



The Florida Metropolitan Planning Organization Advisory Council

*Commissioner Nick Maddox
Chair*

MPOAC Staff Directors' Advisory Committee

Date: Thursday, January 28, 2021

Time: Noon – 2:30 p.m.

Location: Orlando Airport Marriott Lakeside
7499 Augusta National Drive, Orlando, FL 32822

Teams Meeting Link: [Click here to join the meeting](#)

Phone: 850-739-5589, ID number: 565899864#

Lois Bollenback, Presiding

- 1. Call to Order & Pledge of Allegiance**
 - 2. Approval of Minutes: October 29, 2020 Meeting**
 - 3. Public Comments (non-agenda items)**
 - 4. Executive Director's Report**
 - A. UPWP Report**
 - B. Legislative Update**
 - 5. Agency Reports**
 - A. Florida Department of Transportation**
 - B. Federal Highway Administration**
 - 6. Business Items & Presentations**
 - A. Approval of MPOAC Legal Services Contract for Fiscal Year 2022**
 - B. Resolution requesting MPOAC membership on the Florida Traffic Records Coordinating Committee**
 - C. Presentation by Association of Metropolitan Planning Organizations Team**
 - D. Florida DOT Electric Vehicle Infrastructure Masterplan**
 - E. Election of Officers**
 - 7. Member Comments**
 - 8. Adjournment**
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Any person who desires or decides to appeal any decision made by this Council with respect to any matter considered at this meeting will need a record of the proceedings. For such purposes, such person may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which appeal is to be based.

The needs of hearing or visually impaired persons shall be met by contacting the Council sponsoring such meeting at least 48 hours prior to the meeting. Please contact John Waldron at (850) 414-4037 or by email to John.Waldron@mpoac.org.

Item Number 1

Call to Order & Pledge of Allegiance

DISCUSSION:

The Chair will open the meeting and a quorum will be determined. All are asked to rise for the Pledge of Allegiance.

REQUESTED ACTION:

None requested.

ATTACHMENT:

None.

Item Number 2

Approval of Minutes: October 29, 2020

DISCUSSION:

Review and comments from members.

REQUESTED ACTION:

Approval of Meeting Minutes from the October 29, 2020 meeting of the MPOAC Staff Directors' Advisory Committee Meeting.

ATTACHMENT:

October 29, 2020 MPOAC Staff Directors' Advisory Committee Meeting Minutes.

**Florida MPO Advisory Council
Meeting of the Staff Directors
October 29, 2020
Orlando, Florida
Draft Meeting Minutes**

Staff Directors in Attendance:

IN-PERSON (STAFF DIRECTORS – A TOTAL OF 16 WITH 9 MAKING AN IN-PERSON QUORUM):

Lois Bollenback, Chair, River to Sea MPO
Donald Scott, Vice Chair, Lee County MPO
Mary Beth Washnock, Bay County TPO
Greg Slay, Capital Region TPA
Gary Harrell, Charlotte County-Punta Gorda MPO
Tiffany Bates, Florida-Alabama TPO
Chelsea Favero, Forward Pinellas
Steve Diez, Hernando/Citrus County MPO
Brian Freeman, Indian River County MPO
Gary Huttman, MetroPlan Orlando
Rob Balmes, Ocala/Marion County MPO
Tania Gorman, Pasco County MPO
Chandra Frederick, Polk TPO
Dave Hutchinson, Sarasota/Manatee MPO
Laura Carter, Space Coast TPO
Peter Buchwald, St. Lucie TPO

IN-PERSON (OTHERS):

Suzy Sofer, Forward Pinellas MPOAC Governing Board member
Carl Mikyska, MPOAC
John Waldron, MPOAC
Jeff Kramer, CUTR
Mark Reichert, FDOT Central Office
Alison Stettner, FDOT Central Office
Brad Thoburn, FDOT Central Office
Libertad Acosta-Anderson, FDOT D5
Anna Taylor FDOT D5

VIRTUAL (STAFF DIRECTORS – A TOTAL OF 10 THAT CANNOT CONTRIBUTE TO A QUORUM):

Greg Stuart, Broward MPO
Brandy Otero, Collier MPO

Scott Koons, Gainesville MTPO
Pat Steed, Heartland Regional TPO
Beth Alden, Hillsborough MPO
Mike Woods, Lake-Sumter MPO
Beth Beltran, Martin MPO
Aileen Bouclé, Miami-Dade TPO
Dawn Schwartz, Okaloosa-Walton TPO
Andrew Uhlir, Palm Beach TPA

VIRTUAL (OTHERS):

Paul Calvaresi, Broward MPO
Ron Gogoi, Lee County MPO
Kevin Walford, Miami-Dade TPO
Tia Boyd, CUTR
Christen Miller, CUTR
Karen Brunelle, FHWA
Cathy Kendall, FHWA
Scott Philips, FDOT Central Office
Huiwei Shen, FDOT, Central Office
Erika Thompson, FDOT Central Office
Siaosi Fine, Florida Turnpike Enterprise
Christine Fasiska, FDOT D4
Kellie Smith, FDOT D5
Sandi Bradahl, FDOT D7 in-house consultant
Edward McKinney, FDOT D7
John Kaliski, Cambridge Systematics

There were an additional 6 people attending virtually who were only identified by a phone number

• CALL TO ORDER

Lois Bollenback, Chair, River to Sea TPO, called the meeting to order at 12:07 pm. All stood for the Pledge of Allegiance. All in attendance and online introduced themselves.

A motion to allow online members to participate in the meeting due to the extraordinary circumstances of COVID-19 was made by Dave Hutchinson, Sarasota/Manatee MPO, and seconded by Greg Slay, Capitol Region TPA. The motion was approved unanimously.

- **APPROVAL OF MINUTES: SEPTEMBER 16, 2020 MEETING**

A motion to approve the minutes of the September 16, 2020 meeting of the MPOAC Staff Directors' Advisory Committee was made by Don Scott, Lee MPO, and seconded by Dave Hutchinson, Sarasota/Manatee MPO. The motion was approved unanimously.

- **PUBLIC COMMENTS**

No public comments were made.

- **EXECUTIVE DIRECTOR'S REPORT AGENCY REPORTS**

- A. **UPWP REPORT**

Mr. Carl Mikyska, MPOAC Executive Director, presented the UPWP Report showing expenditures and the budget through the end of the State Fiscal Year 2019/2020. Mr. Mikyska noted that expenditures were lower than anticipated, in part due to the lack of travel as a result of the COVID-19 pandemic. He also discussed accomplishments and expenditures for State Fiscal Year 2020/2021 to date (July through November 2020), indicating that budget expenditures were on track.

- B. **MPOAC STAFF DIRECTORS LEADERSHIP MEETING**

Mr. Mikyska provided a report on the MPOAC Staff Leadership Meeting which was held on September 21 and 22, 2020. The Metropolitan Planning Organization Advisory Council (MPOAC) Leadership Team is comprised of the MPOAC Staff Directors' Advisory Committee Chair, Vice-Chair, Recent Past Chair, and two other MPO Staff Directors. The MPOAC Leadership Team meeting is held twice per year with Florida Department of Transportation (FDOT) Central Office staff to discuss topics and issues related to the Metropolitan Planning Program and to strengthen the partnership between MPOs and FDOT. Topics discussed at this meeting included Unified Planning Work Program (UPWP) issues, transportation performance measurement, statewide revenue projections, Consolidated Planning Grant (CPG) implementation issues, state managed lanes policies, Federal STBGP-Urban (SU) fund issues, and the 2020 Census.

Discussion Followed:

Peter Buchwald, St. Lucie TPO, wanted clarification on the Joint Certification process. He noted that in the MPOAC Staff Directors Leadership Meeting summary (included in the agenda package), it was confirmed that there is no federal requirement to complete the

Joint Certification annually. Mr. Mikyska confirmed that there is no federal requirement for the Joint Certification but added that there is a requirement to conduct a Financial Risk Assessment every year. He has heard from MPOs and the FDOT that holding the certification annually has proven valuable for feedback and for maintaining a relationship between MPO and FDOT District personnel. Allison Stettner, FDOT Central Office, agreed that the Department finds value in the process and that they would like to work together with the MPOs to see how the process could be streamlined. Discussion continued on this subject focusing on the potential for streamlining the process, but also on the value to some MPOs and FDOT Districts to holding the process annually. Lois Bollenback, Chair, River to Sea TPO, suggested that a survey of the MPO Staff Directors be conducted about the annual Joint Certification.

Cathy Kendall, FHWA, noted that CFR 450.220(a) requires FDOT to certify the planning process when the State Transportation Improvement Program (STIP) is submitted and that the annual certification process between FDOT and MPOs is used in the report.

• AGENCY REPORTS

A. FLORIDA DEPARTMENT OF TRANSPORTATION

Mr. Mark Reichert, Administrator for Metropolitan Planning, Florida Department of Transportation (FDOT) began by introducing Mr. Brad Thorburn, the new FDOT Assistant Secretary for Strategic Planning. Mr. Thorburn previously held the position of Chief Planner with FDOT, as well as Planning Director for the Jacksonville Transportation Authority (JTA). Mr. Reichert then updated the members on the activities of the FDOT.

- Transportation Performance Measurement (TPM) - The safety targets for MPOs are due February 26, 2021. The Federal Transit Administration (FTA) issued a rule extending the Public Transit Agency Safety Plan (PTASP) compliance deadline to December 31, 2020. PTASP performance measurement targets would, therefore, not be due to the state until that time (or sooner). MPOs must submit their PTASP targets within 180 days of when their local transit agency submits their targets to the state. MPOs were encouraged to coordinate with their local transit agencies on this issue. FDOT did not adjust the statewide PM2 targets (bridge and pavement condition) and that MPOs, as a result, do not need to update their targets.
- Clarification was provided on the SUNTrail solicitation notice that FDOT sent to the MPOs a few weeks earlier. FDOT will not be accepting any new SUNTrail project proposals for the new fifth year during the next programming cycle (for FY 2026/2027), not the programming cycle currently underway.
- Automated Connected Electric and Shared (ACES) Guidance was forwarded to all MPOs last week by email.

- The Florida Public Transit Association (FPTA) held a session on MPO-Transit Agency planning coordination focusing on the FDOT report on this subject completed in 2019 by the Center for Urban Transportation Research (CUTR).
- The next Florida Metropolitan Planning Partnership (FMPP) meeting will tentatively be held during the week of January 11, 2021. It will be held virtually over the course of 3 separate days.
- The new MPO document portal will go live on Sunday, November 1, 2020. Only people who completed training and the associated survey will be able to use the new portal.
- Minor adjustments have been made to the joint planning process certification review for 2020 relating to risk assessment. FDOT will reach out to MPOs in December on this subject.
- A summary of the MPOAC Leadership meeting in September was provided.
- FDOT is currently quantifying the benefits of a proposed Consolidated Planning Grant (CPG) process for MPOs in order to clarify to FDOT leadership why a CPG process would be a good idea for Florida.
- A draft Unified Planning Work Program (UPWP) template is currently being reviewed by federal agencies and a survey for MPOs will be released soon to collect MPO perspectives on the template. This will streamline budget tables, provide task status updates and UPWP Amendments and modifications.
- There will be a reduction to the statewide federal planning grant (PL) allocation as a result of having to hold TX and CO at a 95% return on revenue generated from gas tax collections (all states are entitled under the federal FAST Act to receive at least 95% of the gas tax revenues collected from their state the previous year). This has resulted in a reduction of \$13 million of all federal funds coming to FL, including PL funds. FDOT intends to cover the PL funds shortfall by using the PL fund carried balances that a few MPOs have been carrying for years.
- The statewide planning process findings were discussed including that there were 12 recommendations (several involving MPOs), but no corrective actions.
- The draft final Florida Transportation Plan (FTP) Policy Plan was presented to the FTP Steering Committee last week and will be released for public comment in November. It is expected to be adopted as final in December. Work on the FTP Implementation Plan will begin next calendar year.
- 23 CFR 667 requires that states conduct a periodic evaluation of certain facilities to determine if there are reasonable alternatives to roads, highways and bridges that repeatedly require repair due to events that have a state declared "State of Emergency". FDOT took part in the first evaluation on November 23, 2018. The evaluation will include alternatives to the root cause, cost of achieving the solution, the duration of the solution and consideration of recurring damage cost and future repair. FDOT must conclude an evaluation for a repeatedly damaged non-NHS facility before any project relating to that building can be included in the TIP.

- FDOT will hold a public webinar on November 13, 2020 from 9:00 AM – 10:30 AM. Topics of discussion will be to review the Draft FTP Policy Element, review of the Draft Strategic Highway Safety Plan (SHSP). Invitations will be sent out next week.

Peter Buchwald, St. Lucie TPO, asked about the statewide reduction in PL funds. Mr. Reichert indicated that the overall impact will be about \$140k which will be covered by a reduction of PL balances from previous years. Mr. Buchwald also asked if the proposed CPG was being accounted for in the UPWP template. Mr. Reichert indicated it was and that the two efforts will work in tandem.

Chelsea Favero, Forward Pinellas, asked if there was an expected timeline for PM1 safety data to be released. Mr. Reichert answered that PM1 safety data is generally ready around November and that he will forward all data as soon as it is received.

Ms. Lois Bollenback, Chair, River to Sea TPO, asked a follow up question on the PL balances, specifically if it includes the Year 2 carry forward balances many MPOs have included in their UPWP and if other federal funding will be affected by the statewide reduction. Mr. Reichert stated that the funding will be pulled from a handful of MPOs who have a balance of non-committed PL funds, He will investigate and get back with the MPOs by email. Ms. Bollenback also requested Mr. Reichert to clarify which facilities in Florida are being monitored and how FDOT will communicate with the affected MPOs, regarding the 23 CRF 667 periodic evaluation of facilities. He said, based on data from the last report, a stretch of US 1 was being monitored, but he is unsure what the upcoming report will show.

Steve Diez, Hernando/Citrus County MPO, asked if FDOT is pushing for statewide uniformity for MPO UPWPs. Mr. Reichert stated that FDOT is trying to make a skeleton template for MPOs to add to or to update. Gary Harrell, Charlotte County-Punta Gorda MPO, asked if M-CORES will be affected going forward. Ms. Stettner stated the final task force meetings were held and that the report is completed now and will be delivered on time.

B. FLORIDA DIVISION OF FEDERAL HIGHWAY ADMINISTRATION

Ms. Cathy Kendall, Planning Team Leader, Florida Division, Federal Highway Administration (FHWA), shared with the membership the following:

- Staff from FHWA and FTA are unable to travel due to travel limitations. Both agencies are under a travel ban due to COVID-19.
- Stacie Blizzard/Teresa Parker are now the FHWA staff contacts for FDOT District 1 MPOs and Jim Martin/Cathy Kendall are the contacts for District 3. Other district contacts are: District 2 - Teresa Parker; District 4 - Stacie Blizzard; District 5 - Jim Martin; and District 6 - Stacie Blizzard.

- A document entitled Tips for Social Media Outreach on TMA Certification Reviews was distributed in Feb. 2020 and was included in the agenda package.
- The Florida Federal Planning Finding Annual Assessment results were released in Sept. 2020 (included in the agenda packet). There were zero corrective actions for this past year. However, FHWA did make eight overall recommendations for improvements in Florida planning practices. They included recommendations for FDOT to address in the following areas:
 - Federal Surface Transportation Block Grant Program (STBGP) and other non-PL funds tracking.
 - UPWP template development and UPWP amendment monetary threshold identification.
 - Statewide Transportation Improvement Program (STIP) documentation (descriptive materials and flexibilities in fiscal constraint).
 - FDOT MPO document review portal (clarify policy, prioritize portal improvements, provide training).
 - Transportation performance measurement (specifically related to the Public Transportation Agency Safety Plan (PTASP) and the Transit Asset Management (TAM) federal final rule requirements).
 - FDOT Stewardship and Oversight (specifically over MPO planning products and annual certification reviews).
 - Partner Communication (focusing on enhancing communication strategies with federal partners and MPOs).
 - Consultation with MPO partners (focusing specifically on the cooperative planning process in metropolitan areas).

Peter Buchwald, St. Lucie TPO, asked about recommendation #1 in the statewide planning findings relating to tracking federal STBGP and other non-PL funding. The recommendation includes a statement that FHWA may not be able to approve Year 2 of MPO UPWPs across the state if FDOT does not adopt an updated Technical Memorandum providing more clarity on this situation. Mr. Buchwald wanted to know why MPOs would be penalized if it is FDOT that is being asked to address the issue in a timely fashion, noting that the issue is not with the MPO UPWPs but with the mechanism for tracking funding expenditures. Ms. Kendall indicated that the recommendation relates to the whole process, which does include the MPOs.

Ms. Karen Brunelle, Director of Program Development, Florida Division, Federal Highway Administration (FHWA), shared the following announcements and awards:

- Hillsborough County received \$25 Million for the I-75 Big Bend Road Mobility and Access Project.

- The City of Tampa also received \$24 Million for the Tampa Multimodal Network and Safety Improvements project, this will help complete work for 12 miles of continuous multimodal path separated from vehicle traffic with complete streets and traffic calming improvements.
- MetroPlan Orlando, FDOT, and the River to Sea, Space Coast, Polk, Hillsborough, and Sarasota/Manatee MPOs/TPOs received a State Transportation Innovation Council (STIC) Incentive Program Award of \$100,000 for coordinated Transportation Systems Management and Operations planning activities in the I-4 corridor.
- FDOT received \$10 Million for I-4 Regional Advanced Mobility Element for the FRAME project under the Advanced Transportation and Congestion Management Technologies deployment.
- Congress enacted a 1-year extension of the FAST-ACT (federal transportation program authorization legislation) and a continuing resolution through December 11, 2020 for federal transportation funding programs

Ms. Karen Brunelle, concluded by sharing the following updates on transportation performance management issues and updates:

Spring 2020:

- February 27, 2020: MPOs set 2019 Safety Targets
- April 24, 2020: FHWA determines FDOT progress for 2018 safety targets
 - FDOT did not meet target expectations, implementation plan is required
 - All Safety Target position determinations can be found at https://safety.fhwa.dot.gov/hsip/spm/state_safety_targets/

Summer 2020:

- July 31, 2020: FHWA determined the TAMP measures to be consistent
- August 31, 2020: FDOT set Safety Targets to “0”
- August 31, 2020: FDOT submitted Safety (PM1) Implementation Plan (Currently under review by FHWA)

Recent Updates/Activities:

- Oct 1, 2020: FDOT submitted Mid Performance Period Progress Report (MPPR)
 - Currently under review by FHWA
 - Applies to Systems Performance, Bridge, and Pavement Targets (PM2 and PM3)
 - Non-Interstate NHS system reliability baseline is reported
 - FDOT option to adjust the FDOT 4-year targets are reported
 - FDOT to coordinate target adjustment decisions with MPOs
 - FDOT is not adjusting their targets. No further action by MPOs

Upcoming Activities:

- November 02, 2020: Mid Performance Period Progress Report Finalized
- November 23, 2020: 23 CFR 667 Evaluation of Facilities
 - 11/23/2018: 23 CFR 667:
 - Evaluation for All NHS Routes
 - Update After Every Emergency Event
 - Concluded Findings for 2018: 1 Route in District 6, Monroe County, needed repair due to Hurricane Wilma and Erma, after 2 or more occurrences
 - 11/23/2020: 23 CFR 667:
 - Evaluation for All Routes not previously included in 2018
 - FHWA will periodically review FDOT's compliance
 - FDOT must make evaluations available to FHWA upon request
 - February 27, 2021: MPOs set 2021 Safety Targets

New TPM Guidance

- FAQs with Pavement Data Collection and reporting can be found at <https://www.fhwa.dot.gov/tpm/faq.cfm/>
- TPM Essential and Guidance videos can be found at <https://www.fhwa.dot.gov/tpm/videos/>

New TPM training opportunities

- NHI 138021 – Data for TPM
- NHI 138022 – Making the Connection between HPMS Data Items and TPM
- NHI 138023 – Communicating and Reporting on TPM
- NHI 138024 – Monitoring and Adjustment for TPM
- NHI 138025 – Investment Decision Making and TPM
- Courses can be found at: <https://www.nhi.fhwa.dot.gov/> (All training opportunities are free)

Chelsea Favero, Forward Pinellas, asked a clarifying question about threshold for repair on the 23 CFR 667 Evaluation, and if it relates to resurfacing project or a complete rebuild of the facility. Ms. Brunelle responded that she will research the issue more in depth and submit an answer by close of business.

Gary Huttman, MetroPlan Orlando, asked if FHWA was aware of any variances being granted to deadlines for required MPO documents (plans, programs, etc.). He indicated that he had heard a rumor that an MPO in North Carolina had been granted an extension on their Metropolitan Transportation Plan (MTP). Ms. Brunelle responded that she was aware that a 1-year extension had been granted for an Air Quality Conformity Determination, but that there had been no deadline extension for the MTP.

Lois Bollenback, Chair, River to Sea TPO, asked a question about MPO reporting on PM1 (safety performance measures) for MPOs that did not adopt the state targets. Ms. Brunelle indicated that there is no requirement for an annual report, but that the targets do need to be discussed in the MPO Transportation Improvement Program (TIP) which, in Florida, is updated annually. She noted that the MPOs have been provided with a template for how to discuss safety target monitoring in their TIPs.

• BUSINESS ITEMS & PRESENTATIONS

A. APPROVAL OF THE 2021 LEGISLATIVE POLICY POSITIONS

The 2021 Legislative session will begin with committee meetings in January and the full legislative session will begin in March. Each year MPOAC develops a set of policy positions and advocates for these positions. The legislative policy positions included in this meeting packet are the culmination of staff recommendations and review by the Staff Directors' Advisory Committee (included in the agenda package).

The Staff Directors met on September 16, 2020 and workshopped the legislative policy positions. The Staff Directors requested the revised policy positions be brought back before the Staff Directors' Advisory Committee at their October 29, 2020 meeting. The recommendations from the September 16, 2020 meeting included:

- Combining policy positions 1 & 2.
- Making policy position number 2 the proposed ban on the use of handheld electronic devices while driving.
- Adding a new policy position allowing virtual meetings during a declared state of emergency as number 3.
- Adding language to policy position 5, flexibility in funding for transit, to add language consistent with that of a Florida Public Transportation Association legislative position on the same subject.

Mr. Mikyska then presented each of the revised policy positions to the membership. No or limited discussion was held on each position and no additional changes were made. The policy positions were forwarded to the MPOAC Governing Board by unanimous acclamation.

B. FEDERAL FUND EXCHANGE PRESENTATION

Mr. Mikyska opened this presentation by introducing Mrs. Tia Boyd, Research Assistant, with the Center for Urban Transportation Research (CUTR) at the University of South Florida (USF) in Tampa. He also described how the MPOAC had asked CUTR to look into the

form and function of federal fund exchange programs in other states and that Ms. Boyd was here today to share the results of that research.

Federal processes and requirements are described as time consuming and costly for local agencies. To address these concerns, fifteen state Departments of Transportation (DOTs) have developed federal fund exchange (or swap) programs. Exchange programs offer a practical solution for both DOTs and local agencies by de-federalizing locally administered Federal-aid projects, allowing local agencies to exchange federal dollars for state dollars. Smaller projects and smaller communities who do not have the staff resources to maintain the appropriate certification to administer federal funds realize the greatest benefit from federal fund exchange programs.

Ms. Boyd described the differences and similarities of the exchange programs reviewed in the research. She noted that each of the programs were unique, with differences being driven by individual state laws/regulations, state funding programs and purposes, and the overall objectives of the program itself. She described the wide range of federal fund types, project types, funding programs, and local agencies that were included in federal exchange programs across the country. She also outlined the roles states, MPOs and local agencies played in the context of the exchange programs, noting that this was different from state to state. She concluded by in all cases, the federal fund exchange programs had been well received where implemented.

Peter Buchwald, St. Lucie TPO, asked if any states allowed the state funds used in their exchange program to be used to make improvements off the state highway system. Ms. Boyd responded that it would depend on state law in each state and was not an issue addressed specifically in the fund exchange programs.

Dave Hutchinson, Sarasota/Manatee MPO, asked about the overall objectives of the federal fund exchange programs. Ms. Boyd responded by saying that overall objectives for most of the programs was to streamline the project implementation process by removing federal requirements, reducing administrative responsibilities for the state, and empowering more local agencies to oversee more local projects.

Ms. Boyd was thanked for her presentation and discussion ensued related to a federal fund exchange program in the Florida context.

C. MOBILITY WEEK PRESENTATION

Mr. Mikyska introduced Ms. Libertad Acosta-Anderson, FDOT District 5, to discuss mobility week in Florida.

The Florida Department of Transportation (FDOT) and partners from across the state are about to kick off the third annual Mobility Week, a statewide celebration of making smart, efficient, and safe transportation choices, from October 30 - November 6, 2020.

For 2020, Mobility Week is going online by embracing technology and making it available to more people throughout the state. Floridians can learn about innovative programs and projects by visiting the Mobility Week Virtual Conference Center, which consists of a series of virtual rooms representing different regions. Virtual visitors will learn about transit agencies, local transportation planning efforts, and learn best practices for remote working, as well as be able to register for live events and workshops. Visit the Mobility Week main hall at <https://vmr.vhb.com/v/OAzAVDaaIQp>.

Mobility Week will feature a fun, free statewide challenge to get more people riding bicycles. Known as the Love to Ride Florida challenge, the competition kicks off on Friday, October 30 and continues to November 30, 2020. Florida is the first state to host a statewide Love to Ride challenge, providing a valuable tool to reach all types of riders. The challenge is open to anyone or any organization within Florida. Participants can register as workplace teams, social groups or as individuals. Registration for the challenge is now open at www.lovetoride.net/florida.

Additional resources are available for local partners interested in participating in this year's Mobility Week, including guidance on hosting virtual events. These resources, a schedule of events, and more information are available at www.MobilityWeekFL.com.

• MEMBER COMMENTS

- Peter Buchwald, St. Lucie TPO, asked if other MPOs had been tracking transit agency funding use under the CARES Act. A few MPOs in the room indicated that they had.
- Mary Beth Washnock, Bay County TPO, announced that the Emerald Coast Transportation Symposium had been cancelled this year, but to expect it to be held in November 2021.
- Karen Brunelle, FHWA, provided additional detail on the definition of repair/reconstruction as it relates to the 23 CFR 667.3: "Work on a road, highway, or bridge that has one or more reconstruction elements. The Term includes Permanent repairs, such as restoring pavement, reconstructing damages bridges and culverts, and replacing highway appurtenances, but excludes emergency repairs as defined in 23 CFR 668.103."
- Lois Bollenback, Chair, River to Sea TPO, mentioned that Governor DeSantis issued Executive Order 20-275 on October 23, 2020 suspending statutory requirements to allocate a certain amount of funds from the State Transportation Trust Fund (STTF) to

various programs around the state regardless of available revenues. The Executive Order was issued to facilitate the ability of the FDOT to rebalance the 5-Year Work Program given the revenue shortfalls experienced because of the COVID-19 pandemic. The Executive Order expires December 31, 2020.

- **ADJOURNMENT**

The next meeting of the MPOAC Staff Directors will be held at 3:00PM on January 28, 2021 at the Orlando Airport Marriott Lakeside Hotel, 7499 Augusta National Drive, Orlando, FL 32822. A meeting notice will be sent out at least one month prior to the meeting date.

The meeting was adjourned at 2:50 pm.

Item Number 3

Public Comments (non-agenda items)

DISCUSSION:

Recommendations or comments by the public.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None.

Item Number 4

Executive Director's Report

DISCUSSION:

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting the UPWP Report showing expenditures and budget for the first and second quarter of state fiscal year 2021. Also presented in this section is a legislative update of bills that MPOAC and the transportation community are tracking through the 2021 Florida Legislative Session.

REQUESTED ACTION:

As may be desired.

ATTACHMENTS:

Budget Table for State Fiscal Year 2021 to date.
MPOAC Legislative Newsletter from 01-16-2021
MPOAC Legislative Newsletter from 01-09-2021

**Florida Metropolitan Planning Organization Advisory Council
FY 2020/2021 Budget
July 1, 2020 to June 30, 2021**

Category	Annual Allocation	1st Qtr Expenditures 7/1/20-9/30/20	2nd Qtr Expenditures 10/1/20-12/31/20	3rd Qtr Expenditures 1/1/21-3/31/21	4th Quarter Expenditures 4/1/21-6/30/21	Expenditures to Date	Remaining Balance
Salaries/Benefits	\$ 182,310	\$ 39,882	\$ 43,687	\$ -	\$ -	\$ 83,569	\$ 98,741
Expense	\$ 55,661						
Travel	\$ 25,000	\$ 242	\$ 1,850	\$ -	\$ -	\$ 2,092	\$ 22,908
Meetings	\$ 23,274	\$ -	\$ 6,582	\$ -	\$ -	\$ 6,582	\$ 16,692
Administrative	\$ 5,887	\$ 506	\$ 399	\$ -	\$ -	\$ 905	\$ 4,982
Membership Dues *	\$ 171,826	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 171,826
							\$ -
Contracted Services							\$ -
General Counsel	\$ 22,000	\$ 1,914	\$ 4,422	\$ -	\$ -	\$ 6,336	\$ 15,664
							\$ -
Transportation Planning							\$ -
Univ. South FL (CUTR)	\$ 92,500	\$ -	\$ 31,938	\$ -	\$ -	\$ 31,938	\$ 60,562
MPOAC Institute	\$ 85,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 85,000
							\$ -
Strategic Plan							\$ -
Florida State University	\$ 5,000	\$ -	\$ -	\$ -	\$ -	0	\$ 5,000
							\$ -
Total Federal Funds	\$ 612,797	\$ 42,544	\$ 88,878			\$ 131,422	\$ 481,375
							\$ -
Advocacy Activities							
Local Funds	\$ 10,500	0	\$ -			0	\$ 10,500
							\$ -
Total Budget	\$ 623,297	\$ 42,544	\$ 88,878			\$ 131,422	\$ 491,875

* FBT, FPTA, NARC & AMPO



*Commissioner Nick Maddox
Chair*

MPOAC Legislative Newsletter

01/09/2021

Overview

Greetings, good morning and happy new year readers! Welcome to the first MPOAC Legislative Newsletter of the 2021 Florida Legislative Session. To kick off your weekend we have a status of where we are legislatively speaking and for the rest of your weekend there are many spectator sports coming up, NFL Wildcard Playoffs begin today, Monday evening is the college football championship and Monday is also the first of the Legislative Committee Meetings for the 2021 Legislative Session. While Legislative meetings may be a spectator sport for some, we know that being engaged and participating is important to our well-being. We are breaking with tradition and sending out the first legislative newsletter before the committees have met. This will allow you to know which committees are meeting and who is on each of the legislative committees that are important to us. Going forward, expect a Legislative Newsletter on Saturday mornings of weeks that the Legislature meets.

The first week of Legislative Committee meetings is usually fairly perfunctory, the Chair or Staff Director will explain the role and purview of the committee and you may hear a presentation by an agency that has their budget or bills run through a particular committee or appropriations subcommittee. Heads up, the Florida Department of Transportation is presenting on Tuesday at 3:30 in the Senate Transportation Committee. Overall, expect this coming week to be fairly light and relaxed. There are a number of bills that have been filed already and ones concerning transportation and/or local government (You!) are covered each week in your newsletter. We will take time and space in the front of the newsletter to tell you about significant events happening at the Capitol and maybe go into detail on a bill we are tracking.

What can you expect from this session? The issue that will overshadow this session has to do with the reduced state revenues and the reduced budget. COVID 19 has greatly reduced state income (revenues) and we could see a budget that is as much as \$4 to \$5 Billion smaller than last year. The Governor is required to submit a proposed budget in February to the Legislature and what is, or perhaps more importantly what is not, in his budget will be of great interest to all of us. COVID 19 is creating legislative anxiety over what stays and what gets cut! Don't expect member initiatives (earmarks) to do well and don't expect legislation that costs additional dollars to be popular. Sure, some bills of this nature will pass but bills that save money or are policy related without a budgetary impact are probably better bets.

One very significant change to the operations of the Legislature this year is how we will interact with members. COVID 19 has brought us this change and hopefully it will only last for one session. The days of walking through the Capitol and waiting outside a member's office hoping for a chance to drop in and quickly visit are no more. Only members, their staff and invited guests are allowed in the building. Meetings with Legislators are limited to 2 guests at a time. The busloads of citizens going to the Capitol to meet with numerous Legislators is gone for this year. If you wish to testify in committee, it will be done by arriving at the Tucker

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Center (the venue in Tallahassee for concerts, trade shows, etc.) and talking into a camera. The Tucker Center is about a ½ mile away from the Capitol. Only persons with material comments and a reservation or a specific committee invitation will be in the committee room. I personally will miss seeing and reading the side activities in the committee rooms. The interactions and physical reactions of members and their staff (as well as the attendees) is helpful in putting things into context. Watching the interactions among members is interesting to watch as well and can very telling. The committees will be live on The Florida Channel and each committee meeting video link can be accessed through that committee's webpage.

There is one very important thing for you to consider as you contemplate these changes to the business of the legislature and operations at the Capitol. Full-time lobbyists do not have the same level of access to legislators as they had in past sessions. Yes, there are still going to be meetings and discussions at social events will still take place. The social interactions after hours is probably not going to change unless there is a serious outbreak of COVID among the members. But you, and your phone call, have more weight this year because you are on a more equal footing with the professional that spends their entire day at the Capitol. Or at least the professional who **used** to spend their entire day at the Capitol. You both are much more similar in your method of access this year. You must also keep in mind that a locally elected official is very important to a legislator. Sure, there are exceptions and we don't need to go into those. I will always remember in my first year of covering the legislature when I met with a member. For this meeting I took a mayor from the member's district with me. The mayor made the case against the bill and at the end the discussion (OK, polite request to kill the bill), the member looked at the mayor and said "Well, I work for you and so I won't let the bill be heard in my committee." I learned two great lessons that day. One, my voice is not nearly as important as a mayor, commissioner or county official which is fine by me and secondly, your voice as an elected official is what needs to be heard by the members. If I call you seeking your assistance on a bill, you now know why I need your voice to be heard.

There are a couple of bills that have come up in previous years and we are watching to see if they reappear in this session. Two that we were expecting have been filed. The red-light cameras bill which blooms each spring just like the flowers on my tea olive trees do each year, is back. Also, a bill prohibiting the use of handheld electronic devices while driving has been filed. This second bill is one that is a legislative priority for MPOAC and we are cautiously optimistic that this may be our year. Why you ask? It starts with the fact that Senator Wilton Simpson is the new Senate President. I will remind you that it was Senator Simpson who sponsored the texting while driving bill in the Senate two years ago and during one of the bill's committee stops he stated that really wanted a hands-free bill. He just didn't think it would pass at that time. Now he is Senate President and that position holds a lot of power to shape, influence and move legislation. Let's watch for a Senate companion bill to HB 91 which was filed by Representative Emily Slosberg. Hopefully this is our year.

The schedule of pre-session committee weeks is shown below along with key dates for the 2020 Florida Legislative Session. Typically, all new bills and any updates to bills shown below will be shown in **RED** so you can quickly distinguish between updates and old news. For our first newsletter of the session all bills are new and using red is not necessary for this first newsletter. The bills are all shown in black ink for your ease of reading. A few bills have been filed, many more will be filed over the coming months. Your MPOAC Legislative Update will keep you apprised of newly filed bills and changes to existing bills.

Grab a cup of coffee and enjoy this edition of the MPOAC Legislative Update. It's good to be back with you!

Important Dates for the 2021 Legislative Session

- August 1, 2020 - Deadline for filing claim bills (Rule 4.81(2))
- January 29, 2021 5:00 p.m. - Deadline for submitting requests for drafts of general bills and joint resolutions, including requests for companion bills
- February 26, 2021 5:00 p.m. - Deadline for approving final drafts of general bills and joint resolutions, including companion bills
- 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 50th day – last day for regularly scheduled committee meetings (Rule 2.9(2))
- April 30, 2021 60th day – last day of Regular Session (Article III, section 3(d), State Constitution)

Committee Meeting schedule prior to the official Legislative Session beginning on March 2nd

January 2021 — Week of the 11th
January 2021 — Week of the 25th
February 2021 — Week of the 1st
February 2021 — Week of the 8th
February 2021 — Week of the 15th

Committee Meetings Next Week

Monday - January 11, 2021

1:00 – 1:30 – Procedural Briefing for Senate Committee Chairs and Vice Chairs
2:30 – 5:00 - Senate Commerce and Tourism
No House Committees

Tuesday - January 12, 2021

3:30 – 6:00 – Senate Community Affairs
3:30 – 6:00 – Senate Transportation
No House Committees

Wednesday - January 13, 2021

12:30 – 3:00 – Senate Appropriations Subcommittee for Transportation, Tourism and Econ Dev
12:00 – 1:00 – House Appropriations Committee
4:00 – 5:00 – House Infrastructure & Tourism Appropriations Subcommittee

Thursday - January 14, 2021

9:00 – 11:00 – Senate Appropriations
9:00 – 10:00 – House Commerce Committee
11:00 – 12:00 – House Local Administration & Veteran Affairs Subcommittee

Friday - January 15, 2021 — No Meetings of the House or Senate

Senate Transportation Committee

Members:

Chair: Senator Gayle Harrell (R)

Vice Chair: Senator Keith Perry (R)

- Senator Lori Berman (D)
- Senator Randolph Bracy (D)
- Senator George B. Gainer (R)
- Senator Shevrin D. "Shev" Jones (D)
- Senator Ana Maria Rodriguez (R)
- Senator Tom A. Wright (R)

Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development

Members:

Chair: Senator George B. Gainer (R)

Vice Chair: Senator Ed Hooper (R)

- Senator Lorraine Ausley (D)
- Senator Jim Boyd (R)
- Senator Janet Cruz (D)
- Senator Ileana Garcia (R)
- Senator Audrey Gibson (D)
- Senator Debbie Mayfield (R)
- Senator Keith Perry (R)
- Senator Annette Taddeo (D)
- Senator Tom A. Wright (R)

Senate Appropriations Committee

Members:

Chair: Senator Kelli Stargel (R)

Vice Chair: Senator Aaron Bean (R)

- Senator Ben Albritton (R)
- Senator Lauren Book (D)
- Senator Randolph Bracy (D)
- Senator Jeff Brandes (R)
- Senator Doug Broxson (R)
- Senator Manny Diaz, Jr. (R)
- Senator Gary M. Farmer, Jr. (D)
- Senator George B. Gainer (R)
- Senator Audrey Gibson (D)
- Senator Ed Hooper (R)
- Senator Travis Hutson (R)
- Senator Debbie Mayfield (R)
- Senator Kathleen Passidomo (R)
- Senator Keith Perry (R)
- Senator Jason W. B. Pizzo (D)

- Senator Bobby Powell (D)
- Senator Darryl Ervin Rouson (D)
- Senator Linda Stewart (D)

Senate Commerce and Tourism Committee

Members:

Chair: Senator Ed Hooper (R)

Vice Chair: Senator Tom A. Wright (R)

- Senator Danny Burgess (R)
- Senator Manny Diaz, Jr. (R)
- Senator Ileana Garcia (R)
- Senator Joe Gruters (R)
- Senator Travis Hutson (R)
- Senator Jason W. B. Pizzo (D)
- Senator Bobby Powell (D)
- Senator Annette Taddeo (D)
- Senator Victor M. Torres, Jr. (D)

Senate Community Affairs Committee

Members:

Chair: Senator Jennifer Bradley (R)

Vice Chair: Senator Ileana Garcia (R)

- Senator Dennis Baxley (R)
- Senator Jason Brodeur (R)
- Senator Janet Cruz (D)
- Senator Ed Hooper (R)
- Senator Travis Hutson (R)
- Senator Tina Scott Polsky (D)
- Senator Bobby Powell (D)

House Tourism, Infrastructure & Energy Subcommittee

Members:

Chair: Representative Brad Drake (R)

Vice Chair: Representative Chip LaMarca (R)

Democrat Ranking Member: Representative Emily Slosberg (D)

- Representative Mike Beltran (R)
- Representative Kamia L. Brown (D)
- Representative James Buchanan (R)
- Representative Linda Chaney (R)
- Representative Tracie Davis (D)
- Representative Randy Fine (R)
- Representative Dotie Joseph (D)
- Representative Fiona McFarland (R)

- Representative Rick Roth (R)
- Representative Jason Shoaf (R)
- Representative David Silvers (D)
- Representative Kelly Skidmore (D)
- Representative Dana Lee Trabulsy (R)
- Representative Jayer Williamson (R)
- Representative Clay Yarborough (R)

House Infrastructure & Tourism Appropriations Subcommittee

Members:

Chair: Representative Jayer Williamson (R)

Vice Chair: Representative Bob Rommel (R)

Democrat Ranking Member: Representative Dianne Hart (D)

- Representative Kristen Aston (D)
- Representative Melony Bell (R)
- Representative Joseph Casello (D)
- Representative Linda Chaney (R)
- Representative Dan Daley (D)
- Representative Brad Drake (R)
- Representative Chip LaMarca (R)
- Representative Fiona McFarland (R)
- Representative James Mooney Jr. (R)
- Representative Jenna Persons-Mulicka (R)
- Representative David Silvers (D)
- Representative Rene Plasencia (R)

House Appropriations Committee

Members:

Chair: Representative Jay Trumbull (R)

Vice Chair: Representative Lawrence McClure (R)

Democrat Ranking Member: Representative Bobby B. DuBose (D)

- Representative Ramon Alexander (D)
- Representative Bryan Avila (R)
- Representative Colleen Burton (R)
- Representative Dr. James Bush III (D)
- Representative Ben Diamond (D)
- Representative Brad Drake (R)
- Representative Nicholas X. Duran (D)
- Representative Randy Fine (R)
- Representative Joseph Geller (D)
- Representative Erin Grall (R)
- Representative Michael Grant (R)
- Representative Blaise Ingoglia (R)
- Representative Evan Jenne (D)
- Representative Chris Latvala (R)
- Representative Thomas J. Leek (R)
- Representative Ralph E. Massullo MD. (R)
- Representative Anika Tene Omphroy (D)

- Representative Daniel Perez (R)
- Representative Scott Plakon (R)
- Representative Rene Plasencia (R)
- Representative Paul Renner (R)
- Representative Rick Roth (R)
- Representative Cyndi Stevenson (R)
- Representative Josie Tomkow (R)
- Representative Matt Willhite (D)
- Representative Patricia H. Williams (D)
- Representative Jayer Williamson (R)

House Local Administration & Veterans Affairs Subcommittee

Members:

Chair: Representative Jackie Toledo (R)

Vice Chair: Representative David Smith (R)

Democrat Ranking Member: Representative Joy Goff-Marcil (D)

- Representative Webster Barnaby (R)
- Representative Robin Bartleman (D)
- Representative Christopher Benjamin (D)
- Representative Dan Daley (D)
- Representative Nick DiCeglie (R)
- Representative Mike Giallombardo (R)
- Representative Joe Harding (R)
- Representative Dotie Joseph (D)
- Representative Lauren Melo (R)
- Representative Tobin Rogers Overdorf (R)
- Representative Jenna Persons-Mulicka (R)
- Representative Anthony Sabatini (R)
- Representative Michelle Salzman (R)
- Representative John Snyder (R)
- Representative Marie Paule Woodson (D)

Legislation of interest to the membership

This is a summary of transportation related bills filed and published on the legislature’s website as of January 09, 2021. More bills will be filed during the 2021 session and as they are made available the newly filed transportation bills will be added to this list. The bills are listed in numerical order for your convenience. As the session progresses and the number of bills tracked in this newsletter grows, this ordering of bills will make it easier to follow the status of any particular bill you are tracking. All new bills and any updates to bills shown below are typically shown in **RED** so you can quickly distinguish between updates and old news. For the first newsletter of the 2021 session all bills are new to the newsletter and all are shown in black for ease of reading.

HB 35: Legal Notices – (Fine; Co-Introducer: Grieco) – Provides for website publication of legal notices; provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires government agency to provide specified notice to residents concerning alternative methods of receiving legal notices. Filed in the House.

HB 57: Transportation – (Andrade) – Revises provisions relating to motor vehicle sales tax, competitive solicitations, vehicles displaying flashing lights, annual cap on project contracts, airport restrictions, arbitration of contracts by & membership of State Arbitration Board, borrow pit operation, & performance standards for certain extraction locations. Filed in the House.

HB 59: Growth Management – (McClain; Co-Introducer Sabatini) – Similar Bill SB 496 by Perry. Requires local governments to include property rights element in their comprehensive plans; provides statement of rights that local government may use; requires local government to adopt property rights element by specified date; prohibits local government's property rights element from conflicting with statutorily provided statement of rights; provides that certain property owners are not required to consent to development agreement changes; prohibits municipality from annexing specified areas; requires DOT to afford right of first refusal to certain individuals; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended. Filed in the House.

SB 62: Regional Planning Councils – (Bradley) – Revising a requirement for the Executive Office of the Governor to review and consider certain reports, data, and analyses relating to the revision of the state comprehensive plan; eliminating the advisory role of regional planning councils in state comprehensive plan preparation and revision; repealing provisions relating to the Florida Regional Planning Council Act; authorizing local governments to recommend areas of critical state concern to the state land planning agency, etc. This bill would prohibit RPCs from staffing MPOs. Not yet referred to Committees.

SB 138: Electric Vehicles – (Brandes) – Related Bill SB 140 by Brandes. Revising the Department of Transportation's goals relating to mobility; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in, and services provided in, this state, etc. APPROPRIATION: \$5,000,000. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

SB 140: Fees/Electric Vehicles – (Brandes) – Related Bill SB 138 by Brandes. Creating additional fees for electric vehicles; creating a license tax and an additional fee for plug-in hybrid electric vehicles; requiring, on specified dates, the Department of Highway Safety and Motor Vehicles to increase the additional fees, subject to certain requirements; providing that certain vehicles are exempt from specified fees, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

HB 91: Use of Wireless Communications Devices While Driving – (Slosberg; Co-Introducer: Grieco) – Revises short title & legislative intent; prohibits operation of motor vehicle while holding or touching wireless communications device; provides exceptions; revises information that may be admissible as evidence in proceeding to determine whether violation has been committed; revises procedures for collection & reporting by DHSMV of information recorded on citation; conforms provisions relating to use of wireless communications devices in school & work zones. Filed in the House.

HB 139: Electronic Transactions for Title Certificates and Registrations – (Fernandez-Barquin) – Authorizes tax collectors to accept applications for motor vehicle & vessel certificates of title by electronic or telephonic means, to collect electronic mail addresses for use as method of notification, & to contract with vendors to provide electronic & telephonic

transactions; provides that electronic signature that meets certain requirements satisfies signature required for application for certificate of title; specifies tax collection systems for which certain fees may be used for integration with Florida Real Time Vehicle Information System; requires DHSMV to provide tax collectors & approved vendors with certain data access & interface functionality; specifies authorized uses; requires DHSMV to ensure approved vendors protect customer privacy & data collection. Filed in the House.

SB 278: Traffic Offenses – (Baxley) - Creating the “Vulnerable Road User Act”; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring that the person who commits the moving violation pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring that the court revoke the person’s driver license for a minimum specified period, etc. Filed in the Senate.

SB 342: Vehicle and Vessel Registration – (Diaz) – Requiring tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose, etc. Filed in the Senate.

SB 376: Jacksonville Transportation Authority Leases – (Gibson) – Related Bill HB 6015 by Duggan. Removing a limitation on the term of a lease into which the authority may enter, etc. Filed in the Senate.

SB 422: Tampa Bay Area Regional Transit Authority – (Rouson) – Renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; providing that a mayor’s designated alternate may be a member of the governing board of the authority; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities, etc. Filed in the Senate.

SB 496: Growth Management – (Perry) - Similar to HB 59 by McClain. Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government’s property rights element from conflicting with the statement of rights contained in the act; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances, etc. Filed in the Senate.

HB 6009: Traffic Infraction Detectors – (Sabatini; Co-Introducers: Borrero; D. Smith) - Repeals provisions relating to Mark Wandall Traffic Safety Program & authorization to use traffic infraction detectors; repeals provisions relating to distribution of penalties, transitional implementation, & placement & installation; conforms cross-references & provisions to changes made by act. Filed in the House.

HB 6015: Jacksonville Transportation Authority Leases – (Duggan) – Related Bill SB 376 by Gibson. Removes limitation on term of lease into which authority may enter. Filed in the House.

*Commissioner Nick Maddox
Chair*

MPOAC Legislative Newsletter

01/16/2021

Overview

Greetings, and good evening readers! Your newsletter is arriving about 12 hours early because your writer has a number of things to accomplish tomorrow morning. It is your same newsletter and as always, it goes great with a cup of coffee. We have completed the first week of pre-session committees and it was not a particularly eventful week in the Florida capitol. Perhaps this is because in contrast to national events virtually nothing in Tallahassee this week could capture the attention of the nation or Floridians. If there is anything that stands out from this pre-session week, it is that the budget for the coming year is not going to be fun to build due to the expected reduction in state funds. Hard reductions will have to be made.

We are a transportation newsletter so let's look at all things transportation. Leading off, the Florida Department of Transportation (FDOT) presented to the Senate Transportation Committee. The presentation went well and the Senators asked questions which demonstrated that they understand the issues facing the department and our transportation system. One of the more interesting moments for me was when Senator Perry began asking about the impacts of electric vehicles on the revenues used to pay for our transportation system. In case you have not had your cup of coffee yet, every gallon of gas purchased has a fee on it that goes to the transportation trust fund. That money pays for our transportation system. Since electric vehicles don't use gasoline, they don't pay this fee. Effectively, electric vehicles are using our transportation for free while other drivers pay for the system. The big moment came when the Chair, Senator Harrell announced that a presentation on this topic would be held at a future committee meeting. This is good news and hopefully will produce legislation that balances how we pay for our transportation system. For those of you who attended the January 2020 MPOAC meetings, you may recall we had a presentation on the adoption of electric, automated and alternatively fueled vehicles. The presentation addressed the financial impacts expected. Here is a link to the presentation power points if you are interested:

https://www.mpoac.org/download/2020_meetings/january_30_2020_meeting_documents/AV-AFV-Analysis.pdf

Also in this presentation was a status update on M-CORES. If you wish to watch the discussion please visit this video link: https://flsenate.gov/media/videoplayer?EventID=1_3wpkrnbb-202101121530&Redirect=true

The rest of the presentation addressed the current FDOT budget and here is a quick summary:

- Total transportation budget - \$10.3B
- Of that - \$2.2B for highway construction, 832.5M for resurfacing, \$126M for seaports, \$436 for bridge construction and \$401M for aviation.
- Federal funds account for 25% of the budget, tolls are 18% and state funds are 51%, the rest is spread out in various revenues.

- The recently passed federal relief funds are expected to bring an additional \$473M to Florida. \$66M is required to be used in Florida's urban areas with populations over 200K.

As you read the last section of the newsletter you will see some new bills. There is one bill that appeared in last Saturday's newsletter and it should be mentioned to you. SB 62 – Regional Planning Commissions is of importance to the MPO community. There is a small provision in an otherwise long bill that prohibits a Regional Planning Council (RPC) from staffing or hosting an MPO. This proviso can be found in the bill starting on line 1312. This section is a problem for five (5) of our Florida MPOs who are staffed and hosted by RPCs. I ask that you encourage your members to oppose either this bill or at the very least this provision. We may be able to have the bill re-worded and create a piece of legislation that does some very good things. The existing statutes for RPCs require the RPCs to undertake certain activities. Some of these planning activities are no longer required by statute and when those changes were made to the overall statutes, the RPC portion of Florida statutes was not cleaned up. The bill goes much further and seems to effectively end RPCs. Even though RPCs may still exist the bill would strip away the planning work and reasons for RPCs to exist. The bill is being heard in its first committee stop on the 26th at 3:30PM in Community Affairs.

The schedule of pre-session committee weeks is shown below along with key dates for the 2020 Florida Legislative Session. All new bills and any updates to bills shown below are in **RED** so you can quickly distinguish between updates and old news. A few bills have been filed; many more will be filed over the coming months. Your MPOAC Legislative Update will keep you apprised of newly filed bills and changes to existing bills.

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 January 2021 — Week of the 25th
 February 2021 — Week of the 1st
 February 2021 — Week of the 8th
 February 2021 — Week of the 15th

Committee Meetings Next Pre-Session Week

Monday - January 25, 2021

Not Yet Scheduled

Tuesday - January 26, 2021

Not Yet Scheduled

Senate Community Affairs – 3:30 PM

Wednesday - January 27, 2021

Not Yet Scheduled

Thursday - January 28, 2021

Not Yet Scheduled

Friday - January 29, 2021

Not Yet Scheduled

Legislation of interest to the membership

This is a summary of transportation related bills filed and published on the legislature's website as of January 15, 2021. More bills will be filed during the 2021 session and as they are made available the newly filed transportation bills will be added to this list. The bills are listed in numerical order for your convenience. As the session progresses and the number of bills tracked in this newsletter grows, this ordering of bills will make it easier to follow the status of any particular bill you are tracking. All new bills and any updates to bills shown below are in **RED** so you can quickly distinguish between updates and old news.

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certain individuals; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended. Filed in the House. Referred to Local Administration and Veterans Affairs Subcommittee; Civil Justice and Property Rights Subcommittee; State Affairs Committee.

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HB 91: Use of Wireless Communications Devices While Driving – (Slosberg; Co-Introducer: Grieco) – Revises short title & legislative intent; prohibits operation of motor vehicle while holding or touching wireless communications device; provides exceptions; revises information that may be admissible as evidence in proceeding to determine whether violation has been committed; revises procedures for collection & reporting by DHSMV of information recorded on citation; conforms provisions relating to use of wireless communications devices in school & work zones. Filed in the House. Referred to Criminal Justice and Public Safety Subcommittee; Tourism, Infrastructure and Energy Subcommittee; Infrastructure and Tourism Appropriations Subcommittee; Judiciary Committee.

SB 138: Electric Vehicles – (Brandes) – Related Bill SB 140 by Brandes. Revising the Department of Transportation's goals relating to mobility; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in, and services provided in, this state, etc. APPROPRIATION: \$5,000,000. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

SB 140: Fees/Electric Vehicles – (Brandes) – Related Bill SB 138 by Brandes. Creating additional fees for electric vehicles; creating a license tax and an additional fee for plug-in hybrid electric vehicles; requiring, on specified dates, the Department of Highway Safety and Motor Vehicles to increase the additional fees, subject to certain requirements; providing that certain vehicles are exempt from specified fees, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

HB 139: Electronic Transactions for Title Certificates and Registrations – (Fernandez-Barquin) – Authorizes tax collectors to accept applications for motor vehicle & vessel certificates of title by electronic or telephonic means, to collect electronic mail addresses for use as method of notification, & to contract with vendors to provide electronic & telephonic transactions; provides that electronic signature that meets certain requirements satisfies signature required for application for certificate of title; specifies tax collection systems for which certain fees may be used for integration with Florida Real Time Vehicle Information System; requires DHSMV to provide tax collectors & approved vendors with certain data access & interface functionality; specifies authorized uses; requires DHSMV to ensure approved vendors protect customer privacy & data collection. Filed in the House.

HB 205: Requirements for Establishing or Increasing Tolls – (Borrero) – Requires increase of current toll or development of new toll collection facility in county with certain population to be approved by board of county commissioners. After July 01, 2022 a toll increase or new toll in a county of over 1 million population will require a two-thirds vote of board of county commissioners at a regularly scheduled meeting. Filed in the House.

HB 229: Hazardous Walking Conditions for K-12 Students – (Salzman) – Requires DOT to develop & adopt standards & criteria to identify hazardous walking conditions; Revises provisions relating to the transportation of students subjected to hazardous walking conditions & funding for such students. Filed in the House.

SB 278: Traffic Offenses – (Baxley) - Creating the “Vulnerable Road User Act”; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring that the person who commits the moving violation pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring that the court revoke the person’s driver license for a minimum specified period, etc. Filed in the Senate. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. Now in Transportation.

SB 342: Vehicle and Vessel Registration – (Diaz) – Requiring tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose, etc. Filed in the Senate. Referred to Transportation; Finance and Tax; Rules.

SB 376: Jacksonville Transportation Authority Leases – (Gibson) – Related Bill HB 6015 by Duggan. Removing a limitation on the term of a lease into which the authority may enter, etc. Filed in the Senate. Referred to Transportation; Community Affairs; Rules.

SB 422: Tampa Bay Area Regional Transit Authority – (Rouson) – Renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; providing that a mayor’s designated alternate may be a member of the governing board of the authority; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities, etc. Filed in the Senate.

SB 496: Growth Management – (Perry) - Similar to HB 59 by McClain. Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government’s property rights element from conflicting with the statement of rights contained in the act; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances, etc. Filed in the Senate.

SB 514: Resiliency – (Rodrigues) - Establishing the Statewide Office of Resiliency within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force adjunct to the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc. APPROPRIATION: \$500,000. Filed in the Senate.

SB 566: Motor Vehicle Rentals – (Perry) - Specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying the applicable rental car surcharge on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying insurance requirements for shared vehicle owners and shared vehicle drivers under peer-to-peer car-sharing programs; providing an exemption from vicarious liability for peer-to-peer car-sharing programs and shared vehicle owners, etc. Filed in the Senate.

HB 6009: Traffic Infraction Detectors – (Sabatini; Co-Introducers: Borrero; D. Smith) - Repeals provisions relating to Mark Wandall Traffic Safety Program & authorization to use traffic infraction detectors; repeals provisions relating to distribution of penalties, transitional implementation, & placement & installation; conforms cross-references & provisions to changes made by act. Filed in the House. Referred to Tourism, Infrastructure and Energy Subcommittee; Appropriations Committee; Commerce Committee.

HB 6015: Jacksonville Transportation Authority Leases – (Duggan) – Related Bill SB 376 by Gibson. Removes limitation on term of lease into which authority may enter. Filed in the House.

Item Number 5A

Agency Reports – Florida Department of Transportation

DISCUSSION:

Ms. Alison Stettner, Director of the Office of Policy Planning and Mark Reichert, Administrator for Metropolitan Planning, will update the members on the activities of Florida DOT and bring forward information of importance to the membership about Florida DOT efforts. Topics include:

- Macroeconomic Analysis Report
- Florida Metropolitan Planning Partnership
- Consolidated Planning Grant Update
- Revenue Estimates (latest Revenue Estimating Conference and COVID Stimulus)
- Transportation Improvement Program Download files
- TPM Safety and PTASP Deadlines
- FDOT Legislative priorities
- Comments from Transportation Research Board Meeting

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENT:

None. Speaking notes will be distributed separately a few days before the meeting.

Item Number 5B

Agency Reports – Florida Division of Federal Highway Administration

DISCUSSION:

Ms. Cathy Kendall, Team Leader of the Planning Team and Ms. Karen Brunelle, Director of Program Development will update the members on the activities of the Florida Division Office of FHWA and bring forward information of importance to the membership including:

- General Announcements
- Transportation Performance Measures Updates

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENTS:

Transportation Performance Measures Updates presentation

FHWA Announcement Web Links

- Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) Awards

<https://highways.dot.gov/research/technology-innovation-deployment/grant-programs>

<https://highways.dot.gov/newsroom/us-department-transportation-awards-46-million-pinellas-county-pinellas-connected>

- Notice of Proposed Amendments: Manual on Uniform Traffic Control Devices

<https://www.federalregister.gov/documents/2020/12/14/2020-26789/national-standards-for-traffic-control-devices-the-manual-on-uniform-traffic-control-devices-for>

- 2020 Alternative Fuel Corridor Nominations

https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/resources/rfn5.cfm



FHWA Planning Contacts

- Cathy Kendall – Team Leader - cathy.kendall@dot.gov
- Carlos Gonzalez – Districts 1, 3 - carlos.a.gonzalez@dot.gov
- Teresa Parker – Districts 2, 7 - teresa.parker@dot.gov
- Stacie Blizzard – Districts 4, 6 - stacie.blizzard@dot.gov
- Jim Martin – District 5 - jim.martin@dot.gov

FHWA FL Division Website: www.fhwa.dot.gov/fldiv/



Transportation Performance Management (TPM)

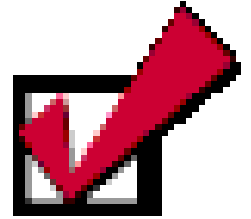
Recent Updates

January 2021



U.S. Department of Transportation
Federal Highway Administration

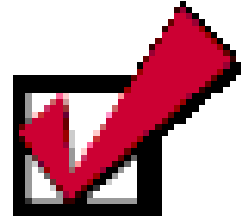
Recent TPM Activities



- Oct: FHWA Determined FL Interstate Pavement Condition in Compliance
- Oct: FHWA Accepted PM1 HSIP Implementation Plan
- Nov 16: FHWA Accepted (as complete) FDOT Submitted Mid Performance Period Progress Report (MPPR)
- Nov 23: 23 CFR 667 Evaluation of Facilities Required for STIP Amendments
- Jan 12: FHWA Determined FDOT Submitted PM2/PM3 Mid Performance Period Progress Report (MPPR) made significant progress.



Recent TPM Activities



- 23 CFR 667 Evaluation of Facilities
 - FDOT including statement in STIP Amendment Request for Approval email
 - Working on adding a radio button in the Online STIP Amendment Tool
- FHWA FL Updated PM3 Performance Measures Tracking for Each MPO Based on FDOT Mid-Performance Report – Contact your Planner for additional information



Upcoming TPM Activities



- Feb 27: MPOs set 2020 Safety Targets
- When Updating TIPs, remember to address the HSIP Safety Target Implementation Plan



***Whether you are a driver, passenger, or
pedestrian...***

highway safety depends on YOU.

Be observant and be adaptable to be safe.



Item Number 6A

Business Items & Presentations

Approval of MPOAC Legal Services Contract for Fiscal Year 2022

DISCUSSION:

Carl Mikyska will present the proposed Legal Services Agreement to the membership. Paul Gougelman serves as the legal counsel to MPOAC and his one-year contract is renewed annually. The contract, if approved by the MPOAC Governing Board, would be effective July 01, 2021.

Paul has presented a contract which is similar to the current contract.

REQUESTED ACTIONS:

Recommend to the MPOAC Governing Board approval of the contract for legal services provided by Paul Gougelman for the coming state fiscal year.

ATTACHMENT:

Draft Contract for legal services to be provided by Paul Gougelman.

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT FOR LEGAL SERVICES is entered into this ____ day of _____, 2021, in the City of Tallahassee, Leon County, Florida, by an between the State of Florida, Florida Metropolitan Planning Organization Advisory Council, a Council of the State of Florida organized and existing pursuant to Section 339.175(11), Florida Statutes (hereinafter alternatively: the "MPOAC" or "AGENCY"), 605 Suwannee Street - MS-28B, Tallahassee, Florida 32399-0450; and Weiss Serota Helfman Cole & Bierman, P.L., a Florida Professional Limited Liability Company (hereinafter: the "CONTRACTOR"), 200 East Broward Blvd. - Suite 1900, Ft. Lauderdale, Florida 33301. This Agreement shall bind the parties upon its execution by their representatives.

RECITALS:

WHEREAS, this Agreement is brought about, because the MPOAC needs an attorney who understands procedures under the Florida Administrative Procedure, Chapter 120, Florida Statutes; has a working knowledge in local government/municipal law; has knowledge with regard to provisions of Federal transportation-related law under the U.S. Code and Code of Federal Regulations; has a working knowledge in Florida planning, zoning, and

transportation law; and is knowledgeable with regard to Federal-State-Local transportation funding, planning, and general requirements of law; and

WHEREAS, the CONTRACTOR, and CONTRACTOR's lead counsel, has the expertise necessary to perform the duties and responsibilities outlined in this Agreement and the lead counsel under this Agreement will be Paul Gougelman, who has competently represented the MPOAC for over twenty-five (25) years.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

ARTICLE 1. ENGAGEMENT OF THE CONTRACTOR. The MPOAC hereby agrees to engage the CONTRACTOR, and the CONTRACTOR agrees to perform the services set forth below. The CONTRACTOR understands and agrees that all services contracted for are to be performed solely by the CONTRACTOR and may not be subcontracted for or assigned without the prior written consent of the MPOAC Governing Board, the MPOAC's Governing Board Executive Committee, or the MPOAC Executive Director.

ARTICLE 2. SCOPE OF SERVICES.

A. The CONTRACTOR agrees under the direction of the MPOAC Chairman or MPOAC Executive Director to perform certain professional legal services as follows:

1. Draft proposed rules and rule amendments, resolutions, contracts, and correspondence;
2. Review and analyze AGENCY legal files, data, documents and other materials concerning the above matter and advise on a recommended legal course of action;
3. Prepare and file pleadings, motions, or briefs which may be required and represent the AGENCY in any related litigation;
4. Initiate and conduct discovery including depositions on behalf of the AGENCY and represent the AGENCY in discovery initiated by opposing parties;
5. Represent the AGENCY at trial or on appeal;
6. Attend and participate in meetings, conference calls, field trips or the like and report on the status of the legal matters;
7. Perform legal research and render legal advice;
8. Review and analyze MPOAC legal files, data, documents and other materials concerning the matters referenced in this paragraph A. and advise on a recommended legal course of action;
9. Act as an intermediary between the MPOAC and counsel for other agencies or legal entities; and
10. Perform other legal services as directed by the MPOAC Governing Board.

B. As CONTRACTOR deems appropriate and in specialized matters, the CONTRACTOR may recommend to the MPOAC use of special legal counsel for defined purposes. Generally, legal services under this Agreement will be performed by CONTRACTOR's lead counsel, Paul Gougelman.

C. The CONTRACTOR shall be bound by the requirements of Section 287.059, Florida Statutes, and Chapter 2-37, Florida Administrative Code. The CONTRACTOR shall represent no private individual or legal entity before the MPOAC in any proceeding or matter.

ARTICLE 3. TIME OF PERFORMANCE. This Agreement shall begin on July 1, 2021 and shall continue until June 30, 2022.

ARTICLE 4. CONSIDERATION.

A. Compensation - Fees and Expenses. Fees and expenses shall be paid in accordance with the provisions of ATTACHMENT A FOR PRIVATE ATTORNEY SERVICES.

B. Travel. Justified and reasonable travel expenses which are directly and exclusively related to the professional services rendered under this contract will be reimbursed in accordance with Section 112.061, Florida Statutes. For the purpose of computing travel expenses, the CONTRACTOR's place of business shall be that listed in the preamble to this Agreement and all travel expenses shall be computed on that basis.

Pursuant to Section 112.061, Florida Statutes, attorneys of the CONTRACTOR's firm, or as are named in this Agreement are approved counsel, and are designated as authorized travelers during the life of this Agreement.

C. Sales Tax. The MPOAC is exempted from payment of Florida state sales and use taxes and Federal Excise tax. The CONTRACTOR, however, shall not be exempted from paying Florida state sales and use taxes to the appropriate governmental agencies or for payment by the CONTRACTOR to suppliers for taxes on materials used to fulfill its contractual obligations with the MPOAC. The CONTRACTOR shall not use the MPOAC's exemption number in securing such materials or services. The CONTRACTOR shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement.

D. The CONTRACTOR shall not pledge the MPOAC's credit or make the MPOAC a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness.

E. Payment for services shall be issued in accordance with Section 215.422, Florida Statutes. Pursuant to Section 215.422(5), Florida Statutes (2021), the Department of Banking

and Finance has established a Vendor Ombudsman to act as an advocate for vendors. The Vendor Ombudsman may be reached at (850) 410-9724 or by calling the State Comptroller Hotline, 1-800-848-3792. In accordance with the provisions of Section 287.0582, Florida Statutes, the State of Florida, MPOAC's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature, if the terms of this Agreement extend beyond the current fiscal year.

ARTICLE 5. DOCUMENTATION.

A. The CONTRACTOR shall submit monthly written invoices, in accordance with the requirements of Attachment A for Private Attorney Services, paragraph D, Format for Invoices, for all fees or other compensation for services or expenses in detail sufficient for a proper pre-audit and post-audit. All invoices shall be submitted to the Executive Director at the MPOAC office as set forth in the preamble to this Agreement.

B. The CONTRACTOR shall maintain a file(s), available for inspection by the MPOAC, containing documentation of all costs and fees incurred in connection with this Agreement. The file(s) shall be maintained for a period of two years after the cost or fee is incurred by the CONTRACTOR, unless otherwise

notified in writing by the MPOAC specifying the document which may be exempted from being maintained.

ARTICLE 6. PUBLIC RECORDS. All documents prepared pursuant to this Agreement are subject to Florida's Public Record Law. Refusal of the Contractor to allow public access to such records as required by such law shall constitute ground for unilateral cancellation of this Agreement by the MPOAC; provided, however that this Agreement shall not be terminated if the CONTRACTOR, pursuant to direction of the MPOAC governing board or the MPOAC Executive Director, withholds access to said public record, because it is confidential or exempt from disclosure pursuant to Federal or Florida law.

ARTICLE 7. TERMINATION OF AGREEMENT. The MPOAC governing board may terminate this Agreement for its convenience or cause by giving five (5) days written notice by certified mail to the CONTRACTOR, specifying the effective date of termination. If this Agreement is terminated, the CONTRACTOR shall be reimbursed for services satisfactorily performed subject to any damages sustained by the MPOAC. All finished or unfinished documents, data, studies, correspondence, reports and other products prepared by or for the CONTRACTOR under this Agreement shall be made available to and for the exclusive use of the MPOAC. Notwithstanding the above, the CONTRACTOR shall not be relieved

of liability to the MPOAC for damages sustained by the Agency by virtue of any termination or breach of this Agreement by the CONTRACTOR. The CONTRACTOR may terminate this Agreement upon thirty (30) days written notice.

ARTICLE 8. AMENDMENTS. Either party may, from time to time request changes to this Agreement, but this shall not bind the other party to agree to said amendment. Any changes must be mutually agreed upon and shall be incorporated in written amendments to this Agreement.

ARTICLE 9. INDEPENDENT CONTRACTOR. Consistent with the Code of Professional Responsibility, the CONTRACTOR, and any of its employees, agents, or assigns, are independent contractors and not employees or agents of the MPOAC. Nothing in this Agreement shall be interpreted to establish any relationship other than that of an independent contractor, between the MPOAC and the CONTRACTOR, its employees, agents, subcontractors, or assigns, during or after the performance of this Agreement.

ARTICLE 10. LIABILITY. The CONTRACTOR maintains a professional liability insurance policy or policies affording professional liability coverage for the professional services to be rendered under this Agreement.

ARTICLE 11. NONDISCRIMINATION AND COMPLIANCE. The CONTRACTOR shall comply with all Federal, state and local laws

and ordinances applicable to the work and shall not discriminate on the grounds of race, color, religion, sex, or national origin in the performance of work.

ARTICLE 12. ADMINISTRATION OF AGREEMENT.

A. The MPOAC contract administration is the MPOAC Executive Director. The CONTRACTOR contract administrator is Paul R. Gougelman. All written and verbal approvals referenced in this Agreement (unless otherwise specified as being required to be obtained from the MPOAC) must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrator. From time to time either party may notify the other, making a unilateral change in the person named by said party as the contract administrator for said party. This contract shall be governed by and construed under the laws of the State of Florida.

B. Any attorney of the firm with whom the CONTRACTOR is affiliated may provide legal representation under this Agreement to the MPOAC, its officers and employees. The CONTRACTOR may refer work under this contract to attorneys in the CONTRACTOR's law firm.

C. The names of the addresses of the parties or their Contract Administrators may be unilaterally changed from time to time by giving notice to the other party to this Agreement.

ARTICLE 13. AGREEMENT AS INCLUDING ENTIRE AGREEMENT. This instrument, including any attachments, embodies the entire Agreement of the parties. There are no other provisions, terms, conditions, or obligations. This Agreement supersedes all previous oral or written communications, representations, or agreements on this subject.

ARTICLE 14. SPECIAL CONDITIONS. The CONTRACTOR agrees to permanently refrain from using or mentioning its association with the MPOAC in advertisements, letterhead, business cards, etc. The MPOAC's services to the MPOAC may be generally described in the CONTRACTOR's professional resume. The CONTRACTOR may not give the impression in any manner, that the MPOAC recommends or endorses the CONTRACTOR. All contracts with the news media pertaining to the subject of this Agreement shall be referred to the MPOAC contract administrator. Anything, by whatsoever designation it may be known, that is produced by or developed in connection with this Agreement shall remain the exclusive property of the MPOAC and may not be copyrighted, patented, or otherwise restricted as provided by law. Neither the CONTRACTOR nor any other individual employed under this

Agreement shall have any proprietary interest in any product(s) developed or delivered under this Agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date set forth below.

MPOAC:

FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL, a Council of the State of Florida organized and existing pursuant to Section 339.175(10), Florida Statutes

By: _____
Nick Maddox, its
Chair

ATTEST: _____
Carl Mikyska,
Agency Clerk

CONTRACTOR:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L., a
Florida Professional
Limited Liability Company

By: _____
Joseph H. Serota, Member

OFFICE OF THE ATTORNEY GENERAL
ATTACHMENT A FOR
PRIVATE ATTORNEY SERVICES

A. SCOPE OF SERVICES.

The CONTRACTOR shall:

1. Draft proposed rules and rule amendments, resolutions, contracts, and correspondence;
2. Review and analyze AGENCY legal files, data, documents and other materials concerning the above matter and advise on a recommended legal course of action;
3. Prepare and file pleadings, motions, or briefs which may be required and represent the AGENCY in any related litigation;
4. Initiate and conduct discovery including depositions on behalf of the AGENCY and represent the AGENCY in discovery initiated by opposing parties;
5. Represent the AGENCY at trial or on appeal;
6. Attend and participate in meetings, conference calls, field trips or the like and report on the status of the legal matters;
7. Perform legal research and render legal advice;
8. Review and analyze MPOAC legal files, data, documents and other materials concerning the matters referenced in this paragraph A. and advise on a recommended legal course of action;
9. Act as an intermediary between the MPOAC and counsel for other agencies or legal entities; and
10. Perform other legal services as directed by the MPOAC Governing Board.

B. COMPENSATION-FEES.

1. The AGENCY shall be billed in accordance with the rate set forth in Attachment A. Fees shall not exceed \$238.00 per

hour for work by the Contractor or attorneys named in this Agreement, and fees in excess of such amount shall not be compensable. The CONTRACTOR shall notify the AGENCY, in writing, when fees for billable services reach \$22,000.00, including costs. Said notification shall be made as soon as is practical and prior to the next monthly invoice. Failure to comply with these provisions will result in non-payment.

2. Billable hours shall be measured in one-tenth hour increments. For example, a telephone conversation lasting 6 minutes shall be recorded on billings to the AGENCY as .1 hours. All time shall be rounded up to the next highest one-tenth hour increment. For example, a telephone call lasting 8 minutes would be rounded up to .2 hours, and the billings to the AGENCY would depict the telephone call as being billed for .2 hours. Except as provided above, compensation of attorney hours will be for actual time spent providing attorney services to the AGENCY.

3. Premium rates will not be paid for overtime work.

4. Attorney time while traveling will be compensated at 75 percent of the hourly rates reflected in Attachment A. This compensation does not include the compensation for cost of travel.

5. Telephone conversations will be billed as follows. For a telephone call made by the CONTRACTOR but not reaching the person called or leaving a message to call back, no charge shall be made. For a short telephone conversation, a minimum charge of .2 hours or two-tenths of an hour time will be made. For a long telephone conversation, a minimum charge of .3 hours or three-tenths of an hour time will be made. For telephone conversations lasting in excess of .3 hours or 18 minutes, the call will be charged based on the actual time spent on the telephone conversation, expressed in tenths of an hour as provided in paragraph B.2. above.

C. COMPENSATION-COSTS.

1. Reimbursement of costs for such items as exhibits, transcripts and witness fees requires prior oral authorization by the MPOAC and shall be reimbursed based upon documented third party vendor charges. The MPOAC shall not pay for firm surcharges added to third party vendor charges.

2. Routine expenses such as local (Ft. Lauderdale) phone calls, local (Ft. Lauderdale) facsimile transmissions, local (Ft. Lauderdale) travel expenses, and local (Ft. Lauderdale) courier, word processing, and clerical or secretarial services are overhead and will not be separately compensated.

3. Non-routine office overhead expenses such as long distance phone calls, long distance facsimile transmissions, long distance courier services, bulk mailings, bulk third party copying, postage, copy work, computer assisted legal research, routine postage, copy work, blueprints, x-rays, photographs must be justified to the MPOAC and shall be reimbursed based on documented third party vendor charges. If these charges exceed \$1,000.00 per bill, prior written approval from the MPOAC's contract administrator must be obtained. In-house bulk mailings and bulk copying expenses must be supported by usage logs or similar documentation. Firm surcharges are not reimbursable.

4. The CONTRACTOR shall only bill the MPOAC for a proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.

5. The Contractor shall only bill the MPOAC for a proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.

6. Reimbursable costs shall not exceed \$3,000.00 under this AGREEMENT. The CONTRACTOR shall notify the AGENCY contract administrator when costs reach \$2,500.00. Said notification shall be made as soon as is practicable and prior to the next monthly invoice.

D. FORMAT FOR INVOICES.

1. Generally, the MPOAC will be billed on a monthly basis, unless a billing for any one month is less than \$100. Each statement for fees and costs shall be submitted in one copy, after the services have been rendered, in a format that includes, at a minimum, the following information:

a. Case name and number, if applicable, or other legal matter reference;

- b. Invoice number for the particular bill;
- c. CONTRACTOR taxpayer identification number;
- d. CONTRACTOR and MPOAC contract administrators' names;
- e. Inclusive dates of the month covered by the invoice;
- f. Itemization of the date; hours billed (if hourly); a concise, meaningful description of the services rendered, with sufficient detail to enable the AGENCY to evaluate the services rendered and costs; the person(s) who performed the services for each day during which the CONTRACTOR performed work; their hourly rate (if hourly) as specified in Attachment A, and any billing rate that is for some reason different from the one furnished in Attachment A, e.g., travel at a reduced hourly rate.
- g. A listing of all invoiced costs to be accompanied by copies of actual receipts.
- h. The total of only the current bill. Prior balances or payment history should be shown separately, if at all.
- i. Any other information as may be requested by the AGENCY's contract administrator.

E. ADMINISTRATION OF AGREEMENT.

1. The AGENCY contract administrator is the AGENCY Executive Director.

2. The CONTRACTOR contract administrator is Paul Gougelman.

3. All oral approvals referenced in this AGREEMENT must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrators.

4. This contract shall be governed by and construed under the laws of the State of Florida.

F. OTHER AVAILABLE SERVICES.

Upon receiving approval from the MPOAC, the CONTRACTOR shall use existing MPOAC agreements, when available and cost effective, to acquire services (e.g., computer assisted legal research) and the assistance of professionals (e. g., court reporters, expert witnesses) at reduced rates.

G. PUBLIC RECORDS.

All documents prepared pursuant to the Agreement are subject to Florida's Public Record Law. Refusal of the CONTRACTOR to allow public access to such records as required by such law shall constitute ground for unilateral cancellation of this Agreement by the MPOAC; provided, however that this Agreement shall not be terminated if the Contractor, pursuant to direction of the MPOAC governing board or the MPOAC Executive Director, withholds access to said public record, because it is confidential or exempt from disclosure pursuant to Federal or Florida law.

1. The CONTRACTOR agrees to keep and maintain public records in the CONTRACTOR's possession or control in connection with the CONTRACTOR's performance under this Agreement. The CONTRACTOR additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. The CONTRACTOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the MPOAC.

2. Upon request from the MPOAC's custodian of public records, the CONTRACTOR shall provide the MPOAC with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.

3. Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the MPOAC.

4. Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the CONTRACTOR shall be delivered by the CONTRACTOR to the MPOAC, at no cost to the MPOAC, within seven (7) days (unless the MPOAC already has copies of those public records). Unless the MPOAC already has copies of those public records, all such records stored electronically by the CONTRACTOR shall be delivered to the MPOAC in a format that is compatible with the MPOAC's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, the CONTRACTOR shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

5. Any compensation due to the CONTRACTOR shall be withheld until all records are received as provided herein.

6. The CONTRACTOR's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the MPOAC.

7. Section 119.0701(2)(a), Florida Statutes

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: Carl Mikyska, MPOAC Executive Director

Mailing address: 605 Suwannee Street - MS-28B, Tallahassee, Florida 32399-0450.

H. SPECIAL CONDITIONS.

1. The CONTRACTOR will make affirmative efforts to achieve cost effectiveness by consolidating court hearings, limiting travel, streamlining case processing, using printed forms, using the appropriate level of attorney or staff experience required by task, and taking other actions to improve efficiency.

2. Multiple staffing at meetings, hearings, depositions, trials, etc., by the Contractor will not be compensated unless prior written approval from the MPOAC has been obtained.

3. The Contractor agrees that all documents shall be promptly returned at the termination of the Contractor's involvement in the case or matter at hand.

4. MPOAC in-house staff shall be used in the legal matter to the maximum extent possible.

5. The CONTRACTOR will provide immediate notice by facsimile transmission or telephone regarding significant case developments which will likely result in media inquiries.

6. The CONTRACTOR shall provide the MPOAC immediate notice of any representation undertaken by the CONTRACTOR in matters where the client is suing or being sued by the state or state entities in any civil or adversarial administrative action.

Fee Schedule

I. HOURLY BILLING SCHEDULE:

A. The CONTRACTOR's attorney and paralegal staff to be used under this contract include the following individuals at the hourly rates indicated:

NAME	Hourly Rate
1. Paul Gougelman (lead counsel)	\$238.00
2. Alan Gabriel (alternate)	\$238.00
3. David Tolces (general work)	\$238.00
4. Daniel Abbott (litigation)	\$238.00
5. Matt Mandel (litigation)	\$238.00
6. Milton Collins (labor)	\$238.00
7. Robert Meyers (ethics and procurement)	\$238.00

The above rates may be adjusted if both parties agree, and shall be documented in writing by amendment to this Agreement.

III. ALTERNATE BILLING SCHEDULE: NONE.

Item Number 6B

Business Items & Presentations Resolution requesting MPOAC membership on the Florida Traffic Records Coordinating Committee

DISCUSSION:

As Florida's 27 MPOs work to address the requirements of the federal Transportation Performance Measures (TPM) and specifically the safety related measures, the need for good data to inform transportation planning decisions is vital to the success of the individual MPOs and the Florida DOT. Participation in the Florida Traffic Records Coordinating Committee (TRCC) will be a key partnership for Florida's MPOs and the data needs of our MPOs. The resolution asks that Florida MPOAC be added as a member of the Technical Committee for the TRCC and a non-voting, advisory member to the Executive Committee of the TRCC.

The TRCC uses data to support roadway safety decisions and places emphasis of safety programs on saving lives and preventing injuries. TRCC provides a statewide forum to facilitate the planning, coordination, and implementation of projects to improve the State's traffic records system. The TRCC represents the interests of the agencies and organizations within the traffic records system to outside organizations. The TRCC also reviews and evaluates new technologies to keep the highway safety data and traffic records systems up-to-date.

The Committee is governed by an Executive Board with representatives from transportation, law enforcement, criminal justice, and health professions. A Technical Committee meets on a quarterly basis to handle the day-to-day issues related to Florida's Traffic Records System.

REQUESTED ACTIONS:

Recommend to the MPOAC Governing Board approval of the attached resolution.

ATTACHMENT:

Resolution requesting MPOAC membership on the Florida TRCC.

RESOLUTION NO. 2021-01

MPOAC MEMBERSHIP ON THE FLORIDA TRAFFIC RECORDS COORDINATING COMMITTEE

WHEREAS, Florida Metropolitan Planning Organization Advisory Council (MPOAC) is created by Florida Statutes 339.175 (11) as the duly created body to supplement the role of the twenty-seven Metropolitan Planning Organizations (MPOs) of Florida; and

WHEREAS, the Federal Transportation Performance Measures include safety as one of the quantifiable and reportable measures; and

WHEREAS, the twenty-seven MPOs of Florida are responsible for setting and reporting safety measures; and

WHEREAS, the Florida Traffic Records Coordinating Committee (TRCC) uses data to support roadway safety decisions and places emphasis of safety programs on saving lives and preventing injuries. This data is helpful to Florida's MPOs to establish an understanding of traffic safety within each MPO and to make informed decisions by the MPOs to address safety needs; and

WHEREAS, the Florida Traffic Records Coordinating Committee (TRCC) is governed by an Executive Committee and is advised by a Technical Committee; and

NOW, THEREFORE, BE IT RESOLVED by the Florida MPOAC that membership is requested to the Technical Committee of the TRCC and a non-voting, advisory member position to the Executive Committee of the TRCC.

Passed and duly adopted at a regular meeting of the Florida Metropolitan Planning Organization Advisory Council Governing Board on the 28th day of January, 2021.

CERTIFICATE

The undersigned duly qualified as Chairman of of the Florida Metropolitan Planning Organization Advisory Council Governing Board certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the MPOAC Governing Board.

Commissioner Nick Maddox, Governing Board Chair

Attest: _____
Carl Mikyska, Executive Director and Secretary

Item Number 6C

Business Items & Presentations

Presentation by Association of Metropolitan Planning Organizations Staff

DISCUSSION:

All twenty-seven of Florida MPOs are members of the Association of Metropolitan Planning Organizations (AMPO). Over the past year AMPO has hired a new Executive Director, Bill Keyrouze and a new Technical Programs Director, Caitlin Cook. They will introduce themselves through virtual meeting technology and talk about the services AMPO provides their members. They will wrap up with an overview of federal legislative activities taking place and what is anticipated as we are under an extension of the federal FAST Act, our national transportation funding bill, until September 30, 2021.

REQUESTED ACTIONS:

None. For review and discussion.

ATTACHMENTS:

None.

Item Number 6D

Business Items & Presentations Florida Electric Vehicle Infrastructure Master Plan

DISCUSSION:

Ms. Jennifer Fortunas with the Florida DOT Forecasting and Trends Office will share with the membership the efforts of the department in creating a master plan for the development of a network of facilities to serve electric vehicles.

[Section 339.287, FS](#) requires the Florida Department of Transportation (FDOT) to coordinate, develop, and recommend a Master Plan for the development of electric vehicle charging station infrastructure along the State Highway System (SHS).

The goals of the master plan are to:

- Support both short-range and long-range electric vehicle travel.
- Encourage the expansion of electric vehicle use in the state.
- Adequately serve evacuation routes in the state.

REQUESTED ACTIONS:

None. For review and discussion.

ATTACHMENTS:

None.

Item Number 6E

Business Items & Presentations Election of Officers for 2021

DISCUSSION:

The MPOAC bylaws require at the first meeting of each calendar year, the election of officers. The Chair and Vice-Chair each serve a term of one year. MPOAC will be seeking nominations of members to serve in each of these roles for 2021. The MPOAC Staff Directors' Committee Chair and Vice-Chair serve on the MPOAC Executive Committee along with the Chair and Vice-Chair of the MPOAC Governing Board and a third member of the Governing Board to create a five-member committee.

REQUESTED ACTIONS:

1. Nomination and approval of a candidate to serve as MPOAC Staff Directors' Committee **Chair** for calendar year 2021.
2. Nomination and approval of a candidate to serve as MPOAC Staff Directors' Committee **Vice-Chair** for calendar year 2021.

ATTACHMENTS:

None

Item Number 7
Member Comments

DISCUSSION:

Comments or recommendations by MPOAC members.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None.

Item Number 8

Adjournment

The next meeting of the MPOAC Staff Directors' Advisory Committee will be April 29, 2021 at noon. A meeting notice will be sent out at least one month prior to the meeting date.

Any person who desires or decides to appeal any decision made by this Council with respect to any matter considered at this meeting will need a record of the proceedings. For such purposes, such person may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which appeal is to be based.

The needs of hearing or visually impaired persons shall be met by contacting the Council sponsoring such meeting at least 48 hours prior to the meeting. Please contact John Waldron at (850) 414-4037 or by email to John.Waldron@mpoac.org.