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TO: TEAMFL

FROM: Wayne R. Malaney, Lobbyist & Attorney

RE: 2016 Legislative Report

This report is a brief summary of legislation which passed during the 2016 Florida legislative session and has become law. There were two specific transportation authority bills, two major general bills and a handful of bills which you may impact you or at least you may want to be aware of.

If you are interested in further detail you may go to the Florida House of Representatives or Florida Senate web site to review the final bill analysis, depending on whether it was a House (HB) or Senate (SB) bill that passed. . Go to www.leg.state.fl.us to get to the House or Senate website, where you may also review the full text to these bills.

CS/HB 299—Miami-Dade Expressway Authority (Chapter Law 2016-122)

Changes the makeup of the Board from 13 members to 9 members.

**5 Miami-Dade County Commission appointees*

**3 Gubernatorial appointees*

**District DOT Secretary*

As terms expire, no new appointments will be made until the size of the Board reaches nine.

Anyone who has represented a client before the Board (for compensation) or done business with the Board may not sit on the Board until 4 years after said representation.

It provides for termination of any board member found to be in violation of ethical or financial disclosure requirements.

Effective July 1, 2016

SB 1110—Central Florida Expressway Authority (Chapter Law 2016-193)

Clarifies that members appointed by a county commission of the respective counties must be the county mayor or a member of the particular county commission.

Terms of Board members appointed by the Governor must end on Dec. 31 of the last year of the appointment. And, these gubernatorial appointments must be confirmed by the FL Senate. If there is no confirmation a vacancy shall exist.

Clarifies that CFX is a party to the 1985 lease-purchase agreement between OOCEA and FDOT. And, the provision requiring transfer of the authority to FDOT upon termination of a lease purchase agreement is repealed.

Effective July 1, 2016

SB 7030—Public Records Exemption re: Competitive Bidding and Negotiation Strategies (Chapter Law 2016-49)

The bill keeps in place the exemption for sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation. In addition the exemption remains for vendor participation in a negotiation meeting and for any records kept at such a meeting.

Effective Oct. 1, 2016

CS/SB 124—Public Private Partnerships (Chapter Law 2016-153)

Provides increased flexibility to the agency, upon approval by the majority of the Board, to allow flexibility outside the provided procurement timeframes.

Requires that an unsolicited proposal must be accompanied by the initial application fee. The fee is established by the governmental entity but may be increased if the initial fee is insufficient to cover the cost of evaluation. If the agency chooses not to review the unsolicited proposal the application fee must be refunded.

The Department of Management Services is authorized to receive and maintain comprehensive agreements for the purpose of sharing them with other public entities.

Effective July 1, 2016

SB 1202--Discounts on Transportation Fees (and public parks) Chapter Law 2016-196

Requires regional transportation authorities, as defined in Ch. 343 or Ch. 349 (i.e., Transit Authorities), to provide disabled veterans, who provide satisfactory information to the authority of proof of disabled veteran status (as described in s. 295.07(1)(a), with discounts on fares or other charges.

Effective July 1, 2016

CS/SB 416--Location of Utilities Chapter Law 2016-44

Adds language to reference utilities “within the right-of-way” and removes the word “along.”

Creates a new exception for when utility facilities are located within an existing and valid public utility easement granted by a recorded plat. The exception is when the ownership of the underlying land was acquired by the agency requiring the relocation. In such cases, the cost of relocation of the utilities is to be paid by the agency. An offset to cost is allowed for any increase in value attributable to the new facility and any salvage value of the old facility.

Effective 3/10/16

CS/CS/SB 196-- State Infrastructure Bank Public Records Exemption Chapter Law 2016-38

Creates a public records exemption for financial information of a private entity applicant that FDOT requires as part of the SIB application process. The exception does not apply if an applicant is in default on a SIB loan.

Effective 7/1/2016

HB 7027-- Department of Transportation Chapter 2016-181

This is the general transportation act. The parts pertinent to TEAMFL are:

Authorizes FDOT to assume specified environmental review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects.

Modifies the process for the development and review of P3 project proposals.

Removes the Beeline-East Expressway, the Navarre Bridge and Pinellas Bayway from the list of facilities whose toll revenues may be used to secure bonds.

Transfers the Pinellas Bayway from FDOT to the Florida Turnpike Enterprise

Creates the FDOT Financing Corporation to serve as a conduit issuer of debt to finance transportation projects.

As an aside for vendors, FDOT will create a business development program aimed at reducing barriers to small firms being able to compete for FDOT contracts.

Effective 7/1/2016

CS/CS/HB 7061--Comprehensive Transportation Issues Chapter 2016-239.

Portions which may impact TEAMFL are:

A qualified job training organization certified by the state and holding at least one roadside cleaning service contract may participate in a self-insurance fund authorized by s. 624.4625.

Increases lawful length of semi from 53' to 57'.

Revises the membership and structure of TBARTA. Both district secretaries (from the 7 county area) will now be advisors to the board.

The West Central Florida MPO is reorganized and restructured as the TBARTA MPO Chairs Coordinating Committee.

TBARTA shall provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

Extension of the Lee Roy Selmon Expressway System is added to the projects THEA can issue revenue bonds for. And, basically, any project THEA is authorized to construct, acquire, etc. are also eligible.

Provides an exemption from permitting for certain outdoor signs in place since 1995 on a parcel adjacent to an off ramp to the termination point of a turnpike system, if there is no directional decision to be made by a driver.

Effective 7/1/2016