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MEMORANDUM

To: Jim Couillard, Chair
Governmental Affairs Committee
Via electronic mail

From: Diana Ferguson

Copy: Steve Menton

Date: November 13, 2015

Re: **FLASLA November 2015 Monthly Report**

TRAFFIC AND MARINE ENGINEERING RULES

In October, Rutledge Ecenia submitted written comments and a Lower Cost Regulatory Alternative on behalf of FLASLA for the proposed traffic engineering rule. The Joint Administrative Procedures (JAPC) committee also submitted comments that raised serious concerns regarding the rule and requested that it be withdrawn. Further discussions with the Florida Board of Professional Engineers (FBPE) indicate that both the traffic and marine engineering rulemakings will likely be withdrawn at their December meeting because both rules are an invalid exercise of statutory authority and potentially violate federal antitrust law.

If the rules are not withdrawn, FLASLA will need to be prepared to continue to oppose them. The Secretary of the Department of Business and Professional Regulation (DBPR) will have to

approve the traffic engineering rule for filing because JAPC has objected to it. The marine engineering rule will need to be published and FLASLA would need to submit written comments and a Lower Cost Regulatory Alternative for that rule as well, should it move forward. I anticipate that JAPC would file similar objections on that rule, meaning that it would also need to be approved by the Secretary of DBPR. Although neither rule is expected to move forward, I will keep you posted.

CCNA

As most of you already know, the AWWA CCNA language has quickly become a source of controversy. The architects as well as the surveyors and mappers expressed concerns regarding the changes. Additionally, state agencies began expressing a desire to carve themselves out of the CCNA and create separate provisions for state agencies. As such, FLASLA has decided not to support any CCNA legislation in 2016. Additionally, the engineers have also withdrawn support for the clarifications they previously supported. I will continue to keep you apprised on this issue.

TRAILS

The Florida Greenways and Trails Council meets in Tallahassee on December 14 to discuss the future of the SUN Trail program. They will begin discussing how to prioritize regions of the state for funding under the program.

2016 LEGISLATIVE ISSUES

Public Private Partnerships

HB 95 by Representative Steube; SB 124 by Senator Evers

These bills revise the provisions related to responsible public entities and unsolicited proposals. As filed, the bills are fully inclusive of landscape architects and allow them to sign and seal design criteria packages. I do not expect amendments to this provision but will watch it closely. Additionally, the public private partnership statutes currently provide that nothing in those provisions waives any requirement of the CCNA. I understand that some stakeholders would like to remove this provision. I will monitor this issue closely and will be prepared to oppose any changes to the current language. The other design professions are also likely to actively oppose such a change. HB 95 is currently in its third of four committees. It has not been amended. SB 124 will be heard in its first of three committees next week. No amendments have been filed to date.