

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1451 Transportation Facilities

SPONSOR(S): Ray

TIED BILLS: IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee		Cater	Miller
2)	Military & Local Affairs Policy Committee			
3)	Economic Development & Community Affairs Policy Council			
4)	Transportation & Economic Development Appropriations Committee			
5)				

SUMMARY ANALYSIS

In 1995, the state revised the system where the Department of Transportation (DOT) assigned road jurisdiction based on road functional classification to a system where road jurisdiction changes depend on mutual agreement between governmental entities.

The bill removes transportation administration related provisions applicable to the old functional classification/road jurisdiction process. Specifically, the bill:

- Deletes unnecessary definitions;
- Amends other definitions that are incorrect or conflict with other statutory provisions;
- Remove DOT's authority to assign jurisdictional responsibility for public roads;
- Removes DOT's authority to designate existing facilities;
- Remove a provision prohibiting DOT from setting a maximum number of urban principal arterial roads within a district or county, this was made obsolete by the 1995 statute changes;
- Clarifies that low speed vehicles may be operated on certain roads under the jurisdiction of a county, municipality, or an urban minor arterial road under DOT's jurisdiction; and
- Conforms various cross-references.

The bill does not have a fiscal impact on state or local government.

The bill has an effective date of July 1, 2009.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1995, the state revised the system where the Department of Transportation (DOT) assigned road jurisdiction based on road functional classification to a system where road jurisdiction changes depend on mutual agreement between governmental entities. This was accomplished by revising ch. 335, F.S., relating to the State Highway System, where s. 334.04, F.S., was deleted and s. 335.0415, F.S., was created.

There are some provisions in ch. 334, F.S., relating to Transportation Administration related to the functional classification and road jurisdiction process formerly in ch. 335, F.S. The bill addresses changes to ch. 334, F.S., to make it consistent with ch. 335, F.S.

Proposed Changes

The bill amends s. 334.03, F.S., to amend and delete several definitions relating to the Florida Transportation Code.

The bill amends the definitions of "city street system", "county road system", and "state highway system" that are in conflict with the public road jurisdiction and transfer process.¹ The bill revises these definitions to be:

- Roads under the appropriate jurisdiction on June 10, 1995;
- Roads constructed by the city, county, or state for the appropriate jurisdiction;
- Roads subsequently transferred to that jurisdiction, but not roads transferred from the appropriate jurisdiction.

The bill amends the definition of "functional classification" to link the usage of "functional classification" in state statute to the functional classification that is done according to federal procedures, rather than what DOT previously used for jurisdictional requirements. The only reference to this term in state statute relates to the access control classification system.²

¹ Section 335.0415, F.S.

² Section 335.188(3)(c)(1), F.S.

The bill deletes the terms “arterial road”, “collector road”, “local road”, “urban minor arterial road” and “urban principal arterial road.” These are obsolete definitions related to the use of functional classification to road jurisdiction. The bill either deletes or amends the current statutory provisions that use these terms.

The bill amends the functions and duties of DOT in s. 334.044, F.S., to remove its authority to assign jurisdictional responsibility for public roads.

The bill amends s. 334.047, F.S., to remove an obsolete provision prohibiting DOT from setting a maximum number of urban principal arterial roads within a district or county.

The bill amends s. 316.222, relating to the operation of low-speed vehicles on certain roadways to remove cross-references and to clarify that of low speed vehicles may be operated on certain roads under the jurisdiction of a county, municipality, or an urban minor arterial road under DOT’s jurisdiction.

The bill also conforms various cross-references in statutes.

The bill has an effective date of July 1, 2009.

B. SECTION DIRECTORY:

- Section 1 Amends s. 334.03, F.S., relating to definitions in the Florida Transportation Code to revise definitions.
- Section 2 Amends s. 334.044, F.S., relating to the powers and duties of DOT, removing the duty to assign jurisdictional responsibility and to designate facilities as part of the State Highway System.
- Section 3 Amends s. 334.047, F.S., relating to prohibitions, to remove a provision prohibiting DOT from establishing a maximum number of miles of urban principal arterial roads within a district or county.
- Section 4 Amends s. 163.3180, F.S., relating to concurrency, to conform a cross-reference.
- Section 5 Amends s. 288.063, F.S., relating to contracts for transportation projects to conform a cross-reference.
- Section 6 Amends s. 311.07, F.S., relating to seaport transportation and economic development funding to conform a cross-reference.
- Section 7 Amends s. 311.09, F.S., relating to the Florida Seaport Transportation and Economic Development Council to conform a cross-reference.
- Section 8 Amends s. 316.222, relating to the operation of low-speed vehicles on certain roadways to remove cross-references and clarify that these vehicles may be operated on certain roads.
- Section 9 Amends s. 316.515, relating to maximum width, height, and length to conform a cross-reference.
- Section 10 Amends s. 332.14, F.S., relating to the Secure Airports for Florida’s Economy Council to conform a cross-reference.
- Section 11 Amends s. 336.01, F.S., relating to the designation of the county road system to conform a cross-reference.

- Section 12 Amends s. 318.222, F.S., relating to DOT as the sole governmental entity to acquire, construct, or operate turnpike projects to conform a cross-reference.
- Section 13 Amends s. 403.7211, F.S., relating to hazardous waste facilities managing hazardous waste generated offsite; federal facilities managing hazardous waste to conform a cross-reference.
- Section 14 Amends s. 409.01, F.S., to conform a cross-reference.
- Section 15 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES