



**LEGISLATIVE COMMITTEE  
MEETING AGENDA**

**October 14, 2020 – 11:30 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 MARCH 11, 2020**
- 3. FOLLOW UP FROM THE 2020 LEGISLATIVE SESSION**
  - A. HB 1339 (Affordable Housing)**
  - B. HB 1371 (RRFBs)**
- 4. LEGISLATIVE PRIORITIES**
  - A. Forward Pinellas Legislative Priorities**
  - B. Partner Coordination**
- 5. TRANSPORTATION FUNDING**
  - A. TBARTA Legislative Request for Operational Funding**
  - B. TMA Leadership Group Draft Position Statement on Transportation Funding**
- 6. 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 – October 14, 2020**

**2. Approval of Minutes from March 11, 2020**



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**SUMMARY**

The minutes from the March 11, 2020 meeting are attached for the committee's review and approval.

**ATTACHMENT(S):** Minutes of the March 11, 2020 Forward Pinellas Legislative Committee Meeting

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

**FORWARD PINELLAS  
LEGISLATIVE COMMITTEE MEETING SUMMARY  
MARCH 11, 2020**

Committee Members in Attendance:

Commissioner Dave Eggers, Pinellas County, Forward Pinellas Chair  
Councilmember David Allbritton, City of Clearwater (Late Arrival at 11:04 a.m.)  
Councilmember Brandi Gabbard, City of St. Petersburg  
Mayor Cookie Kennedy, City of Indian Rocks Beach, Forward Pinellas Treasurer

Also Present:

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

The Forward Pinellas Legislative Committee met in the Pinellas County Board of County Commissioners 5<sup>th</sup> Floor Conference Room.

1. CALL TO ORDER

Commissioner Eggers called the meeting to order at 11:02 a.m.

2. APPROVAL OF MINUTES FROM FEBRUARY 12, 2020

A motion was made by Mayor Cookie Kennedy, which was seconded by Councilmember Brandi Gabbard, and carried unanimously to approve the minutes from the February meeting (3-0, Councilmember Allbritton had not yet arrived).

3. LEGISLATIVE UPDATE AND DISCUSSION

Whit Blanton reminded the group that session was nearing the end, barring any need for an extension. He announced that the group could celebrate a victory as a result of its advocacy this session. The Sadowsky Housing Fund will remain intact and fully funded. He praised the leadership of Councilmember Gabbard, and the efforts of the committee, for that success.

Linda Fisher updated the group on two bills related to land use that were being closely followed through the session and on which Forward Pinellas sent letters of opposition to the sponsors.

1. HB 459, which would prohibit local governments from imposing design requirement on one and two-story structures. The bill made it through first reading on the House floor, but has not been taken up since. The Senate companion bill has not been heard by any Senate committees to date. It will likely not make any additional progress, but is still being monitored by staff.
2. HB 519, which would amend the Bert Harris Private Property Rights Protection Act. It provides an avenue for property owners who feel they have been unduly harmed by a local government land use action. The bill language makes it more favorable for citizen challengers creating the potential for large and unpredictable liabilities for local governments. Although the final bill will create some burdensome

administrative requirements locally, the revised language makes it far less damaging to local governments. It has been passed by the House, but not yet the Senate to date.

Ms. Fisher also alerted the group about SB 410, dealing with growth management, which became a concern last week. The bill will require local governments to amend their comprehensive plans to adopt a property rights element by 2023. The bill is sponsored by Senator Perry. The recently amended language in the bill could undermine the ability of Forward Pinellas, in its role as the Pinellas Planning Council, to enforce the Countywide Plan, or at a minimum encourage challenges to the Plan. Originally, the bill did provide for an exemption for charter counties with a population of one million or more. However, after some advocacy by Brian Lowack on our behalf, along with the Florida Association of Counties, it was amended to allow the exemption to apply to counties with a population of 750,000 or more. The bill has been passed by the Senate and is on third reading in the House.

Mr. Blanton updated the committee on the developments regarding the Rectangular Rapid Flashing Beacons (RRFBs) bills (SB1000 and HB1371), which would require pedestrian crossings using yellow RRFBs to be replaced with signals displaying solid red lights when activated, or to be removed altogether within four years. The House voted to pass the bill by a vote of 118-1 with only a minor modification allowing local governments to elect to keep existing RRFBs if they meet certain requirements. However, it retained the language requiring that they can still only be utilized on roadways with no more than two lanes and a speed limit of 35-mph or less. After discussion about the local impacts, it was decided that the best course of action would be to suggest that FDOT take up a safety and education campaign next year about RRFBs.

Mayor Kennedy advised the group that the governor has gone on record stating that the short-term vacation rentals are a local issue. In part because of that, at this time, there are no bills that will likely pass this session related to the topic. However, it was noted that it is expected to return next session.

Mr. Blanton advised the group that this would be its last meeting for this session. The Forward Pinellas Board will make new appointments to the committee in October and meetings will resume in November. He advised that during the off season he would work on scheduling one on one meetings with each of the Pinellas Legislative Delegates.

There was some minimal discussion about whether Forward Pinellas needed a lobbyist of its own. Ultimately, it was decided that it was not necessary. The group felt that the partnership and collaborative efforts with Pinellas County and Brian Lowack were sufficiently meeting the needs at this time.

Whit Blanton alerted the members that the City of Tarpon Springs representative to the Forward Pinellas Board has submitted a resignation letter. The group discussed the possible need to amend the Interlocal Agreement language regarding membership requirements and available recourse when a member local government is continually unable to attend meetings and/or keep a member appointed. Chelsea Hardy suggested amending the Interlocal Agreement would be a very big lift and was difficult

to accomplish initially. It was suggested that this wait until after reapportionment when the Interlocal Agreement may need to be amended anyway.

Whit Blanton also alerted the group about the request by the City of Belleair Beach to toll the Belleair Causeway bridge and its desire to conduct a feasibility study. He updated the group on activities to date that have been undertaken and the consideration already given to this topic. It was felt that this was not going to gain much traction considering other similar bridges in the area in the same situation.

4. ADJOURNMENT

There being no additional items for discussion, the meeting adjourned at 11:53 a.m.

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**SUMMARY**

House Bill (HB) 1339, an omnibus affordable housing bill passed during the 2020 legislative session and 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. The new law preempts a longstanding countywide policy to reserve industrial land for employment-related land uses, and supersedes the authority of the Countywide Plan to prohibit residential uses in industrial categories.

Forward Pinellas staff will provide a discussion of next steps in addressing the new law, including potentially meeting with local planning directors to develop a set of recommended best practices for its implementation.

**ATTACHMENT(S):**

- [Chapter 2020-27, Laws of Florida \(formerly HB 1339\)](#)
- Letter from Whit Blanton to Barry Burton dated August 21, 2020

**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



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**

House Bill (HB) 1371, a problematic bill proposed during the 2020 legislative session, would have limited the use of pedestrian crossings using yellow rectangular rapid flashing beacons (RRFBs) to roadways with no more than two lanes, with a speed limit of 35 miles per hour or less. RRFBs on other roadways would have been required to be removed by October 1, 2024. The bill would have also directed the Florida Department of Transportation to request federal authorization for existing yellow RRFBs to be replaced by red RRFBs, and would have required existing beacons on eligible roadways to be replaced by red RRFBs within 12 months after the date of federal authorization.

Had the bill passed, it would have preempted local decision-making on the use of a pedestrian and bicycle safety device that has proven effective at reducing injuries and fatalities for vulnerable road users, and forced the costly removal or replacement of many of the more than 400 RRFBs throughout Pinellas County. Forward Pinellas opposed the bill.

The bill enjoyed some legislative support, passing the House before failing to make it out of its last committee stop before coming to a Senate floor vote. It is anticipated that the sponsor, Representative Randy Fine, will file a similar bill this year. Forward Pinellas staff will discuss the need for a coordinated response among local governments and MPOs ahead of the 2021 session.

## **ATTACHMENT(S):**

- [HB 1371 from the 2020 Legislative Session \(died in Senate committee\)](#)
- Letter from Whit Blanton to Representative Fine dated January 20, 2020

**ACTION:** Committee to provide direction to staff.





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

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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.

Some potential legislative issues to consider for 2021 include:

- Broadening the ability of local governments to use discretionary sales surtaxes (e.g., Penny for Pinellas) to fund affordable housing
- Modification or prohibition of the use of certain roadway safety devices
- Budgetary impacts of COVID-19
- Policy changes to increase flexibility of state transportation funding programs in urban areas
- Further restrictions on local governments' Home Rule authority
- Restore local governments' authority to regulate vacation rentals
- Respect and affirm local governments' authority to regulate the character of their communities through land use regulation, including building design
- State funding support for local resiliency planning

Forward Pinellas staff will seek direction from the committee toward drafting a list of legislative priorities for 2021.

**ATTACHMENT(S):**

- 2021 Session Dates
- Adopted Policy Positions 2020
- Forward Pinellas Legislative Agenda 2020

**ACTION:** Committee to provide direction to staff.

## **2021 SESSION DATES**

- August 1, 2020 Deadline for filing claim bills (Rule 4.81(2))
- March 2, 2021 Regular Session convenes (Article III, section 3(b), State Constitution)  
12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))
- April 17, 2021 Motion to reconsider made and considered the same day (Rule 6.4.(4))  
All bills are immediately certified (Rule 6.8)
- April 20, 2021 50<sup>th</sup> day – last day for regularly scheduled committee meetings (Rule 2.9(2))
- April 30, 2021 60<sup>th</sup> day – last day of Regular Session (Article III, section 3(d), State Constitution)



## **Policy Positions – 2020**

Adopted (October 9, 2019)

**SUPPORT URBAN AGRICULTURE.** Local governments are discouraged from allowing urban agriculture because the Florida Right to Farm Act (Section 823.14, Florida Statutes) exempts commercial farms from most local land development regulation. This protects rural farms from encroaching suburban development, a necessary and beneficial purpose. However, the statute is broadly written and so applies to commercial farms in urban areas, which bring value to communities from a health, economic development and affordability standpoint, and where reasonable regulation is required to protect adjacent development. **Forward Pinellas supports promoting healthy communities through urban agriculture with local land development regulations that protect existing urban development.**

**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 specifically 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 other primary state transportation funding program is the Other Arterials (OA) program, which is limited to funding projects that add capacity to the state highway network. **Forward Pinellas supports additional flexibility of Other Arterials program funds to enable urban corridor improvements that strengthen the safety and multimodal accessibility of the state highway system.** This would also include expanding OA funding for parallel, non-state roadways that support the state highway system.

- 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.

**STOP DISTRACTED DRIVING.** Distracted driving poses a threat to the safety of motorists and non-motorized users. Forward Pinellas is committed to a Vision Zero initiative to eliminate fatalities and serious injuries on our roadways. Between 2015 and 2018, 33 fatalities and 577 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.**

**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.**



# Forward Pinellas Legislative Agenda 2020



# FORWARD PINELLAS

Integrating Land Use & Transportation

Forward Pinellas is a policy-making and planning agency that identifies transportation needs in the county, prioritizes them, and then identifies potential funding sources. We guide integrated transportation and land use solutions that together create connections and vibrant communities.

## Our Priorities

We see three major areas of need for Pinellas County in 2020: **Transportation, Housing, and Resiliency.**

### Transportation

- Enable greater funding flexibility
- Invest in community and regional transit
- Eliminate bottlenecks on regional highways
- Strengthen regional connections
- Support “Safe Streets Pinellas”

### Housing

- Protect Sadowski Housing Trust Fund
- Empower regulatory reform
- Support investments in location efficiency

### Resiliency

- Require vulnerability assessments on transportation projects
- Provide funding to harden infrastructure
- Incentivize resilient development
- Support research and mitigation for sea level rise



## CONTACT

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[forwardpinellas.org/legislativeaffairs](http://forwardpinellas.org/legislativeaffairs)



## Regional Decision-Making

Pinellas County is part of a fast-growing urbanized area that needs improved connectivity throughout the region. Within the Tampa Bay area, regional transportation decisions are coordinated through the Transportation Management Area Leadership Group. The TMA Leadership Group is made up of elected representatives serving on the MPOs of Hillsborough, Pasco, and Pinellas Counties.

### Tampa Bay TMA Top Priorities, 2020

- I-75 Interchange at Gibsonton
- I-75 Interchange at Overpass
- Central Avenue Bus Rapid Transit
- I-275 Operational Improvements north of downtown Tampa
- Regional Rapid Transit in the I-275 Corridor
- Support HART's exploration and negotiation for use of the CSX right-of-way for passenger transportation

These priorities have been approved by the TMA and Chairs Coordinating Committee.





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**SUMMARY**

As Forward Pinellas works to develop its priorities in advance of the 2021 legislative session, our partner local governments, agencies and planning organizations are preparing their own lists. Staff will monitor partner priorities and apprise the committee of opportunities for collaboration.

**ATTACHMENT(S):**

- MPOAC Legislative Priorities
- City of St. Petersburg Legislative Priorities

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

FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

2021 DRAFT LEGISLATIVE POLICY POSITIONS

**Each Policy Position Starts with:** “The MPOAC supports State Legislation that:”

**2020 Legislative Policy Position:**

**1. Expands transportation revenue sources and stabilizes transportation funding levels.**

Key Recommendations:

- Expand the Charter County and Regional Transportation System Surtax to allow municipalities over 150,000 in population (or the largest municipality in a county) and all counties located in MPO areas to enact up to a one cent local option surtax by referendum.
- Index local option fuel taxes to the consumer price index in a manner similar to the current indexing of state fuel taxes.
- Identify potential revenue replacement sources for the current motor fuels tax which is no longer able to fully support the current or future needs of the transportation system.
- Charge alternatively fueled vehicles a fee equal to the fuel tax paid by gasoline or diesel fueled vehicles.
- Use the existing MPO and local planning processes to select individual transportation projects rather than legislative appropriations (commonly referred to as earmarks). Ensure that all legislative appropriations that are passed come from non-transportation funding sources (i.e. general revenue funds).
- Fund the Transportation Regional Incentive Program (TRIP) at a predictable level of \$250 Million per year.

## **2020 Legislative Policy Position:**

- 2. Regulates distracted driving by prohibiting the handheld use of electronic wireless communication devices and other similar distracting devices while operating a motor vehicle on any roadway.**

The 2018 Florida legislature enacted the “Wireless Communications While Driving” law that makes texting while driving a primary offense. One of the expressed concerns of opponents of this law is the potential for racial profiling during enforcement. This legislative proposal would increase roadway safety by prohibiting the handheld use of electronic wireless devices for any purpose, making enforcement easier and reducing the potential for racial profiling.

### **Discussion points:**

The 2019 legislature approved texting while driving as a primary offense. In addition, the law provided a ban of handheld devices in school and work zones. The Senate bill sponsor was Wilton Simpson who stated that he wanted a full ban on handheld electronic devices while driving. Senator Simpson is slated to be the next Senate President and it is likely that he will be interested in passing a ban on handheld electronic devices while driving and would appreciate support from the transportation community.

## **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.

## **2020 Legislative Policy Position:**

- 4. Allows Strategic Intermodal System (SIS) funds to be used on roads, transit, and other transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.**

Current state law does not permit SIS funds to be spent on roads, transit, or other transportation facilities that are not part of the SIS, even if proposed improvements would directly benefit users of SIS facilities by enhancing mobility options or supporting freight movement in a SIS corridor. Additionally, the newly created Federal Transportation Performance Measures (TPM) apply to a larger network than just the Strategic Intermodal System. Therefore, it is appropriate to direct SIS funding to transit and roadway projects that relieve the SIS.

## **2020 Legislative Policy Position:**

### **5. Establishes flexible and predictable funding for transit projects (capital and operating) identified through the metropolitan transportation planning process by removing various funding limitations for the State Transportation Trust Fund (STTF).**

Current state law limits the amount of funding that can be made available from the STTF for transit projects for both capital and operating expenses. These limitations, which are not in place for roadway funding, makes transit funding from the STTF less predictable for the purposes of planning and project implementation and artificially limits the ability of MPOs to implement priority transit projects. This proposal recognizes the critical role transit plays in moving people and goods within and between Florida's metropolitan areas by removing the distinction between transit and highway projects for the purpose of spending funds from the STTF.

Additionally, state law should be changed to:

- Make FDOT and TDTF Grants more flexible:
  - Extend TDTF Grants for Each County to the next year
  - Allow TDTF Funds to be used for Meal, Grocery, and Prescription Deliveries
  - At a minimum, earmark the TDTF dollars to ensure the Funds go back to the TD Trust Fund and not moved elsewhere
  - Allow other FDOT Grants to be used on Transit Improvement and Operating Funds.
- Waive the 50/50 match for the State Public Transit Block Grant for a set period of time and include a sunset provision.

## **2020 Legislative Policy Position:**

- 6. Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.**

The United States Department of Transportation (USDOT) provides funding to Metropolitan Planning Organizations (MPOs) to carry out their federally required duties. Those federal funds are given to states who in turn distribute them to MPOs based upon a formula agreed upon by the Florida Department of Transportation (FDOT) and the Florida MPOs and then approved by the Federal Highway Administration (FHWA). The Florida Department of Financial Services (DFS) has determined that the expenditure of federal funds by MPOs shall be subject to all state requirements, laws and regulations even where such laws conflict with federal laws, regulations and requirements. This limits the ability of the Florida MPOs to use federal funds for their intended purpose and impinges on their ability to carry out their responsibilities as outlined in federal rule. This proposal would clarify that federal monies passed through the State of Florida to MPOs and the Florida MPO Advisory Council (MPOAC) shall not be regarded as state funds for purposes of expenditure.

## **2020 Legislative Policy Position:**

- 7. Supports the advancement of innovative transportation mobility solutions and policies that promote creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.**

Transportation technologies have undergone a revolutionary leap forward over the past several years. A variety of transportation technologies are under development including autonomous vehicles and the hyperloop. It is the responsibility of the Florida legislature to ensure that state laws and funding mechanisms support the development and implementation of these technological advances in the way people and freight will move in and between our metropolitan areas. At the same time, it is incumbent upon the Florida legislature to ensure that the health and welfare of Florida's citizens and visitors are protected from possible harm presented by these new technologies, including the malicious and intentional interference of the proper functioning of transportation vehicles and systems. This proposal supports legislative efforts to implement innovative mobility solutions and policies while protecting the health and welfare of Florida's citizens and visitors.





## 2020 City Council Legislative Priorities

### Affordable Housing:

SB 306/HB 381-Protect State Housing Trust Fund and Local Government Trust Fund from being swept into other funds

### Urban Agriculture:

“Florida Urban Agriculture Act” will be filed for consideration during the 2020 session of the Florida Legislature and proposes to preserve local governments’ authority to regulate urban agriculture under certain conditions to further the growth of farmland and promote the establishment of new farms and agricultural uses within dense urbanized land areas of the State.

### Private Laterals:

SB 150 – encouraging counties and municipalities to, by specific date, establish a sanitary sewer lateral inspection program; providing parameters for such a program.

### Vessel Safety Revisions:

Proposed changes to Chapter 327 will be filed for consideration during the 2020 session of the Florida Legislature which propose to resolve these issues by addressing special hazards and officer safety, providing for the declaration of a public nuisance for certain vessels, funding the stored vessels study mandated in 2019, and providing a mangrove vegetation buffer/protection zone for vessels.

### Fire Arm Safety:

A Resolution supporting SB 94, SB 134, SB 266, SB 270, SB 310, SB 428, SB 460, SB 548, SB 558, SB 586, SB 634, SB 652, HB 6009, HB 117, HB 201, HB 245, HB 289, HB 451, and any other proposed legislation which supports the ability of local governments to respond to the continuing and ever worsening gun violence and massacres by firearms; opposing HB 6001, HB 6003, HB 183 and any other proposed legislation which seeks to remove existing safeguards in place to prevent potential violence; urging the Pinellas County Delegation to support certain legislation; instructing the City Clerk to transmit this resolution to certain persons and entities

### Funding Priorities:

HB 9155 - Carter G. Woodson Museum

## MEMORANDUM

To: Rob Gerdes, Neighborhood Affairs Administrator

From: Brett B. Pettigrew, Assistant City Attorney 

Date: October 14, 2019

**Subject: Proposed “glitch bill” to eliminate ambiguity with respect to use of infrastructure sales surtax funds for affordable housing land acquisition**

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In November 2017, pursuant to Florida Statutes section 212.055(2), Pinellas County voters approved a fourth round of the “Penny for Pinellas” one-cent local option sales surtax program to support infrastructure in Pinellas County from 2020–2029. This approval explicitly authorized the use of surtax funds for “land acquisition for affordable housing,” which was added to the statutory definition of “infrastructure” through the Community Renewal Act adopted in 2009.

Adoption of a “glitch bill” to remove various sources of ambiguity in the current statutory language would provide the City with greater certainty in its efforts to expand access to affordable housing and make it easier for the City to partner with non-profit organizations and private developers in the provision of such affordable housing.

Specifically, such a “glitch bill” could accomplish the following goals:

- Clarify the scope of housing types by replacing “residential housing project” with “residential housing.” This would remove an undefined term used nowhere else in the Florida Statutes and eliminate the stigmatized term “project.” But most importantly, it would clarify that affordable housing built on the land is not limited to large- and mid-rise apartment complexes and can be tailored on a per-development basis to fit the needs of each community.
- Clarify that “land acquisition” may be accompanied by demolition and site preparation work needed to make the land usable for affordable housing.
- Clarify how long land acquired pursuant to this statute must be used for affordable housing by explicitly providing a minimum compliance period that starts from the time the land is acquired with surtax proceeds.
- Clarify that authorization for a ground lease is not limited to the construction phase by explicitly authorizing reconstruction, renovation, recapitalization, and residential occupancy as permissible uses of a ground lease.

- Clarify that the affordable housing built on the land can be accompanied by ancillary facilities that benefit the residents and other members of the community.

With those clarifications in mind, please consider the following proposed amendment to Florida Statutes section 212.055(2)(d)(1)(e), with changes shown in strikethrough–underline format:

e. Any expenditure for land acquisition~~expenditure for a~~, demolition of existing structures, or other site preparation, subject to the following conditions: (i) the land is used for residential housing~~project in which~~; (ii) at least 30 percent of the units on the land are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size,~~if~~; (iii) the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing; and (iv) the land is used in accordance with these conditions for a period of at least 50 years from the date of acquisition. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction, reconstruction, renovation, recapitalization, or residential occupancy of the residential housing ~~project~~ on land acquired pursuant to this sub-subparagraph. For purposes of this sub-subparagraph, “residential housing” may include, in addition to any housing unit, any facility ancillary to such a housing unit, including a laundry facility, community room, or child care center.

I am hopeful that will you find this a helpful place to start a discussion on this matter, and I look forward to answering any questions or concerns on the proposed language above.

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**SUMMARY**

The Tampa Bay Area Regional Transit Authority (TBARTA) is seeking a legislative appropriation of \$1.5 million in recurring funds for agency operations and administration. Agency staff is reaching out to MPOs to request their support, asking that the region speak with one voice in support of the agency and the Envision 2030 Regional Transit Development Plan.

Forward Pinellas and the other MPOs in the region strongly support expanding the region's public transportation network, but without relying on earmarks, which simply transfer funds away from other priority transportation projects without addressing the long-term need for additional statewide transit investment. Staff will discuss the request for support and seek direction from the committee.

**ATTACHMENT(S):**

- Email from Brian Pessaro to Whit Blanton dated September 28, 2020
- Letter from Whit Blanton to David Green dated June 17, 2020

**ACTION:** Committee to provide direction to staff.

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**From:** [Brian Pessaro](#)  
**Sent:** Monday, September 28, 2020 4:01 PM  
**To:** [Beth Alden](#); [Blanton, Whit](#)  
**Subject:** TBARTA Legislative Request for Operational Funding

**CAUTION:** This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.

Beth and Whit,

In the TMA Leadership Group call on Friday, I had asked whether the MPOs would consider including in their legislative agendas some language about TBARTA seeking recurring funds. Beth, you had asked if I could provide some sample text. The language below is what Ron Pierce sent me.

**Appropriation Request**

The Tampa Bay Area Regional Transit Authority (TBARTA) is seeking \$1.5 million in recurring funds for agency operations and administration.

David would like to see the region speak with one voice on this issue so that it's not just TBARTA saying it to legislators in Tallahassee. We can certainly talk about this more during the CCC Input to TBARTA's Legislative Agenda call that I am trying to schedule.

Brian

***Brian Pessaro***

Principal Planner & Project Manager

Office: (813) 282-8200

[www.TBARTA.com](http://www.TBARTA.com)



*Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*



June 17, 2020

David Green, Executive Director  
Tampa Bay Area Regional Transit Authority  
4350 West Cypress Street, Suite 700  
Tampa, FL 33607

**RE: Envision 2030 Regional Transit Development Plan**

Dear David –

Planning, developing, and funding the transit network in the Tampa Bay region is a necessarily collaborative process. It takes different partners working together to overcome decades of missed opportunities, false starts, siloed responsibilities, and unfulfilled expectations. Transit agencies depend on strong partnerships with the federal, state, and local government for financial assistance and complementary land development activities. Regional support is also critical. The role of metropolitan planning organizations (MPOs) is essential for transit projects to receive federal and state funding by establishing transportation spending priorities and ensuring a well-connected multimodal network is in place to support transit investments.

Serving on TBARTA's Transit Advisory Group as a staff representative of the West Central Florida MPO Chairs Coordinating Committee (CCC), I offer the following comments on behalf of the six MPOs in the region.

The Envision 2030 Regional TDP is a thorough, well-organized planning document that builds upon prior plans to define a series of transit improvements to better connect our rapidly growing region. The plan recognizes a regional transit role in supporting economic opportunity, access to education and health care, and fostering a cleaner environment. TBARTA has an important, evolving role to play in an expanded regional transit network that uses traditional and new forms of mobility to connect with local transit services in each county, the foundation of the Tampa Bay area's public transportation network.

More importantly, Envision 2030 advances the important conversation in our growing region about transportation funding, particularly by examining alternatives to the transit status quo. Transit is an underrated, undervalued, and underfunded part of how we connect people to places. That situation makes each transit agency protective of the limited funding streams that sustain existing operations. We understand that TBARTA is prepared to adopt the "Status Quo" financial scenario for the Regional TDP, but that is not a sustainable strategy for TBARTA or any of the public transportation providers in Tampa Bay. For instance, the annual legislative earmarks to TBARTA harm existing transit agencies because those funds are re-allocated from current projects; it isn't new money into the system.

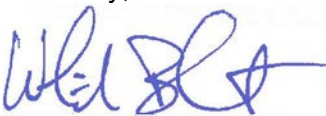
The MPOs in the region emphatically support expanding the region's public transportation network. Doing that requires a commitment to growing the share of transportation funding that goes to worthy transit projects and recognizing the tremendous unmet capital and operating needs of current operators primarily serving each county. We encourage TBARTA to join us in the mission to grow the funding "pie" for transit rather than cut it into smaller slices. Some examples where we could work together include the topic of eligibility for programs like the Strategic Intermodal System (SIS) and other FDOT funding categories, as well as the use of toll revenues collected on the region's highways. We believe funds should be allocated to the best solution among all modes of transportation, and that state spending priorities should be re-evaluated in urban areas where regional transit authorities like TBARTA and cooperative metropolitan planning processes like the CCC exist to clearly define priorities. Legislative action may be needed in some cases, and TBARTA's participation in a regional advocacy coalition would be very welcome.

The Tampa Bay Partnership's 2019 [Regional Economic Competitiveness Report](#) illustrates that a lack of transit access to employment opportunities is a critical weakness that holds down household incomes in the Tampa Bay region. Particularly for lower income households and people of color, poorly funded and inaccessible public transportation hinders economic opportunity. To illustrate, the [Pinellas County Equity Profile](#) published in 2019 documented more than \$3 billion lost to the county's economy due to racial economic disparities. A lack of transportation options is a key factor. Underfunded and nonexistent transit service – at both the local and regional levels – is a significant equity issue for the entire region.

The COVID-19 pandemic has forced everyone to adapt. The next 12-18 months will reveal how profound those impacts will be in the longer term to the office, retail, agriculture, tourism and transit markets, and which responses will be successful. The MPO staff directors encourage the TBARTA board to take a truly collaborative approach to work in partnership with local, regional and state organizations to find viable, long-term solutions to transit funding in Tampa Bay.

Please let me know if you have questions or would like to discuss these comments further. Thank you for your consideration, ongoing collaboration, and leadership.

Sincerely,



Whit Blanton, FAICP  
Executive Director

Enclosure

cc: Beth Alden, AICP, Hillsborough MPO  
Ronnie Blackshear, Pasco MPO  
Dave Hutchinson, Sarasota/Manatee MPO  
Steve Diez, Citrus-Hernando MPO  
Chandra Frederick, AICP, Polk TPO  
Justin Hall, Florida Department of Transportation District 7  
Wayne Gaither, Florida Department of Transportation District 1

**5B. TMA Leadership Group Draft Position Statement on  
Transportation Funding**

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**SUMMARY**

The Tampa Bay TMA Leadership Group continues to be the primary venue for important conversations of regional significance and for advancing regional transit projects. At its meeting on September 18, 2020, the Group had a robust discussion on a draft position statement calling for expanded flexibility of funds from the state’s Transportation Trust Fund in large urban areas.

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 in late November.

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

**ACTION:** Committee to provide direction to staff.





**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 PRELIMINARY DRAFT FOR DISCUSSION

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 shift funds that can be spent on transit away from the essential services that are a high priority to HART, PSTA, PCPT, and TBARTA.
- The shift of state dollars away from essential services aggravates existing shortfalls in transit funding.
- A lack of adequate essential transit services, resulting in poor workforce access to jobs, education, and upward mobility, has been identified by the Tampa Bay Partnership as one of the region's greatest obstacles to prosperity.

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

- Use of state general revenue (not the transportation trust fund) to support agency operations and new and/or expanded transit opportunities.
- Greater flexibility in use of transportation trust fund dollars, making 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, while transit can expand the capacity to move people with less impact.
- Removal of the 50/50 match requirement from the State Public Transit Block Grant for a set period of time, with a sunset provision.
- Establish a current-year competitive grant program to explore innovative delivery of transit services, so that rapidly evolving technologies need not wait through the five-year cycle for FDOT Work Program funding through the FDOT.
- Provide local governments more flexibility in raising and investing local dollars to improve transportation choices – again, especially in larger urbanized areas, where the ability to expand highway capacity is limited.

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 regionally significant projects, on behalf of the three MPOs.