

By the Committees on Community Affairs, Transportation and
Senator Hargrett

316-2186-98

1 A bill to be entitled
2 An act relating to economic development;
3 amending s. 163.3178, F.S.; requiring certain
4 ports to identify certain spoil disposal sites;
5 requiring such ports to prepare comprehensive
6 master plans; amending s. 163.3187, F.S.;
7 exempting comprehensive plan amendments for
8 port transportation facilities and projects
9 from a time limitation; amending s. 163.3191,
10 F.S.; authorizing the Department of Community
11 Affairs to grant an extension of the Evaluation
12 and Appraisal Report submission from local
13 governments in order to coordinate planning
14 efforts with Metropolitan Planning
15 Organizations; amending s. 253.77, F.S.;
16 providing that certain ports and inland
17 navigation districts are not required to pay
18 fees for activities involving the use of
19 sovereign lands; amending s. 311.07, F.S.;
20 providing that projects eligible for funding
21 under the Florida Seaport Transportation and
22 Economic Development Program must be consistent
23 with port master plans; amending s. 311.09,
24 F.S.; declaring that projects eligible for
25 funding under the Florida Seaport
26 Transportation and Economic Development Program
27 are presumed to be in the public interest;
28 amending s. 315.03, F.S.; delineating powers
29 for certain local governmental entities that
30 consist of three or more ports; amending s.
31 320.20, F.S.; authorizing such entities to

1 exercise the authority granted under chapter
2 315, F.S.; amending s. 334.046, F.S.; providing
3 program objectives for enhancing position in
4 world economy; providing for work program
5 development; amending s. 339.175, F.S.;
6 providing that plans and programs developed by
7 metropolitan planning organizations shall not
8 be considered agency action or agency rules;
9 providing planning factors to be considered in
10 Metropolitan Planning Organization
11 transportation plans; providing for the
12 creation of planning goals; creating the
13 Land-Use Transportation Planning Reconciliation
14 Committee; providing for its membership and
15 duties; amending s. 341.053, F.S.; providing
16 for the creation of the Strategic Intermodal
17 Transportation and Economic Development
18 Planning Council within the Department of
19 Transportation; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (7) of section 163.3178, Florida
24 Statutes, is amended to read:

25 163.3178 Coastal management.--

26 (7) Each port listed in s. 311.09(1), and each local
27 government in the coastal area which has spoil disposal
28 responsibilities shall provide for or identify disposal sites
29 for dredged materials in the future land use and port elements
30 of the local comprehensive plan as needed to assure proper
31 long-term management of material dredged from navigation

1 channels, sufficient long-range disposal capacity,
2 environmental sensitivity and compatibility, and reasonable
3 cost and transportation. The disposal site selection criteria
4 shall be developed in consultation with navigation and inlet
5 districts and other appropriate state and federal agencies and
6 the public. For areas owned or controlled by ports listed in
7 s. 311.09(1), and proposed port expansion areas, compliance
8 with the provisions of this subsection shall be achieved
9 through comprehensive master plans prepared by each port and
10 integrated with the appropriate local plan pursuant to s.
11 163.3178(2)(k).

12 Section 2. Paragraph (g) is added to subsection (1)
13 and paragraph (d) is added to subsection (6) of section
14 163.3187, Florida Statutes, to read:

15 163.3187 Amendment of adopted comprehensive plan.--

16 (1) Amendments to comprehensive plans adopted pursuant
17 to this part may be made not more than two times during any
18 calendar year, except:

19 (g) Any comprehensive plan amendments for port
20 transportation facilities and projects which are eligible for
21 funding by the Florida Seaport Transportation and Economic
22 Development Council pursuant to the provisions of s. 311.07.

23 (6) No local government may amend its comprehensive
24 plan after the date established by rule for submittal of its
25 evaluation and appraisal report unless it has submitted its
26 report or addendum to the state land planning agency as
27 prescribed by s. 163.3191, except for:

28 (d) Plan amendments for port transportation facilities
29 and projects which are eligible for funding by the Florida
30 Seaport Transportation and Economic Development Council
31 pursuant to the provisions of s. 311.07.

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2 When the agency has determined that the report or addendum has
3 sufficiently addressed all pertinent provisions of s.
4 163.3191, the local government may proceed with plan
5 amendments in addition to those necessary to implement
6 recommendations in the report or addendum.

7 Section 3. Subsection (4) of section 163.3191, Florida
8 Statutes, is amended to read:

9 163.3191 Evaluation and appraisal of comprehensive
10 plan.--

11 (4) The governing body shall adopt, or adopt with
12 changes, the report or portions thereof within 90 days after
13 receiving it from the local planning agency. The governing
14 body shall amend its comprehensive plan based on the
15 recommendations contained in the adopted evaluation and
16 appraisal report, pursuant to the procedures in ss. 163.3184,
17 163.3187, and 163.3189. Amendments to the plan and the
18 adoption of the report may be simultaneous. When amendments to
19 the plan do not occur simultaneously with the adoption of the
20 evaluation and appraisal report, the report shall contain a
21 schedule for adoption of proposed amendments within 1 year
22 after the report is adopted, except that the state land
23 planning agency may grant a 6-month extension for adoption of
24 such plan amendments if the request is justified by good and
25 sufficient cause as determined by the agency. Such an
26 extension may also be granted if the request will result in
27 greater coordination between transportation and land use, for
28 the purposes of improving Florida's transportation system, as
29 determined by the agency in coordination with the Metropolitan
30 Planning Organization planning program.The report shall be
31 transmitted to the state land planning agency, with the

1 related amendments when the amendments are transmitted
2 pursuant to s. 163.3184.

3 Section 4. Subsection (4) is added to section 253.77,
4 Florida Statutes, to read:

5 253.77 State lands; state agency authorization for use
6 prohibited without consent of agency in which title vested;
7 concurrent processing requirements.--

8 (4) Notwithstanding any other provision of this
9 chapter, chapter 373, or chapter 403, for activities
10 authorized by a permit or exemption under chapter 373 or
11 chapter 403, a port listed in s. 403.021(9)(b) or an inland
12 navigation district created under s. 374.975(3), is not
13 required to pay fees for any activity that involves the use of
14 sovereign lands, including any lease, easement, or consent of
15 use.

16 Section 5. Subsections (1) and (3) of section 311.07,
17 Florida Statutes, are amended to read:

18 311.07 Florida seaport transportation and economic
19 development funding.--

20 (1) There is created the Florida Seaport
21 Transportation and Economic Development Program within the
22 Department of Transportation to finance port transportation ~~or~~
23 ~~port~~ facilities and projects that will improve the movement
24 and intermodal transportation of cargo or passengers in
25 commerce and trade and that will support the interests,
26 purposes, and requirements of ports located in this state.

27 (3)(a) Program funds shall be used to fund approved
28 projects on a 50-50 matching basis with any of the deepwater
29 ports, as listed in s. 403.021(9)(b), which is governed by a
30 public body or any other deepwater port which is governed by a
31 public body and which complies with the water quality

1 provisions of s. 403.061, the comprehensive master plan
2 requirements of s. 163.3178(2)(k), the local financial
3 management and reporting provisions of part III of chapter
4 218, and the auditing provisions of s. 11.45(3)(a)4. Program
5 funds also may be used by the Seaport Transportation and
6 Economic Development Council to develop with the Florida Trade
7 Data Center such trade data information products which will
8 assist Florida's seaports and international trade.

9 (b) Projects eligible for funding by grants under the
10 program are limited to the following port transportation
11 facilities ~~and or port transportation~~ projects:

12 1. Transportation facilities within the jurisdiction
13 of the port.

14 2. The dredging or deepening of channels, turning
15 basins, or harbors.

16 3. The construction or rehabilitation of wharves,
17 docks, structures, jetties, piers, storage facilities, cruise
18 terminals, automated people mover systems, or any facilities
19 necessary or useful in connection with any of the foregoing.

20 4. The acquisition of container cranes or other
21 mechanized equipment used in the movement of cargo or
22 passengers in international commerce.

23 5. The acquisition of land to be used for port
24 purposes as described in, or consistent with, port master
25 plans.

26 6. The acquisition, improvement, enlargement, or
27 extension of existing port facilities as described in, or
28 consistent with, port master plans.

29 7. Environmental protection projects which are
30 necessary because of requirements imposed by a state agency as
31 a condition of a permit or other form of state approval; which

1 are necessary for environmental mitigation required as a
2 condition of a state, federal, or local environmental permit;
3 which are necessary for the acquisition of spoil disposal
4 sites and improvements to existing and future spoil sites; or
5 which result from the funding of eligible projects listed
6 herein.

7 8. Transportation facilities as defined in s.
8 334.03(31) which are not otherwise part of the Department of
9 Transportation's adopted work program.

10 9. Seaport intermodal access projects identified in
11 the 5-year Florida Seaport Mission Plan as provided in s.
12 311.09(3).

13 (c) To be eligible for consideration by the council
14 pursuant to this section, a project must be consistent with
15 the port comprehensive master plan which is incorporated as
16 part of the approved local government comprehensive plan as
17 required by s. 163.3178(2)(k) or other provisions of the Local
18 Government Comprehensive Planning and Land Development
19 Regulation Act, part II of chapter 163.

20 Section 6. Subsection (9) of section 311.09, Florida
21 Statutes, is amended to read:

22 311.09 Florida Seaport Transportation and Economic
23 Development Council.--

24 (9) The council shall review the findings of the
25 Department of Community Affairs; the Office of Tourism, Trade,
26 and Economic Development; and the Department of
27 Transportation. Projects found to be inconsistent pursuant to
28 subsections (6), (7), and (8) and projects which have been
29 determined not to offer an economic benefit to the state
30 pursuant to subsection (8) shall not be included in the list
31 of projects to be funded. Projects found to be consistent

1 pursuant to subsection (6), (7), and (8) shall be presumed in
2 the public interest.

3 Section 7. Section 315.03, Florida Statutes, is
4 amended to read:

5 315.03 Grant of powers.--

6 (1) Each unit is hereby authorized and empowered:

7 (a)~~(1)~~ To acquire, construct, lease, operate and
8 maintain any port facilities either within or without or
9 partly within and partly without the corporate limits of the
10 unit, or within or partly within the corporate limits of any
11 other unit on property owned or acquired by it; provided,
12 however, that no unit shall acquire, construct, lease, operate
13 or maintain port facilities other than channels or turning
14 basins in any county of the state other than the county in
15 which such unit is located without securing the prior approval
16 or consent of the unit or units in which such port facilities
17 are proposed to be located, which approval or consent, if
18 given, shall be evidenced by a resolution or ordinance duly
19 adopted.

20 (b)~~(2)~~ To acquire by purchase, grant, gift or lease or
21 by the exercise of the right of eminent domain and to hold and
22 dispose of any property, real or personal, tangible or
23 intangible, or any right or interest in any such property, for
24 or in connection with any port facilities, whether or not
25 subject to mortgage, liens, charges or other encumbrances.

26 (c)~~(3)~~ To add to or extend, or cause or permit to be
27 added to or extended, any existing lands or islands now or
28 hereafter owned by a unit bordering on or being in any waters
29 by the pumping of sand or earth from any land under water or
30 by any other means of construction, as a part of or for the
31 purpose of providing any port facilities or for the purpose of

1 improving, creating or extending any property of the unit for
2 use of or disposal by the unit.

3 (d)~~(4)~~ To construct, or cause or permit to be
4 constructed, an island or islands in any waters by the pumping
5 of sand or earth from any land under water or by any other
6 means of construction, as a part of or for the purpose of
7 providing any port facilities.

8 (e)~~(5)~~ To construct any bridge, tunnel, road or
9 causeway, or any combination thereof, to, from or between any
10 port facilities.

11 (f)~~(6)~~ To dredge or deepen harbors, channels and
12 turning basins, to cooperate with the United States or any
13 agency thereof in the dredging or deepening of any harbor,
14 channel or turning basin, to enter into contracts with the
15 United States or with any agency thereof concerning any such
16 dredging or deepening project, and to pay such amounts to the
17 United States or any agency thereof or to others as shall be
18 required by the terms of any such contract.

19 (g)~~(7)~~ To fill in, extend and enlarge, or cause or
20 permit to be filled in, extended and enlarged, any existing
21 port facilities, to demolish and remove any and all structures
22 thereon or constituting a part thereof, and otherwise to
23 prepare the same for sale or lease to provide funds for
24 financing port facilities under the provisions of this law.

25 (h)~~(8)~~ To acquire any existing port facilities and to
26 fill in, extend, enlarge or improve the same, or to cause or
27 permit the same to be extended, enlarged or improved, for any
28 public purpose or for sale or lease for the purpose of
29 providing funds for the acquisition by the unit of any port
30 facilities or for the payment of bonds, notes or other

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1 obligations of the unit for or in connection with any port
2 facilities.

3 (i)~~(9)~~ To sell at public or private sale or lease for
4 public or private purposes all or any portion of any port
5 facilities now or hereafter owned by the unit, including any
6 such facilities as extended, enlarged or improved, and all or
7 any portion of any property of the unit improved, created,
8 extended or enlarged under the authority of this law, on such
9 terms and subject to such conditions as the governing body
10 shall determine to be in the best interests of the unit.

11 (j)~~(10)~~ To contract for the purchase by the unit of
12 any port facilities to be constructed, enlarged, extended or
13 improved by any public body, agency or instrumentality or by
14 any private person, firm or corporation, and to provide for
15 payment of the purchase price thereof in such manner as may be
16 deemed by the governing body to be in the best interests of
17 the unit, including, but without limitation, the sale or
18 exchange of any property of the unit therefor or the issuance
19 of bonds or other obligations of the unit.

20 (k)~~(11)~~ To accept loans or grants of money or
21 materials or property at any time from the United States or
22 the State of Florida or any agency, instrumentality or
23 subdivision thereof, upon such terms and conditions as the
24 United States, the State of Florida, or such agency,
25 instrumentality or subdivision may impose.

26 (l)~~(12)~~ To exercise jurisdiction, control and
27 supervision over any port facilities now or hereafter
28 acquired, owned or constructed by the unit.

29 (m)~~(13)~~ To operate and maintain, and to fix and
30 collect rates, rentals, fees and other charges for any of the
31 services and facilities provided by the port facilities now or

1 hereafter acquired, owned or constructed by the unit excluding
2 state bar pilots.

3 (n)~~(14)~~ To lease or rent, or contract with others for
4 the operation of all or any part of any port facilities now or
5 hereafter acquired, owned or constructed by the unit, on such
6 terms and for such period or periods and subject to such
7 conditions as the governing body shall determine to be in the
8 best interests of the units.

9 (o)~~(15)~~ To contract debts for the acquisition or
10 construction of any port facilities or for any other purposes
11 of this law, to borrow money, to make advances, and to issue
12 bonds or other obligations to finance all or any part of such
13 acquisition or construction or in the carrying out of any
14 other purposes of this law.

15 (p)~~(16)~~ To make advances to the United States or any
16 agency or instrumentality thereof in connection with any port
17 facilities, including the dredging or deepening of any harbor,
18 channel or turning basin to serve any port facilities.

19 (q)~~(17)~~ To enter on any lands, waters or premises,
20 within or without the unit or within the corporate limits of
21 any other unit, for the purpose of making surveys, soundings
22 and examinations with relation to any existing or proposed
23 port facilities.

24 (r)~~(18)~~ To contract with the United States or the
25 State of Florida or any agency or instrumentality thereof or
26 with any public body or political subdivision or with any
27 private person, firm or corporation with reference to any of
28 the powers hereby granted.

29 (s)~~(19)~~ To perform any of the acts hereby authorized
30 through or by means of its own officers, agents or employees
31 or by contract.

1 ~~(t)(20)~~ To do all acts and things and to enter into
2 all contracts and agreements necessary or convenient to carry
3 out the purposes of this law.

4 ~~(u)(21)~~ To expend funds to finance the cost of
5 implementing recommendations made pursuant to s. 161.161 to
6 mitigate the adverse impacts of inlets on beaches.

7 (2) Any legal entity created under s. 163.01(7)(d),
8 the membership of which consists of three or more ports listed
9 in s. 311.09(1), in addition to any powers granted such entity
10 under applicable law and in the interlocal agreement pursuant
11 to which the entity was created, shall have the power:

12 (a) Provided in s. 163.01(7)(g), provided the public
13 facilities which may be acquired, owned, constructed,
14 improved, operated, or managed by such legal entity shall be
15 limited to facilities which are part of the Florida Seaport
16 Transportation and Economic Development Program as provided in
17 chapter 311 and s. 320.20(3) and (4) and seaport intermodal
18 access projects of statewide significance provided in s.
19 341.053.

20 (b) To enter into interlocal agreements or contracts
21 with public agencies, as defined in s. 163.01, and private
22 parties for financing, constructing, acquiring, operating,
23 maintaining, improving, or managing the public facilities
24 described in paragraph (a).

25 (c) To enter into interlocal agreements or contracts
26 with public agencies to exercise powers of eminent domain in
27 regard to the public facilities described in paragraph (a).

28 (d) To do all other things necessary to accomplish the
29 financing, constructing, acquisition, operation, maintenance,
30 improvement, and management of the public facilities described
31 in paragraph (a).

1 Section 8. Subsection (4) of section 320.20, Florida
2 Statutes, is amended to read:

3 320.20 Disposition of license tax moneys.--The revenue
4 derived from the registration of motor vehicles, including any
5 delinquent fees and excluding those revenues collected and
6 distributed under the provisions of s. 320.081, must be
7 distributed monthly, as collected, as follows:

8 (4) Notwithstanding any other provision of law except
9 subsections (1), (2), and (3), on July 1, 2001, and annually
10 thereafter, \$10 million shall be deposited in the State
11 Transportation Trust Fund solely for the purposes of funding
12 the Florida Seaport Transportation and Economic Development
13 Program as provided in chapter 311 and for funding seaport
14 intermodal access projects of statewide significance as
15 provided in s. 341.053. Such revenues shall be distributed to
16 any port listed in s. 311.09(1), to be used for funding
17 projects as follows:

18 (a) For any seaport intermodal access projects that
19 are identified in the 1997-1998 Tentative Work Program of the
20 Department of Transportation, up to the amounts needed to
21 offset the funding requirements of this section; and

22 (b) For seaport intermodal access projects as
23 described in s. 341.053(5) that are identified in the 5-year
24 Florida Seaport Mission Plan as provided in s. 311.09(3).
25 Funding for such projects shall be on a matching basis as
26 mutually determined by the Florida Seaport Transportation and
27 Economic Development Council and the Department of
28 Transportation, provided a minimum of 25 percent of total
29 project funds shall come from any port funds, local funds,
30 private funds, or specifically earmarked federal funds; or

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1 (c) On a 50-50 matching basis for projects as
2 described in s. 311.07(3)(b).

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4 Such revenues may be assigned, pledged, or set aside as a
5 trust for the payment of principal or interest on bonds, tax
6 anticipation certificates, or any other form of indebtedness
7 issued by an individual port or appropriate local government
8 having jurisdiction thereof, or collectively by interlocal
9 agreement among any of the ports, or used to purchase credit
10 support to permit such borrowings. However, such debt shall
11 not constitute a general obligation of the state. This state
12 does hereby covenant with holders of such revenue bonds or
13 other instruments of indebtedness issued hereunder that it
14 will not repeal or impair or amend this subsection in any
15 manner which will materially and adversely affect the rights
16 of holders so long as bonds authorized by this subsection are
17 outstanding. Any revenues that are not pledged to the
18 repayment of bonds as authorized by this section may be
19 utilized for purposes authorized under the Florida Seaport
20 Transportation and Economic Development Program. This revenue
21 source is in addition to any amounts provided for and
22 appropriated in accordance with s. 311.07 and subsection (3).
23 The Florida Seaport Transportation and Economic Development
24 Council shall approve distribution of funds to ports for
25 projects that have been approved pursuant to s. 311.09(5)-(9),
26 or for seaport intermodal access projects identified in the
27 5-year Florida Seaport Mission Plan as provided in s.
28 311.09(3) and mutually agreed upon by the FSTED Council and
29 the Department of Transportation. All contracts for actual
30 construction of projects authorized by this subsection must
31 include a provision encouraging employment of WAGES

1 participants. The goal for employment of WAGES participants
2 is 25 percent of all new employees employed specifically for
3 the project, unless the Department of Transportation and the
4 Florida Seaport Transportation and Economic Development
5 Council can demonstrate to the satisfaction of the Secretary
6 of Labor and Employment Security that such a requirement would
7 severely hamper the successful completion of the project. In
8 such an instance, the Secretary of Labor and Employment
9 Security shall establish an appropriate percentage of
10 employees that must be WAGES participants. The council and the
11 Department of Transportation are authorized to perform such
12 acts as are required to facilitate and implement the
13 provisions of this subsection. To better enable the ports to
14 cooperate to their mutual advantage, the governing body of
15 each port may exercise powers provided to municipalities or
16 counties in s. 163.01(7)(d) subject to the provisions of
17 chapter 311 and special acts, if any, pertaining to a port.
18 Any legal entity created under s. 163.01(7)(d), the membership
19 of which consists of three or more ports listed in s.
20 311.09(1), and its individual members, shall have the
21 authority and powers granted under chapter 315.The use of
22 funds provided pursuant to this subsection is limited to
23 eligible projects listed in this subsection. The provisions of
24 s. 311.07(4) do not apply to any funds received pursuant to
25 this subsection.

26 Section 9. Paragraph (c) of subsection (1) of section
27 334.046, Florida Statutes, is amended to read:

28 334.046 Department program objectives.--

29 (1) The program objectives of the department for the
30 purpose of enhancing public safety and providing for a
31 comprehensive transportation system are:

1 (c) To reduce congestion on the state transportation
2 system, the generation of pollutants, and fuel consumption,
3 and to enhance the state's competitive position in the world
4 economy by improving access to the state's major airports,
5 seaports, railroads, intermodal transfer facilities, and
6 trucking facilities of statewide significance,by:

7 1. Developing and implementing the Florida Intrastate
8 Highway System as approved by the Legislature, giving emphasis
9 to system connectivity and intermodal connections;

10 2. Reducing deficient lane miles through new
11 construction and expansion of existing facilities;

12 3. Constructing intersection improvements, grade
13 separations, and other traffic operation improvements;

14 4. Participating in the development of toll roads; and

15 5. Promoting all forms of public transit.

16 Section 10. When developing the 1999-2000 and
17 2004-2005 work program the Department of Transportation must,
18 to the maximum extent feasible, program additional federal
19 funds to enhance the state's competitive position in
20 accordance with sections 334.046(1)(c) and 341.053(6), (7),
21 and (8), Florida Statutes.

22 Section 11. Subsections (4), (5), and (6) of section
23 339.175, Florida Statutes, are amended to read:

24 339.175 Metropolitan planning organization.--It is the
25 intent of the Legislature to encourage and promote the
26 development of transportation systems embracing various modes
27 of transportation in a manner that will maximize the mobility
28 of people and goods within and through urbanized areas of this
29 state and minimize, to the maximum extent feasible, and
30 together with applicable regulatory government agencies,
31 transportation-related fuel consumption and air pollution. To

1 accomplish these objectives, metropolitan planning
2 organizations, referred to in this section as M.P.O.'s, shall
3 develop, in cooperation with the state, transportation plans
4 and programs for metropolitan areas. Such plans and programs
5 must provide for the development of transportation facilities
6 that will function as an intermodal transportation system for
7 the metropolitan area. The process for developing such plans
8 and programs shall be continuing, cooperative, and
9 comprehensive, to the degree appropriate, based on the
10 complexity of the transportation problems.

11 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
12 responsibility of an M.P.O. is to manage a continuing,
13 cooperative, and comprehensive transportation planning process
14 that results in the development of plans and programs which
15 are consistent, to the maximum extent feasible, with the
16 approved local government comprehensive plans of the units of
17 local government the boundaries of which are within the
18 metropolitan area of the M.P.O. An M.P.O. shall be the forum
19 for cooperative decisionmaking by officials of the affected
20 governmental entities in the development of the plans and
21 programs required by subsections (5), (6), (7), and (8). The
22 development of the plans and programs required by subsections
23 (5), (6), (7), and (8) shall not be considered agency action
24 under s. 120.52(2). The plans and programs required by
25 subsections (5), (6), (7), and (8) shall not be considered
26 rules under s. 120.52(15).

27 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
28 privileges, and authority of an M.P.O. are those specified in
29 this section or incorporated in an interlocal agreement
30 authorized under s. 163.01. Each M.P.O. shall perform all
31 acts required by federal or state laws or rules, now and

1 subsequently applicable, which are necessary to qualify for
2 federal aid. It is the intent of this section that each M.P.O.
3 shall be involved in the planning and programming of
4 transportation facilities, including, but not limited to,
5 airports, intercity and high-speed rail lines, seaports, and
6 intermodal facilities, to the extent permitted by state or
7 federal law.

8 (a) Each M.P.O. shall, in cooperation with the
9 department, develop:

10 1. A long-range transportation plan pursuant to the
11 requirements of subsection (6);

12 2. An annually updated transportation improvement
13 program pursuant to the requirements of subsection (7); and

14 3. An annual unified planning work program pursuant to
15 the requirements of subsection (8).

16 (b) In developing the long-range transportation plan
17 and the transportation improvement program required under
18 paragraph (a), each M.P.O. must, at a minimum, consider:

19 1. The preservation of existing transportation
20 facilities and, where practical, ways to meet transportation
21 needs by using existing facilities more efficiently;

22 2. The consistency of transportation planning with
23 applicable federal, state, and local energy conservation
24 programs, goals, and objectives;

25 3. The need to relieve congestion and prevent
26 congestion from occurring where it does not yet occur;

27 4. The likely effect of transportation policy
28 decisions on land use and development and the consistency of
29 transportation plans and programs with all applicable
30 short-term and long-term land use and development plans;

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- 1 5. The programming of transportation enhancement
2 activities as required by federal law;
- 3 6. The effect of all transportation projects to be
4 undertaken in the metropolitan area, without regard to whether
5 such projects are publicly funded;
- 6 7. The provision of access to seaports, airports,
7 intermodal transportation facilities, major freight
8 distribution routes, national and state parks, recreation
9 areas, monuments and historic sites, and military
10 installations;
- 11 8. The need for roads within the metropolitan area to
12 efficiently connect with roads outside the metropolitan area;
- 13 9. The transportation needs identified through the use
14 of transportation management systems required by federal or
15 state law;
- 16 10. The preservation of rights-of-way for construction
17 of future transportation projects, including the
18 identification of unused rights-of-way that may be needed for
19 future transportation corridors and the identification of
20 corridors for which action is most needed to prevent
21 destruction or loss;
- 22 11. Any available methods to enhance the efficient
23 movement of freight;
- 24 12. The use of life-cycle costs in the design and
25 engineering of bridges, tunnels, or pavement;
- 26 13. The overall social, economic, energy, and
27 environmental effects of transportation decisions;
- 28 14. Any available methods to expand or enhance transit
29 services and increase the use of such services; ~~and~~
- 30 15. The possible allocation of capital investments to
31 increase security for transit systems; and.

1 16. The social and economic effects of transportation
2 projects on low-income, inner-city neighborhoods.

3 (c) Goals must be developed cooperatively by local
4 governments, in the context of the land-use and transportation
5 elements of the local comprehensive plan, and M.P.O.'s that
6 demonstrate compliance with these seven planning factors.

7 ~~(d)~~(c) In order to provide recommendations to the
8 department and local governmental entities regarding
9 transportation plans and programs, each M.P.O. shall:

10 1. Prepare a congestion management system for the
11 metropolitan area and cooperate with the department in the
12 development of all other transportation management systems
13 required by state or federal law;

14 2. Assist the department in mapping transportation
15 planning boundaries required by state or federal law;

16 3. Assist the department in performing its duties
17 relating to access management, functional classification of
18 roads, and data collection;

19 4. Execute all agreements or certifications necessary
20 to comply with applicable state or federal law;

21 5. Represent all the jurisdictional areas within the
22 metropolitan area in the formulation of transportation plans
23 and programs required by this section; and

24 6. Perform all other duties required by state or
25 federal law.

26 ~~(d)~~(e) Each M.P.O. shall appoint a technical advisory
27 committee that includes planners; engineers; representatives
28 of local aviation authorities, port authorities, and public
29 transit authorities or representatives of aviation
30 departments, seaport departments, and public transit
31 departments of municipal or county governments, as applicable;

1 the school superintendent of each county within the
2 jurisdiction of the M.P.O. or the superintendent's designee;
3 and other appropriate representatives of affected local
4 governments. In addition to any other duties assigned to it by
5 the M.P.O. or by state or federal law, the technical advisory
6 committee is responsible for identifying projects contained in
7 the long-range plan or transportation improvement program
8 which deserve to be classified as a school safety concern.
9 Upon receipt of the recommendation from the technical advisory
10 committee that a project should be so classified, the M.P.O.
11 must vote on whether to classify a particular project as a
12 school safety concern. If the M.P.O. votes that a project
13 should be classified as a school safety concern, the local
14 governmental entity responsible for the project must consider
15 at least two alternatives before making a decision about
16 project location or alignment.

17 (f)~~(e)~~1. Each M.P.O. shall appoint a citizens'
18 advisory committee, the members of which serve at the pleasure
19 of the M.P.O. The membership on the citizens' advisory
20 committee must reflect a broad cross section of local
21 residents with an interest in the development of an efficient,
22 safe, and cost-effective transportation system. Minorities,
23 the elderly, and the handicapped must be adequately
24 represented.

25 2. Notwithstanding the provisions of subparagraph 1.,
26 an M.P.O. may, with the approval of the department and the
27 applicable federal governmental agency, adopt an alternative
28 program or mechanism to ensure citizen involvement in the
29 transportation planning process.

30 (g)~~(f)~~ The department shall allocate to each M.P.O.,
31 for the purpose of accomplishing its transportation planning

1 and programming duties, an appropriate amount of federal
2 transportation planning funds.

3 (h)~~(g)~~ Each M.P.O. may employ personnel or may enter
4 into contracts with local or state agencies, private planning
5 firms, or private engineering firms to accomplish its
6 transportation planning and programming duties required by
7 state or federal law.

8 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
9 long-range transportation plan that addresses at least a
10 20-year planning horizon. The plan must include both
11 long-range and short-range strategies and must comply with all
12 other state and federal requirements. The long-range plan must
13 be consistent, to the maximum extent feasible, with future
14 land use elements and the goals, objectives, and policies of
15 the approved local government comprehensive plans of the units
16 of local government located within the jurisdiction of the
17 M.P.O. The approved long-range plan must be considered by
18 local governments in the development of the transportation
19 elements in local government comprehensive plans and any
20 amendments thereto. The long-range plan must, at a minimum:

21 (a) Include goals demonstrating compliance with the
22 seven planning factors in paragraph (5)(b).

23 (b)~~(a)~~ Identify transportation facilities, including,
24 but not limited to, major roadways, airports, seaports,
25 commuter rail systems, transit systems, and intermodal or
26 multimodal terminals that will function as an integrated
27 metropolitan transportation system. The long-range plan must
28 give emphasis to those transportation facilities that serve
29 national, statewide, or regional functions, and must consider
30 the goals and objectives identified in the Florida
31 Transportation Plan as provided in s. 339.155.

1 (c)~~(b)~~ Include a financial plan that demonstrates how
2 the plan can be implemented, indicating resources from public
3 and private sources which are reasonably expected to be
4 available to carry out the plan, and recommends innovative
5 financing techniques that may be used to fund needed projects
6 and programs. Such techniques may include the assessment of
7 tolls, the use of value capture financing, or the use of
8 congestion pricing.

9 (d)~~(c)~~ Assess capital investment and other measures
10 necessary to:

11 1. Ensure the preservation of the existing
12 metropolitan transportation system including requirements for
13 the operation, resurfacing, restoration, and rehabilitation of
14 major roadways and requirements for the operation,
15 maintenance, modernization, and rehabilitation of public
16 transportation facilities; and

17 2. Make the most efficient use of existing
18 transportation facilities to relieve vehicular congestion and
19 maximize the mobility of people and goods.

20 (e)~~(d)~~ Indicate, as appropriate, proposed
21 transportation enhancement activities, including, but not
22 limited to, pedestrian and bicycle facilities, scenic
23 easements, landscaping, historic preservation, mitigation of
24 water pollution due to highway runoff, and control of outdoor
25 advertising.

26 (f)~~(e)~~ In addition to the requirements of paragraphs
27 (a)-(e)~~(a)~~-~~(d)~~, in metropolitan areas that are classified as
28 nonattainment areas for ozone or carbon monoxide, the M.P.O.
29 must coordinate the development of the long-range plan with
30 the State Implementation Plan developed pursuant to the
31 requirements of the federal Clean Air Act.

1
2 In the development of its long-range plan, each M.P.O. must
3 provide affected public agencies, representatives of
4 transportation agency employees, private providers of
5 transportation, other interested parties, and members of the
6 general public with a reasonable opportunity to comment on the
7 long-range plan. The long-range plan must be approved by the
8 M.P.O.

9 Section 12. Land-Use Transportation Planning
10 Reconciliation Technical Committee.--There is created the
11 Land-Use Transportation Planning Reconciliation Technical
12 Committee to evaluate the roles of local governments, regional
13 planning councils, metropolitan planning organizations, and
14 state agencies in the reconciliation of land-use designations
15 and transportation planning. The technical committee shall
16 evaluate the statutory provisions and agency rules relating to
17 land-use and transportation coordination and planning issues,
18 including chapter 339, Florida Statutes, and part II of
19 chapter 163, Florida Statutes, and shall recommend changes to
20 statutes and pertinent agency rules which will facilitate
21 better coordination between land-use planning and
22 transportation planning. Special emphasis must be given in
23 this evaluation to concurrency on the highway system, levels
24 of service methodologies, and impact assessments used to
25 project transportation needs. The technical committee shall
26 consult with the Department of Community Affairs and the
27 Department of Transportation. The technical committee shall
28 consist of 12 members, six of whom must be appointed by the
29 Secretary of Community Affairs and six of whom must be
30 appointed by the Secretary of Transportation. One of the
31 Secretary of Community Affairs' appointees must represent

1 local government, one must represent regional planning
2 councils, and one must represent the private sector. One of
3 the Secretary of Transportation's appointees must represent
4 local government, one must represent metropolitan planning
5 organizations, and one must represent the private sector. The
6 Center for Urban Transportation Research shall provide
7 research and technical assistance to the committee. On or
8 before December 1, 1998, an evaluation report must be
9 presented to the Governor, the President of the Senate, and
10 the Speaker of the House of Representatives.

11 Section 13. Subsections (6), (7), (8), and (9) are
12 added to section 341.053, Florida Statutes, to read:

13 341.053 Intermodal Development Program;
14 administration; eligible projects; limitations.--

15 (6) The department shall review funding requests from
16 two or more seaports as described in s. 311.09(1) or a
17 combination of two or more of the following: seaports, rail,
18 airports, or other public transportation authorities. The
19 department may fund projects that create intermodal transfer
20 facilities or such intermodal or multimodal transportation
21 terminals as provided in subsection (5).

22 (7) There is created the Strategic Intermodal
23 Transportation and Economic Development Planning Council
24 within the department to plan for the efficient use of public
25 and private transportation systems and facilities to support
26 Florida's economic development through the intermodal movement
27 of people and freight cargo to and from or between seaports,
28 airports, and other transportation terminals and facilities.

29 (a) By February 1, 1999, the council must submit to
30 the Governor, the Transportation Commission, and the
31 Legislature a report that at a minimum:

1 1. Analyzes current and future intermodal
2 transportation needs, including the assessment of existing
3 infrastructure to determine key deficiencies of modal
4 interface, capacity, and over-utilization or under-utilization
5 of public and private assets.

6 2. Identifies appropriate goals, measures of
7 intermodal system performance, and strategies for growth in
8 intermodal facilities to support Florida's growth in
9 international trade and economic development.

10 3. Identifies methods to improve intergovernmental
11 coordination between local, regional, and state agencies and
12 the private sector to better plan for Florida's economic
13 development through the intermodal movement of people and
14 freight.

15 (b) By July 1, 1999, the council must submit to the
16 Governor, the Department of Transportation, the Transportation
17 Commission, and the Legislature a report that at a minimum:

18 1. Identifies intermodal projects of statewide
19 significance and documents the need for the projects as well
20 as their importance, benefits, and conformance with the goals
21 and strategies developed by the council.

22 2. Identifies local government benefits from
23 intermodal projects of statewide significance through the
24 development of community-based economic development projects.

25 3. Includes a prioritized needs list of intermodal
26 transportation projects of statewide significance identifying
27 possible public and private funding for at least the first 5
28 years of priority projects.

29 (c) The council must update the prioritized needs list
30 when necessary as determined by a majority vote of voting
31 committee members, but not less than once every 5 years.

1 (8) Any projects selected for implementation from the
2 needs list prepared pursuant to paragraph (7)(b) must be
3 included in the department's adopted work program developed in
4 accordance with s. 339.135. In conjunction with its annual
5 in-depth evaluation, the Transportation Commission must review
6 the councils needs list and the department's work program and
7 provide a review and analysis to the Governor and Legislature
8 as described under s. 339.135. The review and analysis must
9 include a review of the needs lists and work programs
10 implementation of the council's goals and strategies.

11 (9) The council shall consist of nine members: the
12 Secretary of Transportation or his or her designee; the
13 Secretary of Community Affairs or his or her designee; two
14 members appointed by the Governor; a member from Enterprise
15 Florida appointed by the Governor; a member from the Florida
16 Seaport Transportation and Economic Development Council
17 appointed by the Governor; a member representing airports
18 appointed by the Governor; a member representing railroads
19 appointed by the Governor; and a member representing the
20 commercial trucking industry appointed by the Governor.
21 Metropolitan Planning Organizations and Regional Planning
22 Councils may be represented as nonvoting members of the
23 council. The department may contract with members of the
24 council or other entities to provide for development of
25 appropriate information required to facilitate the planning
26 process.

27 Section 14. This act shall take effect upon becoming a
28 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill CS/SB 1456

4 Clarifies that a local government in which a port is located
5 may satisfy the requirement to identify spoil disposal sites
6 for dredged material by identifying those sites in the port
7 master plan which is incorporated into the local government's
8 comprehensive plan.

9 Creates a new exception from the prohibition against amending
10 a comprehensive plan more than twice a year for amendments
11 relating to port transportation facilities and projects
12 eligible for funding by the Florida Seaport Transportation and
13 Economic Development (FSTED) Council.

14 Creates a new exception from the prohibition against amending
15 a comprehensive plan if the local government's EAR has not
16 been timely submitted for plan amendments relating to port
17 transportation facilities and projects eligible for funding by
18 the Florida Seaport Transportation and Economic Development
19 (FSTED) Council.

20 Clarifies that projects which are or may be funded by FSTED
21 are port transportation facilities or projects, and that those
22 projects include the acquisition, improvement, enlargement or
23 extension of existing port facilities to be used for port
24 purposes as long as the project is described in or consistent
25 with a port master plan.

26 Declares that FSTED Council projects which are consistent with
27 ch. 311, F.S., are presumed to be in the public interest.

28 Amends chs. 315 and 320, F.S., relating to port facilities
29 financing, to create cross-references clarifying the authority
30 of three or more ports to establish a legal entity by
31 interlocal agreement and issue bonds for the purpose of
financing, planning, designing or constructing port facility
projects.

Restores duties and responsibilities of M.P.O.s which were
being deleted in the bill, and deletes new duties and
responsibilities which were being added for consistency with
federal requirements. Further, the CS requires M.P.O.s to
consider, among other things, the social and economic effects
of transportation projects on low income, inner-city
neighborhoods; and requires that the goals be developed
cooperatively between local governments and M.P.O.s in the
context of the land use and transportation elements of the
local comprehensive and M.P.O. plans.

Deletes a section which amended the factors to be considered
in preparing and updating the Florida Transportation Plan.

Clarifies that an extension of a local government's EAR due
date may only be granted if it would result in greater
coordination between transportation and land use, for the
purpose of improving Florida's transportation system.

Amends the objectives of the DOT to include enhancing the

1 state's competitive position in the world economy by improving
2 access to the state's major airports, seaports, intermodal
3 surface transfer facilities, and trucking facilities of
4 statewide significance.
5 Provides that the DOT must emphasize system connectivity and
6 intermodal connection in developing and implementing the
7 Florida Intrastate Highway System.
8 Requires that the DOT, in preparing its 1999-2000 and
9 2004-2005 work programs, direct additional federal funds to
10 enhance the state's competitive position as stated above.
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