said Burton.

For more information and to apply for funding, visit <https://covid19.pinellascounty.org/>.

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## **SUMMARY**

Among the many challenges caused by the COVID-19 pandemic is the need for local government agencies to continue to safely conduct public business in the Sunshine when holding public meetings in a physical location presents public health and safety concerns.

Between March and October 2020, Governor DeSantis enacted a series of executive orders suspending any Florida Statute requiring a quorum to be present in person or requiring local government bodies to meet at a specific public place. During this time period, the Forward Pinellas Board and its committees conducted meetings virtually within the guidelines of the executive orders, while maintaining a robust level of public participation. However, the executive orders were issued at unpredictable intervals, making it difficult to maintain regular meeting schedules while providing legally required public notice in advance. In addition, while the pandemic has not subsided, executive orders allowing virtual meetings are no longer being issued, and Sunshine bodies are once again required to meet in public.

Amendments to the Sunshine Law could allow government entities additional flexibility to hold virtual public meetings, while maintaining ample opportunity for the public to participate. A number of entities, including the Metropolitan Planning Organization Advisory Committee (MPOAC) and Florida League of Cities, and local governments such as the Cities of Largo and Indian Rocks Beach, are considering policy positions advocating for this additional flexibility. We will provide draft policy language as it becomes available.

## **ATTACHMENT(S):**

- MPOAC Draft Legislative Policy Position on Virtual Meetings

**ACTION:** Committee to consider recommending a policy position on amending Sunshine Law to allow expanded opportunity for virtual meetings.

FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

2021 DRAFT LEGISLATIVE POLICY POSITIONS

**2020 Legislative Policy Position:**

- 3. Add provisions to Florida's Sunshine Law to allow all government entities to hold virtual meetings during a declared emergency plus a period of 90 days past the declared emergency dates.**

We have learned during this time of COVID that the ability of government to hold meetings virtually is a benefit to Florida. Upon the declaration of an emergency by the Governor of Florida or the federal government, units of government may meet virtually so long as there is an opportunity for the public to participate virtually. Recognizing that some declared emergencies can take some time to recover, an additional 90 days are sometimes needed to repair damage to government facilities used to hold meetings or to transition from meetings that have been already advertised as virtual back to in-person meetings.

**Discussion points:**

The transition period of 90 days allows for good meeting planning. A meeting scheduled for two weeks from now may be problematic if an existing emergency order is revoked prior to the meeting date. Allowing a 90-day extension allows for ease of meeting planning and public notice of the meeting. It is very undesirable to advertise a meeting as virtual and at the last minute have to change it to in person.



## Legislative Committee – November 10, 2020

### 4A. Recommendation of 2021 Legislative Priorities

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#### **SUMMARY**

The Legislative Committee is tasked with recommending an annual set of legislative priorities to focus on during each session. Upon board approval and further direction, those priorities serve as the basis for coordinating countywide messages and communicating with responsible entities.

The draft 2021 policy positions have been updated from those of the previous year based on ongoing discussions with the committee and board. Positions added this year are underlined.

**ATTACHMENT(S):** Draft 2021 Policy Positions

**ACTION:** Committee to finalize the draft policy positions for recommendation to the full board.



## Policy Positions – 2021

Adopted (Insert date)

### PROTECT TRUST FUNDS.

- Trust funds such as the Sadowski Housing Trust Fund and the State Transportation Trust Fund are established with a clear purpose. These trust funds should be protected and not subject to transfers to the Budget Stabilization Fund and the General Revenue Fund. **Forward Pinellas supports protecting funding intended for affordable housing and other specific purposes from being transferred to other sources.**

### SUPPORT FLEXIBLE AND SUSTAINED TRANSPORTATION FUNDING.

- Taxes on fuel are a primary source of transportation funding for local governments. Increasing fuel efficiency, more electric vehicles in the fleet, and rising roadway maintenance and operating costs are placing pressure on local governments to search for additional funding. Local fuel taxes are not indexed to the Consumer Price Index to account for inflation, as state fuel taxes are, and therefore, revenues are declining at a faster rate. **Forward Pinellas supports the Legislature permitting the indexing of local fuel taxes for inflation to better keep pace with transportation needs like it has done for state fuel tax revenues.**
- The Strategic Intermodal System (SIS) receives the vast majority of state transportation funding. As our highway network continues to mature in urban areas like Pinellas County, and reaches a point where expansion is not a feasible or affordable option, **Forward Pinellas supports increased flexibility for SIS funds for premium or express transit operating on the SIS roadway, but not necessarily on its own fixed guideway, to enhance mobility on the SIS.** This is consistent with the legislative position of the Florida Metropolitan Planning Organization Advisory Council.
- The Transportation Regional Incentive Program (TRIP) is a valuable transportation funding mechanism based on state and local participation through regional collaboration. Forward Pinellas believes in fostering stronger regional transportation planning and decision-making and **supports sustained funding of \$250 million per year for the TRIP program** as a way to strengthen regional partnerships to improve mobility.
- Increasing flexibility of funds in urban areas enables MPOs and transit agencies to collaborate on priorities and direct resources to projects where they are most needed. In contrast, the use of legislative earmarks merely reallocates funding from existing priorities, reducing funding for needed local transit projects. **Forward Pinellas supports the Tampa Bay Transportation Management Area position calling for increased flexibility for state transportation funding programs in urban areas while discouraging the use of earmarks.**

#### **SUPPORT SAFETY FOR USERS OF ALL TRANSPORTION MODES.**

- Distracted driving poses a threat to the safety of motorists and non-motorized users. Between 2015 and 2019, 42 fatalities and 480 incapacitating injuries happened in Pinellas County related to distracted driving crashes (Crash Data Management System). **Forward Pinellas supports legislation that expands upon the adopted Texting While Driving law by prohibiting distracted driving by addressing the use of wireless communications devices with clear definitions and clarification on what it means to be stationary and operating.**
- Rectangular rapid flashing beacons (RRFBs) at pedestrian crossings have proven effective at reducing injuries and fatalities for vulnerable road users. Studies by the National Academies of Science and the Federal Highway Administration show that RRFBs increase driver yielding rates between 73-96% and reduce pedestrian collisions by 47%. Forward Pinellas supports continued local authority over the use of RRFBs.
- Safe Streets Pinellas is a collaborative effort to create a transportation system that is safe for everyone. On average, two people are killed or seriously injured each day in Pinellas County (Crash Data Management System). Forward Pinellas created Safe Streets Pinellas, a sustained effort of education, research and transportation facility improvements, based on the vision that not one person should be killed or seriously injured using our roadways. Forward Pinellas supports state funding to address high injury corridors, conduct demonstration projects, and educate the public to ensure that Pinellas County streets are safe.

#### **MAINTAIN MPO AUTHORITY FOR APPORTIONMENT STRUCTURE.**

- State-mandated changes to metropolitan planning organizations (MPOs) are a recurring concern to Forward Pinellas and other MPOs statewide. **Forward Pinellas opposes one-size-fits all changes that would usurp local authority to determine the most appropriate structure of MPOs consistent with federal law and consultation with the Governor.**

#### **SUPPORT HOME RULE.**

- Florida is a diverse state characterized by unique communities. Pinellas County is an example of that with its many downtowns, beach communities and neighborhoods. Home rule allows local governments to align the values of a community to its ordinances and other governing elements. **Forward Pinellas supports home rule and opposes bills that erode the ability of local governments to reflect the wishes and desires of their communities.**
- In 2011, the Florida Legislature passed legislation curtailing the ability of local governments to regulate vacation rentals, defined as residences that are rented out to visitors on a short-term basis. Preemption of this local authority impairs the ability of communities to determine their own character and protect neighboring homes from the impacts of incompatible tourist-related uses. Forward Pinellas supports the restoration of local authority to regulate vacation rentals.
- Building design is essential to community character. Particularly for mature communities such as those in Pinellas County, where neighborhoods are established and new development is primarily infill and redevelopment, design standards ensure that new residential structures fit in aesthetically and functionally, without disrupting quality of life for existing residents. Forward Pinellas supports local authority to regulate community character through building design.

**SUPPORT STATE AND FEDERAL ASSISTANCE WITH ADDRESSING THE EFFECTS OF COVID-19.**

- Local grants enabled by the Federal CARES Act provide a financial lifeline for residents and businesses impacted by the COVID-19 pandemic. However, extensive program requirements have created a backlog for counties processing grant requests, jeopardizing their ability to use their full funding before the end of the calendar year, when any unused funds will revert to the U.S. Treasury Department. **Forward Pinellas supports extension of the federal CARES Act program deadline.**
- Among the many challenges caused by the COVID-19 pandemic is the need for local government agencies to continue to safely conduct public business in the Sunshine when holding public meetings at a physical location can create public health and safety issues. Along with other local governments and agencies, Forward Pinellas demonstrated that its board and committees could meet virtually while maintaining a high level of accessibility to the public. **Forward Pinellas supports amendment of the Sunshine Law to allow expanded opportunities for virtual public meetings.**

**SUPPORT STATE FUNDING ASSISTANCE WITH LOCAL RESILIENCY PLANNING.**

- The Resilient Tampa Bay Transportation Study, of which Forward Pinellas was a partner along with other MPOs and regional agencies, found that 19% of the Tampa Bay region's roadways are highly or moderately vulnerable to storms, sea level rise, and heavy precipitation. The State can take a leadership role by providing funding to harden infrastructure, conduct vulnerability assessments on transportation projects, incentivize resilient development, and support research and mitigation for sea level rise. **Forward Pinellas supports state funding assistance to address the impacts of climate change and increase the resiliency of our communities.**