

By Senator Hargrett

21-1409A-99

1 A bill to be entitled
2 An act relating to land use and transportation
3 planning; amending s. 163.3164, F.S.; defining
4 the term "urban redevelopment" to include urban
5 infill and downtown revitalization areas;
6 specifying that the term "projects that promote
7 public transportation" includes certain
8 transit-oriented development; creating s.
9 163.3172, F.S.; authorizing alternative
10 local-government planning process; amending s.
11 163.3177, F.S.; providing for consistency
12 between a local government's
13 capital-improvement program and the
14 capital-improvements element of the
15 comprehensive plan; providing for coordination
16 of the capital-improvements element with the
17 metropolitan planning organizations's
18 long-range transportation plan; providing a
19 dispute-resolution process; providing that
20 local governments in an urbanized area must
21 include access-management measures and goals
22 and objectives for accelerated acquisition of
23 rights-of-way in their transportation element;
24 requiring local governments to annually publish
25 a report on the condition of their
26 transportation systems with respect to
27 concurrency; amending s. 163.3180, F.S.;
28 authorizing the use of multimodal
29 level-of-service analysis; exempting certain
30 public transit facilities from concurrency
31 requirements; authorizing local governments to

1 set the level-of-service standards for certain
2 portions of the Florida Intrastate Highway
3 System, under specified circumstances;
4 authorizing concurrency exemptions for
5 multi-use developments of regional impact under
6 certain circumstances; authorizing the
7 establishment of multi-modal transportation
8 districts; amending s. 163.3202, F.S.;
9 requiring local government land regulations to
10 include access-management measures to protect
11 regional transportation corridors and
12 interchanges; amending s. 186.507, F.S.;
13 requiring regional planning councils to plan
14 for intermodal facilities; creating s. 187.301,
15 F.S.; providing for a state capital-investment
16 strategy for coordinating transportation
17 infrastructure with land use and community
18 design; amending s. 206.46, F.S.; providing
19 funding for the Florida Intrastate
20 Transportation System; amending s. 316.0745,
21 F.S.; requiring the Department of
22 Transportation to provide for the use of
23 traffic-calming techniques; amending s.
24 334.044, F.S.; providing that it is the
25 responsibility of the Department of
26 Transportation to coordinate the planning of an
27 environmentally sound state transportation
28 system and to discourage undesirable induced
29 development; amending s. 335.181, F.S.;
30 providing that the regulation of access to the
31 State Highway System is necessary to provide

1 for orderly, well-placed, compact development
2 and for the protection of natural resources;
3 amending s. 335.188, F.S.; providing that
4 assignment of a road segment to a specific
5 access category may be made after considering
6 the character of lands adjoining the highway in
7 order to provide for orderly, well-placed,
8 compact development; amending s. 338.001, F.S.;
9 creating the Florida Intrastate Transportation
10 System and Plan; amending s. 339.135, F.S.;
11 authorizing the Department of Transportation
12 and Metropolitan Planning Organizations to
13 reward local governments that have fully
14 utilized their local gas tax or that use local
15 gas tax revenues on regionally significant
16 transportation projects; amending s. 339.155,
17 F.S.; requiring the Department of
18 Transportation to consider the needs of the
19 entire state transportation system and the
20 interconnection of modes; requiring regional
21 planning councils to address and plan for
22 intermodal facilities and the movement of
23 people and freight in the strategic regional
24 policy plan; amending s. 339.175, F.S.;
25 requiring the plans of Metropolitan Planning
26 Organizations to be consistent with those of
27 adjacent Metropolitan Planning Organizations;
28 authorizing Metropolitan Planning Organizations
29 to share data and technical expertise with
30 local governments; providing that a regional
31 planning council is the forum for cooperative

1 decisionmaking for Metropolitan Planning
2 Organizations within its jurisdiction and is
3 responsible for coordinating the Metropolitan
4 Planning Organizations' long-range plans and
5 the capital-improvement and transportation
6 elements of the comprehensive plan of local
7 governments within its jurisdiction; repealing
8 s. 341.053, F.S., relating to the intermodal
9 program; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. Subsections (26), (27), and (28) of section
14 163.3164, Florida Statutes, 1998 Supplement, are amended to
15 read:

16

163.3164 Definitions.--As used in this act:

17

17 (26) "Urban redevelopment" means demolition and
18 reconstruction or substantial renovation of existing buildings
19 or infrastructure within ~~urban infill areas~~ or existing urban
20 service areas and include urban infill and downtown
21 revitalization areas.

22

22 (27) "Urban infill" means the development of vacant
23 parcels in otherwise built-up areas where public facilities
24 such as sewer systems, roads, schools, and recreation areas
25 are already in place ~~and the average residential density is at~~
26 ~~least five dwelling units per acre, the average nonresidential~~
27 ~~intensity is at least a floor area ratio of 1.0 and vacant,~~
28 ~~developable land does not constitute more than 10 percent of~~
29 ~~the area.~~

30

30 (28) "Projects that promote public transportation"

31

means:

1 (a) Projects that directly affect the provisions of
2 public transit, including transit terminals, transit lines and
3 routes, separate lanes for the exclusive use of public transit
4 services, transit stops (shelters and stations), and office
5 buildings or projects that include fixed-rail or transit
6 terminals as part of the building.

7 (b) Projects that promote transit-oriented development
8 that is designed to compliment reasonably proximate, planned
9 or existing, public transit facilities. The department shall
10 define by rule the term "reasonably proximate" as used in this
11 subsection.

12 Section 2. Section 163.3172, Florida Statutes, is
13 created to read:

14 163.3172 Smart communities.--

15 (1) The Legislature finds that this state needs an
16 optional alternative approach to growth management, based on
17 the use of techniques of community building which recognize
18 the relationship between land-use decisions and their
19 consequences on services and facilities, especially
20 transportation. Through the application of established design
21 criteria, rather than the primarily policy-oriented approach
22 currently mandated, a new focus should emerge to address
23 specific spatial relationships between plan elements and
24 between transportation and land use. Design parameters should
25 be translated into indicators unique to each community which
26 should replace or supplement plan policies and should guide
27 day-to-day community decisions concerning development. Local
28 economic, environmental, and social factors and choices should
29 drive this design process.

30 (2) The state land planning agency may develop an
31 alternative local government planning process entitled "Smart

1 Communities." This process should use community planning
2 techniques to develop a desired community form through the
3 application and use of proven community design practices to
4 achieve sustainable and livable communities. The agency should
5 maximize the extent to which this process can be implemented
6 within existing statutory authority. If the agency believes
7 rulemaking is necessary to implement this section, it shall
8 submit any proposed rules to the Legislature by December 1,
9 1999, for review and specific authorization. At a minimum, the
10 process should include the following:

11 (a) A procedure for the acceptance, review, and
12 approval of smart community eligibility and designation;

13 (b) Application of the basic elements of smart
14 community development within a smart community plan to ensure
15 that an integrated, sustainable community is developed
16 consistent with the regional context of ecosystem, water
17 management, and transportation mobility;

18 (c) Requirements for a smart community plan that is
19 based on a full, integrated, and complete vision of the
20 desired community future, at build-out. Criteria should be
21 established for local use by planning staff during plan
22 formulation and by the Department of Community Affairs for
23 determination of plan compliance during any necessary
24 growth-management-plan amendments; and

25 (d) Adequate evaluation and implementation techniques
26 and mechanisms that are incorporated into the plan framework
27 to track whether the implementation of the plan is attaining
28 the desired future.

29 (3) Local governments should be allowed to undertake
30 this approach for the entire jurisdiction or for subparts,
31 such as a neighborhood, sector, or district. Regional plans

1 should be encouraged to use this approach to facilitate and
2 coordinate growth management along primary transportation
3 corridors.

4 (4) The state land planning agency should recommend to
5 the Legislature by December 1, 1999, the prioritized programs,
6 techniques, and mechanisms that should be established to
7 provide appropriate incentives for the use of this process. In
8 preparing its recommendations, the agency should be guided by
9 the recommendations in the January 15, 1999, final report of
10 the Transportation and Land Use Study Committee.

11 Section 3. Subsections (3), (4), and (10) and
12 paragraphs (b), (h), and (j) of subsection (10) of section
13 163.3177, Florida Statutes, 1998 Supplement, are amended to
14 read:

15 163.3177 Required and optional elements of
16 comprehensive plan; studies and surveys.--

17 (3)(a) The comprehensive plan shall contain a capital
18 improvements element designed to consider the need for and the
19 location of public facilities in order to encourage the
20 efficient utilization of such facilities and set forth:

21 1. A component which outlines principles for
22 construction, extension, or increase in capacity of public
23 facilities, as well as a component which outlines principles
24 for correcting existing public facility deficiencies, which
25 are necessary to implement the comprehensive plan. The
26 components shall cover at least a 5-year period.

27 2. Estimated public facility costs, including a
28 delineation of when facilities will be needed, the general
29 location of the facilities, and projected revenue sources to
30 fund the facilities.

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1 3. Standards to ensure the availability of public
2 facilities and the adequacy of those facilities including
3 acceptable levels of service.

4 4. Standards for the management of debt.

5 (b) The capital improvements element shall be reviewed
6 annually for consistency with the local government's current
7 capital-improvement program ~~on an annual basis~~ and modified as
8 necessary in accordance with s. 163.3187 or s. 163.3189,
9 except that corrections, updates, and modifications concerning
10 costs; revenue sources; acceptance of facilities pursuant to
11 dedications which are consistent with the plan; or the date of
12 construction of any facility enumerated in the capital
13 improvements element may be accomplished by ordinance and
14 shall not be deemed to be amendments to the local
15 comprehensive plan. All public facilities shall be consistent
16 with the capital improvements element.

17 (c) The capital improvements element must be
18 coordinated and developed with the appropriate Metropolitan
19 Planning Organization long-range transportation plan.

20 (4)(a) Coordination of the local comprehensive plan
21 with the comprehensive plans of adjacent municipalities, the
22 county, adjacent counties, or the region; with adopted rules
23 pertaining to designated areas of critical state concern; and
24 with the state comprehensive plan shall be a major objective
25 of the local comprehensive planning process. To that end, in
26 the preparation of a comprehensive plan or element thereof,
27 and in the comprehensive plan or element as adopted, the
28 governing body shall include a specific policy statement
29 indicating the relationship of the proposed development of the
30 area to the comprehensive plans of adjacent municipalities,
31 the county, adjacent counties, the appropriate Metropolitan

1 Planning Organization's long-range transportation plan or the
2 region and to the state comprehensive plan, as the case may
3 require and as such adopted plans or plans in preparation may
4 exist.

5 (b) When all or a portion of the land in a local
6 government jurisdiction is or becomes part of a designated
7 area of critical state concern, the local government shall
8 clearly identify those portions of the local comprehensive
9 plan that shall be applicable to the critical area and shall
10 indicate the relationship of the proposed development of the
11 area to the rules for the area of critical state concern.

12 (6) In addition to the requirements of subsections
13 (1)-(5), the comprehensive plan shall include the following
14 elements:

15 (b) A traffic circulation element consisting of the
16 types, locations, and extent of existing and proposed major
17 thoroughfares and transportation routes, including bicycle and
18 pedestrian ways. Transportation corridors, as defined in s.
19 334.03, may be designated in the traffic circulation element
20 pursuant to s. 337.273. The element shall contain goals,
21 objectives, and policies for accelerated acquisition of
22 rights-of-way for those corridors where the planning level
23 study has been completed.If the transportation corridors are
24 designated, the local government may adopt a transportation
25 corridor management ordinance.

26 (h)1. An intergovernmental coordination element
27 showing relationships and stating principles and guidelines to
28 be used in the accomplishment of coordination of the adopted
29 comprehensive plan with the plans of school boards and other
30 units of local government providing services but not having
31 regulatory authority over the use of land, with the

1 comprehensive plans of adjacent municipalities, the county,
2 adjacent counties, or the region, and with the state
3 comprehensive plan, as the case may require and as such
4 adopted plans or plans in preparation may exist. This element
5 of the local comprehensive plan shall demonstrate
6 consideration of the particular effects of the local plan,
7 when adopted, upon the development of adjacent municipalities,
8 the county, adjacent counties, or the region, or upon the
9 state comprehensive plan, as the case may require.

10 a. The intergovernmental coordination element shall
11 provide for procedures to identify and implement joint
12 planning areas, especially for the purpose of annexation,
13 municipal incorporation, and joint infrastructure service
14 areas.

15 b. The intergovernmental coordination element shall
16 provide for recognition of campus master plans prepared
17 pursuant to s. 240.155.

18 c. The intergovernmental coordination element must ~~may~~
19 provide for a dispute-resolution ~~voluntary dispute-resolution~~
20 process as established pursuant to s. 186.509 for bringing to
21 closure in a timely manner intergovernmental disputes. ~~A~~
22 ~~local government may develop and use an alternative local~~
23 ~~dispute resolution process for this purpose.~~

24 2. The intergovernmental coordination element shall
25 further state principles and guidelines to be used in the
26 accomplishment of coordination of the adopted comprehensive
27 plan with the plans of school boards and other units of local
28 government providing facilities and services but not having
29 regulatory authority over the use of land. In addition, the
30 intergovernmental coordination element shall describe joint
31 processes for collaborative planning and decisionmaking on

1 population projections and public school siting, the location
2 and extension of public facilities subject to concurrency, and
3 siting facilities with countywide significance, including
4 locally unwanted land uses whose nature and identity are
5 established in an agreement. Within 1 year of adopting their
6 intergovernmental coordination elements, each county, all the
7 municipalities within that county, the district school board,
8 and any unit of local government service providers in that
9 county shall establish by interlocal or other formal agreement
10 executed by all affected entities, the joint processes
11 described in this subparagraph consistent with their adopted
12 intergovernmental coordination elements.

13 3. To foster coordination between special districts
14 and local general-purpose governments as local general-purpose
15 governments implement local comprehensive plans, each
16 independent special district must submit a public facilities
17 report to the appropriate local government as required by s.
18 189.415.

19 4. The state land planning agency shall establish a
20 schedule for phased completion and transmittal of plan
21 amendments to implement subparagraphs 1., 2., and 3. from all
22 jurisdictions so as to accomplish their adoption by December
23 31, 1999. A local government may complete and transmit its
24 plan amendments to carry out these provisions prior to the
25 scheduled date established by the state land planning agency.
26 The plan amendments are exempt from the provisions of s.
27 163.3187(1).

28 (j) For each unit of local government within an
29 urbanized area designated for purposes of s. 339.175, a
30 transportation element, which shall be prepared and adopted in
31 lieu of the requirements of paragraph (b) and paragraphs

1 (7)(a), (b), (c), and (d) and which shall address the
2 following issues:

3 1. Traffic circulation, including major thoroughfares
4 and other routes, including bicycle and pedestrian ways.

5 2. All alternative modes of travel, such as public
6 transportation, pedestrian, and bicycle travel.

7 3. Parking facilities.

8 4. Aviation, rail, seaport facilities, access to those
9 facilities, and intermodal terminals.

10 5. The availability of facilities and services to
11 serve existing land uses and the compatibility between future
12 land use and transportation elements.

13 6. The capability to evacuate the coastal population
14 prior to an impending natural disaster.

15 7. Airports, projected airport and aviation
16 development, and land use compatibility around airports.

17 8. An identification of land use densities, building
18 intensities, and transportation management programs to promote
19 public transportation systems in designated public
20 transportation corridors so as to encourage population
21 densities sufficient to support such systems.

22 9. Shall ~~May~~ include transportation corridors, as
23 defined in s. 334.03 or as identified in a Metropolitan
24 Planning Organization's long-range transportation plan,
25 intended for future transportation facilities designated
26 pursuant to s. 337.273. The element must contain goals,
27 objectives, and policies for accelerated acquisition of
28 rights-of-way for those corridors where the planning level
29 study has been completed. If transportation corridors are
30 designated, the local government shall ~~may~~ adopt a
31 transportation corridor management ordinance.

1 10. Access-management measures to protect the
2 operation and safety of transportation corridors and
3 interchanges.

4 (10) The Legislature recognizes the importance and
5 significance of chapter 9J-5, Florida Administrative Code, the
6 Minimum Criteria for Review of Local Government Comprehensive
7 Plans and Determination of Compliance of the Department of
8 Community Affairs that will be used to determine compliance of
9 local comprehensive plans. The Legislature reserved unto
10 itself the right to review chapter 9J-5, Florida
11 Administrative Code, and to reject, modify, or take no action
12 relative to this rule. Therefore, pursuant to subsection (9),
13 the Legislature hereby has reviewed chapter 9J-5, Florida
14 Administrative Code, and expresses the following legislative
15 intent:

16 (a) The Legislature finds that in order for the
17 department to review local comprehensive plans, it is
18 necessary to define the term "consistency." Therefore, for the
19 purpose of determining whether local comprehensive plans are
20 consistent with the state comprehensive plan and the
21 appropriate regional policy plan, a local plan shall be
22 consistent with such plans if the local plan is "compatible
23 with" and "furthers" such plans. The term "compatible with"
24 means that the local plan is not in conflict with the state
25 comprehensive plan, the appropriate Metropolitan Planning
26 Organization's long-range transportation plan, or appropriate
27 regional policy plan. The term "furthers" means to take
28 action in the direction of realizing goals or policies of the
29 state or regional plan. For the purposes of determining
30 consistency of the local plan with the state comprehensive
31 plan or the appropriate regional policy plan, the state or

1 regional plan shall be construed as a whole and no specific
2 goal and policy shall be construed or applied in isolation
3 from the other goals and policies in the plans.

4 (b) Each local government shall review all the state
5 comprehensive plan goals and policies and shall address in its
6 comprehensive plan the goals and policies which are relevant
7 to the circumstances or conditions in its jurisdiction. The
8 decision regarding which particular state comprehensive plan
9 goals and policies will be furthered by the expenditure of a
10 local government's financial resources in any given year is a
11 decision which rests solely within the discretion of the local
12 government. Intergovernmental coordination, as set forth in
13 paragraph (6)(h), shall be utilized to the extent required to
14 carry out the provisions of chapter 9J-5, Florida
15 Administrative Code.

16 (c) The Legislature declares that if any portion of
17 chapter 9J-5, Florida Administrative Code, is found to be in
18 conflict with this part, the appropriate statutory provision
19 shall prevail.

20 (d) Chapter 9J-5, Florida Administrative Code, does
21 not mandate the creation, limitation, or elimination of
22 regulatory authority, nor does it authorize the adoption or
23 require the repeal of any rules, criteria, or standards of any
24 local, regional, or state agency.

25 (e) It is the Legislature's intent that support data
26 or summaries thereof shall not be subject to the compliance
27 review process, but the Legislature intends that goals and
28 policies be clearly based on appropriate data. The department
29 may utilize support data or summaries thereof to aid in its
30 determination of compliance and consistency. The Legislature
31 intends that the department may evaluate the application of a

1 methodology utilized in data collection or whether a
2 particular methodology is professionally accepted. ~~However,~~
3 ~~the department shall not evaluate whether one accepted~~
4 ~~methodology is better than another.~~ Chapter 9J-5, Florida
5 Administrative Code, shall not be construed to require
6 original data collection by local governments; however, local
7 governments are not to be discouraged from utilizing original
8 data so long as methodologies are professionally accepted.

9 (f) The Legislature recognizes that under this
10 section, local governments are charged with setting levels of
11 service for public facilities in their comprehensive plans in
12 accordance with which development orders and permits will be
13 issued pursuant to s. 163.3202(2)(g). Nothing herein shall
14 supersede the authority of state, regional, or local agencies
15 as otherwise provided by law.

16 (g) Definitions contained in chapter 9J-5, Florida
17 Administrative Code, are not intended to modify or amend the
18 definitions utilized for purposes of other programs or rules
19 or to establish or limit regulatory authority. Local
20 governments may establish alternative definitions in local
21 comprehensive plans, as long as such definitions accomplish
22 the intent of this chapter, and chapter 9J-5, Florida
23 Administrative Code.

24 (h) It is the intent of the Legislature that public
25 facilities and services needed to support development shall be
26 available concurrent with the impacts of such development in
27 accordance with s. 163.3180. In meeting this intent, public
28 facility and service availability shall be deemed sufficient
29 if the public facilities and services for a development are
30 phased, or the development is phased, so that the public
31 facilities and those related services which are deemed

1 necessary by the local government to operate the facilities
2 necessitated by that development are available concurrent with
3 the impacts of the development. The public facilities and
4 services, unless already available, are to be consistent with
5 the capital improvements element of the local comprehensive
6 plan as required by paragraph (3)(a) or guaranteed in an
7 enforceable development agreement. This shall include
8 development agreements pursuant to this chapter or in an
9 agreement or a development order issued pursuant to chapter
10 380. Nothing herein shall be construed to require a local
11 government to address services in its capital improvements
12 plan or to limit a local government's ability to address any
13 service in its capital improvements plan that it deems
14 necessary.

15 (i) Each local government with the assistance from the
16 Department of Transportation, the Department of Community
17 Affairs, the appropriate Metropolitan Planning Organization,
18 and the appropriate regional planning council, shall annually
19 publish a report on the condition of its transportation system
20 with respect to concurrency. This report must be coordinated
21 with the local government's annual review of its
22 capital-improvement program and must contain at a minimum a
23 summary of current level-of-service conditions; approved
24 developments; their incremental trips assigned to the
25 transportation network; and the anticipated resulting
26 level-of-service. In addition, this report should graphically
27 document local transportation funding needs by preparing a
28 series of maps depicting transportation projects that could be
29 advanced with additional funding. Funding needs should be
30 based on the adopted local government plan, the adopted
31 Metropolitan Planning Organization Long-Range Transportation

1 Plan, where applicable, and applicable plans of the Department
2 of Transportation.

3 (j)~~(i)~~ The department shall take into account the
4 factors delineated in rule 9J-5.002(2), Florida Administrative
5 Code, as it provides assistance to local governments and
6 applies the rule in specific situations with regard to the
7 detail of the data and analysis required.

8 (k)~~(j)~~ Chapter 9J-5, Florida Administrative Code, has
9 become effective pursuant to subsection (9). The Legislature
10 hereby directs the department to adopt amendments as necessary
11 which conform chapter 9J-5, Florida Administrative Code, with
12 the requirements of this legislative intent by October 1,
13 1986.

14 (l)~~(k)~~ So that local governments are able to prepare
15 and adopt comprehensive plans with knowledge of the rules that
16 will be applied to determine consistency of the plans with
17 provisions of this part, it is the intent of the Legislature
18 that there should be no doubt as to the legal standing of
19 chapter 9J-5, Florida Administrative Code, at the close of the
20 1986 legislative session. Therefore, the Legislature declares
21 that changes made to chapter 9J-5, Florida Administrative
22 Code, prior to October 1, 1986, shall not be subject to rule
23 challenges under s. 120.56(2), or to drawout proceedings under
24 s. 120.54(3)(c)2. The entire chapter 9J-5, Florida
25 Administrative Code, as amended, shall be subject to rule
26 challenges under s. 120.56(3), as nothing herein shall be
27 construed to indicate approval or disapproval of any portion
28 of chapter 9J-5, Florida Administrative Code, not specifically
29 addressed herein. No challenge pursuant to s. 120.56(3) may
30 be filed from July 1, 1987, through April 1, 1993. Any
31 amendments to chapter 9J-5, Florida Administrative Code,

1 exclusive of the amendments adopted prior to October 1, 1986,
2 pursuant to this act, shall be subject to the full chapter 120
3 process. All amendments shall have effective dates as
4 provided in chapter 120 and submission to the President of the
5 Senate and Speaker of the House of Representatives shall not
6 be required.

7 (m)~~(i)~~ The state land planning agency shall consider
8 land use compatibility issues in the vicinity of all airports
9 in coordination with the Department of Transportation.

10 Section 4. Subsections (1), (4), (6), (8), and (10)
11 and paragraphs (b) and (c) of subsection (5) of section
12 163.3180, Florida Statutes, 1998 Supplement, are amended,
13 present subsections (12) and (13) of that section are
14 redesignated as subsections (13) and (14), respectively, and
15 new subsections (12) and (15) are added to that section, to
16 read:

17 163.3180 Concurrency.--

18 (1)(a) ~~Roads~~, Sanitary sewer, solid waste, drainage,
19 potable water, parks and recreation, and transportation
20 facilities, including mass transit, where applicable, are the
21 only public facilities and services subject to the concurrency
22 requirement on a statewide basis. Additional public facilities
23 and services may not be made subject to concurrency on a
24 statewide basis without appropriate study and approval by the
25 Legislature; however, any local government may extend the
26 concurrency requirement so that it applies to additional
27 public facilities within its jurisdiction.

28 (b) Local governments shall use professionally
29 accepted techniques for measuring level of service for
30 automobiles, bicycles, pedestrians, transit, and trucks. These
31 techniques may be used to evaluate increased accessibility by

1 multiple modes and reductions in vehicle miles of travel in an
2 area or zone. The Department of Transportation shall develop
3 methodologies to assist local governments in implementing this
4 multimodal level-of-service analysis. The Department of
5 Community Affairs and the Department of Transportation shall
6 provide technical assistance to local governments in applying
7 these methodologies.

8 (4)(a) The concurrency requirement as implemented in
9 local comprehensive plans applies to state and other public
10 facilities and development to the same extent that it applies
11 to all other facilities and development, as provided by law.

12 (b) The concurrency requirement as implemented in
13 local comprehensive plans does not apply to public transit
14 facilities. For the purposes of this subsection, public
15 transit facilities include transit stations and terminals,
16 transit station parking, park-and-ride lots, intermodal public
17 transit connection or transfer facilities, and fixed bus,
18 guideway, and rail stations. As used in this paragraph, the
19 terms "terminals" and "transit facilities" do not include
20 airports or seaports or commercial or residential development
21 constructed in conjunction with the public transit facility.

22 (5)

23 (b) A local government may grant an exception from the
24 concurrency requirement for transportation facilities if the
25 proposed development is otherwise consistent with the adopted
26 local government comprehensive plan and is a project that
27 promotes public transportation or is located within an
28 urban-redevelopment area designated in the comprehensive plan.

29 for+

30 1. ~~Urban infill development,~~

31 2. ~~Urban redevelopment, or~~

1 ~~3. Downtown revitalization.~~

2 (c) The Legislature also finds that developments
3 located within urban infill, urban redevelopment, existing
4 urban service, or downtown revitalization areas which pose
5 only special part-time demands on the transportation system
6 should be excepted from the concurrency requirement for
7 transportation facilities. A development that poses only
8 special part-time demands ~~demand~~ is one that:

9 1. Does not affect the 100 highest traffic volume
10 hours;

11 2. Does not have more than 200 scheduled events during
12 any calendar year, such as stadiums, civic centers, and
13 arenas; or

14 3. Is a place of religious assembly that does not have
15 school or daycare facilities.~~and does not affect the 100~~
16 ~~highest traffic volume hours.~~

17 (6) The Legislature finds that a de minimis impact is
18 consistent with this part. A de minimis impact is an impact
19 that would not affect more than 1 percent of the maximum
20 volume at the adopted level of service of the affected
21 transportation facility as determined by the local government.
22 No impact will be de minimis if the sum of existing roadway
23 volumes and the projected volumes from approved projects on a
24 transportation facility would exceed 110 percent of the
25 maximum volume at the adopted level of service of the affected
26 transportation facility; provided however, that an impact of a
27 single-family ~~single-family~~ home, a duplex, or a single-family
28 use in combination with an accessory residential use on an
29 existing lot will constitute a de minimis impact on all
30 roadways regardless of the level of the deficiency of the
31 roadway. Local governments are encouraged to adopt

1 methodologies to encourage de minimis impacts on
2 transportation facilities within an existing urban service
3 area. Further, no impact will be de minimis if it would exceed
4 the adopted level-of-service standard of any affected
5 designated hurricane evacuation routes.

6 (8) When assessing the transportation impacts of
7 proposed urban redevelopment within an established existing
8 urban service area, 150 ~~110~~ percent of the actual
9 transportation impact caused by the previously existing
10 development must be reserved for the redevelopment, even if
11 the previously existing development has a lesser or
12 nonexisting impact pursuant to the calculations of the local
13 government. Redevelopment requiring less than 150 ~~110~~ percent
14 of the previously existing capacity shall not be prohibited
15 due to the reduction of transportation levels of service below
16 the adopted standards. This does not preclude the appropriate
17 assessment of fees or accounting for the impacts within the
18 concurrency management system and capital improvements program
19 of the affected local government. This paragraph does not
20 affect local government requirements for appropriate
21 development permits.

22 (10)(a) With regard to facilities on the Florida
23 Intrastate Highway System as defined in s. 338.001; ~~local~~
24 ~~governments shall adopt the level-of-service standard~~
25 ~~established by the Department of Transportation by rule.~~

26 1. With concurrence from the Department of
27 Transportation, the level-of-service standard for general-use
28 lanes in urbanized areas, as defined in s. 334.03(36), may be
29 established by the local government in the comprehensive plan.

30 2. The level-of-service standard for rural segments
31 shall be level-of-service C as defined by the Department of

1 Transportation, unless the local government demonstrates to
2 the state land planning agency and the Department of
3 Transportation that the local government has adopted as part
4 of the local comprehensive plan a financially feasible
5 transportation management plan as described in subparagraph 3.

6 3. Local governments are encouraged to protect the
7 Florida Intrastate Highway System for intercity movement in
8 rural and urban areas, and to construct a local transportation
9 system to serve local traffic and development needs. If a
10 local government chooses to develop a financially feasible
11 transportation management plan to protect the Florida
12 Intrastate Highway System and to accommodate local
13 transportation needs, the state land planning agency, the
14 Department of Transportation, the appropriate regional
15 planning agency, and all affected levels of government shall
16 participate in an intensive planning process to develop the
17 transportation management plan. If the local government adopts
18 an adequate financially feasible transportation management
19 plan, the local government may also adopt a lower
20 level-of-service standard for the Florida Intrastate Highway
21 System facilities within its jurisdiction.

22 4. If a Florida Intrastate Highway System facility
23 fails to meet the adopted level-of-service standard, the local
24 government may set an interim level-of-service standard, with
25 concurrence from the Department of Transportation, while the
26 transportation management plan is developed.

27 (b) For all other roads on the State Highway System,
28 local governments shall establish an adequate level-of-service
29 standard that need not be consistent with any level-of-service
30 standard established by the Department of Transportation.

31

1 (12) Multi-use developments of regional impact may, at
2 the discretion of the local government, satisfy the
3 transportation concurrency requirements of the local
4 comprehensive plan, the concurrency management system, and s.
5 380.06 by payment of a proportionate-share contribution, if:

6 (a) The development of regional impact meets or
7 exceeds the guidelines and standards of s. 380.0651(3)(i) and
8 Rule 28-24.032(2), Florida Administrative Code, and includes a
9 residential component that contains at least 100 residential
10 dwelling units or 15 percent of the applicable residential
11 guideline and standard;

12 (b) The traffic impacts of the development of regional
13 impact will not have an unacceptable impact on the development
14 rights of other property owners;

15 (c) The proportionate-share contribution is sufficient
16 to pay for one or more required improvements that will benefit
17 regionally significant transportation facilities;

18 (d) The owner and developer of the development of
19 regional impact pays or assures payment of the
20 proportionate-share contribution; and

21 (e) If the needed regionally significant
22 transportation facility to be constructed or improved is under
23 the maintenance authority of a governmental entity as defined
24 in s. 334.03(12), the developer is required to enter into a
25 binding and legally enforceable commitment to transfer funds
26 to the governmental entity having maintenance authority or to
27 otherwise assure construction or improvement of the facility.

28
29 The state land development agency shall adopt rules to
30 administer this subsection which are consistent with former
31 rule 9J-2.0255, Florida Administrative Code.

1 (15)(a) Multimodal transportation districts may be
2 established under a local government comprehensive plan in
3 areas delineated on the future land use map for which the
4 local comprehensive plan assigns secondary priority to vehicle
5 mobility and primary priority to assuring a safe, comfortable,
6 and attractive pedestrian environment, with convenient
7 interconnection to transit. Such districts must incorporate
8 community design features that will reduce the number of
9 automobile trips or vehicle miles of travel and will support
10 an integrated, multimodal transportation system.

11 (b) Community design elements of such a district
12 include: a complementary mix and range of land uses,
13 including educational, recreational, and cultural uses;
14 interconnected networks of streets designed to encourage
15 walking and bicycling, with traffic-calming where desirable;
16 appropriate densities and intensities of use within walking
17 distance of transit stops; daily activities within walking
18 distance of residences, allowing independence to persons who
19 do not drive; public uses, streets, and squares that are safe,
20 comfortable, and attractive for the pedestrian, with adjoining
21 buildings open to the street and with parking not interfering
22 with pedestrian movement; and convenient interconnection of
23 bicycle, pedestrian, transit, automobile, and truck travel
24 modes.

25 (c) Local governments may establish multimodal
26 level-of-service standards that rely primarily on nonvehicular
27 modes of transportation within the district, when justified by
28 an analysis demonstrating that the existing and planned
29 community design will provide an adequate level of mobility
30 within the district based upon professionally accepted
31 multimodal level-of-service methodologies. The analysis must

1 take into consideration the impact on the Florida Intrastate
2 Highway System. The analysis must also demonstrate that the
3 capital improvements required to promote community design are
4 financially feasible over the development or redevelopment
5 timeframe for the district and that community design features
6 within the district provide convenient interconnection for a
7 multimodal transportation system. Local governments may issue
8 development permits in reliance upon all planned community
9 design capital improvements that are financially feasible over
10 the development or redevelopment timeframe for the district,
11 without regard to the period of time between development or
12 redevelopment and the scheduled construction of the capital
13 improvements. A determination of financial feasibility shall
14 be based upon currently available funding or funding sources
15 that could reasonably be expected to become available over the
16 planning period.

17 (d) Local governments may reduce impact fees or local
18 access fees for development within multimodal transportation
19 districts based on the reduction of vehicle trips per
20 household or vehicle miles of travel expected from the
21 development pattern planned for the district.

22 Section 5. Subsection (2) of section 163.3202, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 163.3202 Land development regulations.--

25 (2) Local land development regulations shall contain
26 specific and detailed provisions necessary or desirable to
27 implement the adopted comprehensive plan and shall as a
28 minimum:

29 (a) Regulate the subdivision of land;

30
31

1 (b) Regulate the use of land and water for those land
2 use categories included in the land use element and ensure the
3 compatibility of adjacent uses and provide for open space;

4 (c) Provide for protection of potable water
5 wellfields;

6 (d) Regulate areas subject to seasonal and periodic
7 flooding and provide for drainage and stormwater management;

8 (e) Ensure the protection of environmentally sensitive
9 lands designated in the comprehensive plan;

10 (f) Regulate signage;

11 (g) Provide that public facilities and services meet
12 or exceed the standards established in the capital
13 improvements element required by s. 163.3177 and are available
14 when needed for the development, or that development orders
15 and permits are conditioned on the availability of these
16 public facilities and services necessary to serve the proposed
17 development. Not later than 1 year after its due date
18 established by the state land planning agency's rule for
19 submission of local comprehensive plans pursuant to s.
20 163.3167(2), a local government shall not issue a development
21 order or permit which results in a reduction in the level of
22 services for the affected public facilities below the level of
23 services provided in the comprehensive plan of the local
24 government.

25 (h) Ensure safe and convenient onsite traffic flow,
26 considering needed vehicle parking.

27 (i) Include access-management measures to protect the
28 operation and safety of regional transportation corridors and
29 interchanges.

30 Section 6. Subsection (2) of section 186.507, Florida
31 Statutes, 1998 Supplement, is amended to read:

1 186.507 Strategic regional policy plans.--

2 (12) In addressing regional transportation, the
3 council shall address and plan for intermodal facilities for
4 the movement of people and freight within and through the
5 region and plan for access to and connections between those
6 facilities, and may recommend minimum density guidelines for
7 development along designated public transportation corridors
8 and identify investment strategies for providing
9 transportation infrastructure where growth is desired, rather
10 than focusing primarily on relieving congestion in areas where
11 growth is discouraged.

12 Section 7. Section 187.301, Florida Statutes, is
13 created to read:

14 187.301 State capital-investment strategy.--

15 (1) The Legislature finds that the Governor, as the
16 chief planning officer of the state, plays a key role by
17 providing guidance to state and regional agencies charged with
18 coordinating transportation infrastructure with land use and
19 community design. Consistent with this role, the Governor
20 should direct and provide policy guidance to state and
21 regional agencies to develop and implement smart-growth plans
22 and policies.

23 (2) The Legislature finds that the state should assist
24 and become a partner in implementing sound regional and local
25 government plans by deploying fiscal resources in a manner
26 that creates incentives for their implementation. Development
27 and investment principles that promote the most efficient use
28 of fiscal resources should be outlined in a statewide
29 smart-growth investment strategy guiding all state
30 infrastructure expenditures, as authorized by the Legislature.
31 The Governor shall prepare such a strategy and propose

1 implementing legislation and submit them to the President of
2 the Senate and Speaker of the House of Representatives by
3 December 1, 1999. The strategy and legislation should:

4 (a) Guide state capital investments, enhance regional
5 planning and cooperation, stimulate the revitalization of
6 existing neighborhoods, and provide incentives to local
7 governments and the private sector to undertake smart growth;

8 (b) Include any necessary refinements to the Local
9 Government Comprehensive Planning and Land Development
10 Regulation Act and to the Sustainable Communities
11 Demonstration Project;

12 (c) Be based on a complete system view to enhance
13 cohesion among the various state, regional, and local plans
14 affecting land use, transportation, environmental
15 preservation, resource management, and economic development;

16 (d) Provide for the integration of the various local
17 and regional plans into a comprehensive state planning
18 database that can be made readily available to the public and
19 to local and regional entities charged with responsibility for
20 planning land use, transportation, environmental preservation,
21 resource management, or economic development;

22 (e) Include provisions for hosting regional and local
23 workshops with appropriate private, nonprofit agencies and
24 public agencies to identify and assist in the resolution of
25 conflicting plans, and disseminate information concerning the
26 compatibility of or conflict between various local and
27 regional plans, and their consistency with the state's growth
28 strategy;

29 (f) Include provisions for working with the Center for
30 Urban Transportation Research to develop an educational
31

1 program for elected officials on the issues of transportation
2 and land planning;

3 (g) Recognize and give consideration to adopted local
4 and regional plans; and

5 (h) Be developed in concert with a smart-growth
6 advisory board, to be appointed by the Governor, consisting of
7 representatives of business, government, and public interest
8 groups.

9 (3) The primary agencies that should be involved in
10 this effort include the Department of Community Affairs; the
11 Department of Transportation; the Department of Management
12 Services; the Department of Environmental Protection; the
13 Department of State; the Department of Agriculture and
14 Consumer Services; regional planning councils; the Governor's
15 Office of Tourism, Trade, and Economic Development; the water
16 management districts; and the metropolitan planning
17 organizations. Other agencies should be involved as
18 appropriate.

19 Section 8. Present subsections (4) and (5) of section
20 206.46, Florida Statutes, are renumbered as subsections (5)
21 and (6), respectively, and a new subsection (4) is added to
22 that section to read:

23 206.46 State Transportation Trust Fund.--

24 (4) A minimum of 70 percent of all surface
25 transportation capacity revenues deposited into the State
26 Transportation Trust Fund shall be committed annually by the
27 department to fund the Florida Intrastate Transportation
28 System in accordance with s. 338.002.

29 Section 9. Paragraph (c) is added to subsection (2) of
30 section 316.0745, Florida Statutes, to read:

31 316.0745 Uniform signals and devices.--

1 (2) The Department of Transportation shall compile and
2 publish a manual of uniform traffic control devices which
3 defines the uniform system adopted pursuant to subsection (1),
4 and shall compile and publish minimum specifications for
5 traffic control signals and devices certified by it as
6 conforming with the uniform system.

7 (c) The manual must provide for the use of
8 traffic-calming techniques, such as roundabouts, raised
9 sidewalks, and narrower road alignments.

10 Section 10. Subsections (1) and (14) of section
11 334.044, Florida Statutes, 1998 Supplement, are amended to
12 read:

13 334.044 Department; powers and duties.--The department
14 shall have the following general powers and duties:

15 (1) To assume the responsibility for coordinating the
16 planning of a safe, viable, environmentally sound, and
17 balanced state transportation system serving all regions of
18 the state, and to assure the compatibility of all components,
19 including multimodal facilities.

20 (14) To establish, control, and prohibit points of
21 ingress to, and egress from, the State Highway System, the
22 turnpike, and other transportation facilities under the
23 department's jurisdiction as necessary to ensure the safe,
24 efficient, and effective maintenance and operation of such
25 facilities and to discourage inappropriate or undesirable
26 induced development.

27 Section 11. Subsection (1) of section 335.181, Florida
28 Statutes, is amended to read:

29 335.181 Regulation of access to State Highway System;
30 legislative findings, policy, and purpose.--

31 (1) It is the finding of the Legislature that:

1 (a) Regulation of access to the State Highway System
2 is necessary in order to protect the public health, safety,
3 and welfare, to preserve the functional integrity of the State
4 Highway System, ~~and~~ to promote the safe and efficient movement
5 of people and goods within the state, and to provide for
6 orderly, well-placed, compact development, including the
7 protection of natural resources.

8 (b) The development of an access management program,
9 in accordance with this act, will assist in the coordination
10 of land use planning decisions by local governments with
11 investments in the State Highway System and will serve to
12 enhance managed growth, direct development to appropriate
13 locations and promote the overall development of commerce
14 within the state as served by the State Highway System.
15 Without such a program, the health, safety, and welfare of the
16 residents of this state may be placed at risk, due to the fact
17 that unregulated access to the State Highway System is one of
18 the factors contributing ~~factors~~ to the congestion and
19 functional deterioration of the highway system which is caused
20 by induced development.

21 (c) The Legislature further finds and declares that
22 the development of an access management program in accordance
23 with this act will enhance the development of an effective
24 transportation system and increase the traffic-carrying
25 capacity of the State Highway System and thereby reduce the
26 incidences of traffic accidents, personal injury, and property
27 damage or loss; mitigate environmental degradation; promote
28 sound economic growth and the growth management goals of the
29 state; reduce highway maintenance costs and the necessity for
30 costly traffic operations measures; lengthen the effective
31 life of transportation facilities in the state; prevent delays

1 in public evacuations for natural storms and emergencies;
2 enhance disaster-response readiness; and shorten response time
3 for emergency vehicles.

4 Section 12. Subsection (3) of section 335.188, Florida
5 Statutes, is amended to read:

6 335.188 Access management standards; access control
7 classification system; criteria.--

8 (3) The control classification system shall be
9 developed consistent with the following:

10 (a) The department shall, no later than July 1, 1990,
11 adopt rules setting forth procedures governing the
12 implementation of the access control classification system
13 required by this act. The rule shall provide for input from
14 the entities described in paragraph (b) as well as for public
15 meetings to discuss the access control classification system.
16 Nothing in this act affects the validity of the department's
17 existing or subsequently adopted rules concerning access to
18 the State Highway System. Such rules shall remain in effect
19 until repealed or replaced by the rules required by this act.

20 (b) The access control classification system shall be
21 developed in cooperation with counties, municipalities, the
22 state land planning agency, regional planning councils,
23 metropolitan planning organizations, and other local
24 governmental entities.

25 (c) The rule required by this section shall provide
26 for notification by publication in a local newspaper of
27 general circulation prior to a change in the assignment of a
28 road segment to a specific access category. The assignment or
29 reassignment of a road segment to a specific access category
30 shall be made in consideration of the following criteria:

31

- 1 1. The current functional classification of each road
- 2 on the State Highway System;
- 3 2. Existing and projected traffic volumes;
- 4 3. Existing and projected state, local, and
- 5 metropolitan planning organization transportation plans and
- 6 needs;
- 7 4. Drainage requirements;
- 8 5. The character of lands adjoining the highway,
- 9 including their natural resource value and environmental
- 10 significance;
- 11 6. Local land use plans and zoning, as set forth in
- 12 comprehensive plans;
- 13 7. The type and volume of traffic requiring access;
- 14 8. Other operational aspects of access;
- 15 9. The availability of reasonable access to a state
- 16 highway by way of county roads and city streets, as applicable
- 17 to the classification of such roadway segment only; and
- 18 10. The cumulative effect of existing and projected
- 19 connections on the State Highway System's ability to provide
- 20 for the safe and efficient movement of people and goods within
- 21 the state and implement the state's growth management goals to
- 22 provide for orderly, well-placed, compact development in
- 23 appropriate locations.
- 24 (d) Access management standards shall include, but not
- 25 be limited to, connection location standards, safety factors,
- 26 design and construction standards, traffic control devices,
- 27 and effective maintenance of the roads. The standards shall
- 28 also contain criteria for the spacing of connections,
- 29 intersecting streets, roads, and highways.
- 30 (e) An access control category shall be assigned to
- 31 each segment of the State Highway System by July 1, 1993.

1 Section 13. Section 338.001, Florida Statutes, is
2 amended to read:

3 338.001 Florida Intrastate Transportation Highway
4 System Plan.--

5 (1) In recognition of the department's role in the
6 economic development of this state, the department shall plan
7 and develop a proposed Florida Intrastate Transportation
8 System Plan to connect the state's airports, deepwater
9 seaports, rail systems serving both passenger and freight, and
10 major intermodal connectors to the Florida Intrastate Highway
11 System facilities as the primary system for the movement of
12 people and freight in this state to make the Florida
13 Intrastate Transportation System a fully integrated and
14 interconnected system.

15 (2) The Florida Intrastate Transportation System Plan
16 must:

17 (a) Define and assess the state's freight intermodal
18 network, including airports, seaports, rail lines and
19 terminals, and connecting highways.

20 (b) Prioritize statewide infrastructure investments,
21 including the acceleration of current projects, which are
22 found by the Freight Stakeholders Task Force to be priority
23 projects for the efficient movement of people and freight.

24 (c) Be developed in a manner that will assure maximum
25 use of existing facilities and optimum integration and
26 coordination of the various modes of transportation, including
27 both governmentally owned and privately owned resources, in
28 the most cost-effective manner possible.

29 (3) The Florida Intrastate Transportation System shall
30 be funded as provided in s. 206.46(4).

31

1 ~~(4)(1)~~ As a subpart of the Florida Intrastate
2 Transportation System Plan, the department shall plan and
3 develop a proposed Florida Intrastate Highway System Plan
4 which shall delineate a statewide system of limited access
5 facilities and controlled access facilities. The plan shall
6 provide a statewide transportation network that allows for
7 high-speed and high-volume traffic movements within the state.
8 The primary function of the system is to provide such traffic
9 movements. Access to abutting land is subordinate to this
10 function, and such access must be prohibited or highly
11 regulated. The plan shall be consistent with the goals of the
12 Florida Transportation Plan developed pursuant to s. 339.155.

13 ~~(a)(2)~~ This system shall consist of the following
14 components of the State Highway System:

15 ~~1.(a)~~ Interstate highways.

16 ~~2.(b)~~ The Florida Turnpike System.

17 ~~3.(c)~~ Interregional and intercity limited access
18 facilities.

19 ~~4.(d)~~ Existing interregional and intercity arterial
20 highways previously upgraded or upgraded in the future to
21 controlled access facility standards.

22 ~~5.(e)~~ New limited access facilities necessary to
23 complete a balanced statewide system.

24 ~~(b)(3)~~ The department shall adhere to the following
25 policy guidelines in the development of the proposed Florida
26 Intrastate Highway System Plan:

27 ~~1.(a)~~ Make capacity improvements to existing
28 facilities where feasible to minimize costs and environmental
29 impacts, and to facilitate the development or redevelopment of
30 existing urban areas.

31

1 ~~2.(b)~~ Identify appropriate arterial highways in major
2 transportation corridors for inclusion in a program to bring
3 these facilities up to controlled access facility standards.

4 ~~3.(c)~~ Coordinate proposed system projects with
5 appropriate limited access projects undertaken by expressway
6 authorities and local governmental entities.

7 ~~4.(d)~~ Maximize the use of limited access facility
8 standards when constructing new arterial highways,
9 particularly those highways that would increase access to
10 environmentally sensitive areas.

11 ~~5.(e)~~ Identify appropriate new limited access highways
12 for inclusion as a part of the Florida Turnpike System.

13 ~~6.(f)~~ To the maximum extent feasible, ensure that
14 proposed system projects are consistent with approved local
15 government comprehensive plans of the local jurisdictions in
16 which such facilities are to be located and with the
17 transportation improvement program of any metropolitan
18 planning organization in which such facilities are to be
19 located. The department shall coordinate with the state land
20 planning agency and affected regional planning councils,
21 metropolitan planning organizations, and local governments in
22 identifying segments of the Florida Intrastate Highway System
23 where detailed land use and mobility planning are appropriate
24 and, based on the findings of such an evaluation, shall
25 reevaluate the appropriateness of continuing the segment as
26 part of that system. The department may enter into agreements
27 with affected local governments which may provide for a level
28 of service different from that established by the department
29 to alleviate concurrency failures.

30 ~~(c)(4)~~ Projects in the proposed Intrastate
31 Transportation Plan are anticipated to be let to contract for

1 construction within a time period of 20 years. The plan shall
2 also identify when segments of the system will meet the
3 standards and criteria developed pursuant to paragraph (d)
4 ~~subsection (5)~~.

5 (d)(5) The department shall establish the standards
6 and criteria for the functional characteristics and design of
7 facilities proposed as part of the Florida Intrastate
8 Transportation Highway System.

9 ~~(6) For the purposes of developing the proposed plan,~~
10 ~~beginning in fiscal year 1993-1994 and for each fiscal year~~
11 ~~thereafter, the minimum amount allocated shall be based on the~~
12 ~~fiscal year 1992-1993 allocation of \$151.3 million adjusted~~
13 ~~annually by the change in the Consumer Price Index for the~~
14 ~~prior fiscal year compared to the Consumer Price Index for~~
15 ~~fiscal year 1991-1992. No amounts from the funds dedicated to~~
16 ~~the Florida Intrastate Highway System shall be allocated to~~
17 ~~turnpike projects after the 1993-1994 fiscal year.~~

18 (e)(7) Any project to be constructed as part of the
19 Florida Intrastate Transportation Highway System shall be
20 included in the department's adopted work program. Any Florida
21 Intrastate Transportation Highway System projects that are
22 added to or deleted from the previous adopted work program, or
23 any modification to Florida Intrastate Transportation Highway
24 System projects contained in the previous adopted work
25 program, shall be specifically identified and submitted as a
26 separate part of the tentative work program.

27 (f)(8) A status report on the Florida Intrastate
28 Transportation Highway System Plan shall be annually submitted
29 to the legislative transportation committees no later than 14
30 days after the regular legislative session convenes.

31

1 Section 14. Paragraph (c) of subsection (4) of section
2 339.135, Florida Statutes, is amended to read:

3 339.135 Work program; legislative budget request;
4 definitions; preparation, adoption, execution, and
5 amendment.--

6 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

7 (c)1. For purposes of this section, the board of
8 county commissioners shall serve as the metropolitan planning
9 organization in those counties which are not located in a
10 metropolitan planning organization and shall be involved in
11 the development of the district work program to the same
12 extent as a metropolitan planning organization.

13 2. The district work program shall be developed
14 cooperatively from the outset with the various metropolitan
15 planning organizations of the state and include, to the
16 maximum extent feasible, the project priorities of
17 metropolitan planning organizations which have been submitted
18 to the district by October 1 of each year; however, the
19 department and a metropolitan planning organization may, in
20 writing, cooperatively agree to vary this submittal date. To
21 assist the metropolitan planning organizations in developing
22 their lists of project priorities, the district shall disclose
23 to each metropolitan planning organization any anticipated
24 changes in the allocation or programming of state and federal
25 funds which may affect the inclusion of metropolitan planning
26 organization project priorities in the district work program.

27 3. Prior to submittal of the district work program to
28 the central office, the district shall provide the affected
29 metropolitan planning organization with written justification
30 for any project proposed to be rescheduled or deleted from the
31 district work program which project is part of the

1 metropolitan planning organization's transportation
2 improvement program and is contained in the last 4 years of
3 the previous adopted work program. By no later than 14 days
4 after submittal of the district work program to the central
5 office, the affected metropolitan planning organization may
6 file an objection to such rescheduling or deletion. When an
7 objection is filed with the secretary, the rescheduling or
8 deletion shall not be included in the district work program
9 unless the inclusion of such rescheduling or deletion is
10 specifically approved by the secretary. The Florida
11 Transportation Commission shall include such objections in its
12 evaluation of the tentative work program only when the
13 secretary has approved the rescheduling or deletion.

14 4. In setting and funding priorities, districts and
15 metropolitan planning organizations should reward communities
16 that have fully used their local gas tax or other funding
17 options for the construction of transportation facilities, or
18 that use local gas tax revenues for regionally significant
19 transportation facilities or transportation facilities that
20 provide direct relief for regionally significant facilities.

21 Section 15. Subsection (2) and paragraph (b) of
22 subsection (5) of section 339.155, Florida Statutes, are
23 amended to read:

24 339.155 Transportation planning.--The department shall
25 develop and annually update a statewide transportation plan,
26 to be known as the Florida Transportation Plan. The plan
27 shall be designed so as to be easily read and understood by
28 the general public.

29 (2) DEVELOPMENT CRITERIA.--The Florida Transportation
30 Plan must take into consideration the needs of the entire
31 state transportation system, examine the use of all modes of

1 transportation to effectively and efficiently meet such needs,
2 and provide for the interconnection of all types of modes in a
3 comprehensive intermodal transportation system.The Florida
4 Transportation Plan shall consider the needs of the entire
5 state transportation system, examine the use of all modes of
6 transportation to effectively and efficiently meet such needs,
7 and provide for the interconnection of all types of modes in a
8 comprehensive intermodal transportation system. In developing
9 the Florida Transportation Plan, the department shall consider
10 the following:

11 (a) The results of the management systems required
12 pursuant to federal laws and regulations.

13 (b) Any federal, state, or local energy use goals,
14 objectives, programs, or requirements.

15 (c) Strategies for incorporating bicycle
16 transportation facilities and pedestrian walkways in projects
17 where appropriate throughout the state.

18 (d) International border crossings and access to
19 ports, airports, intermodal transportation facilities, major
20 freight distribution routes, national parks, recreation and
21 scenic areas, monuments and historic sites, and military
22 installations.

23 (e) The transportation needs of nonmetropolitan areas
24 through a process that includes consultation with local
25 elected officials with jurisdiction over transportation.

26 (f) Consistency of the plan, to the maximum extent
27 feasible, with strategic regional policy plans, metropolitan
28 planning organization plans, and approved local government
29 comprehensive plans so as to contribute to the management of
30 orderly, well-placed, compact development,~~and~~ coordinated
31 community development, and protection of natural resources.

1 (g) Connectivity between metropolitan areas within the
2 state and with metropolitan areas in other states.

3 (h) Recreational travel and tourism.

4 (i) Any state plan developed pursuant to the Federal
5 Water Pollution Control Act.

6 (j) Transportation system management and investment
7 strategies designed to make the most efficient use of existing
8 transportation facilities.

9 (k) The total social, economic, energy, and
10 environmental effects of transportation decisions on the
11 community and region.

12 (l) Methods to manage traffic congestion and to
13 prevent traffic congestion from developing in areas where it
14 does not yet occur, including methods which reduce motor
15 vehicle travel, particularly single-occupant vehicle travel.

16 (m) Methods to expand and enhance transit services and
17 to increase the use of such services.

18 (n) The effect of transportation decisions on land use
19 and land development, including the need for consistency
20 between transportation decisionmaking and the provisions of
21 all applicable short-range and long-range land use and
22 development plans. Particular consideration must be given to
23 the use of limited-access facilities in those areas that
24 contain or are associated with environmentally sensitive
25 resources.

26 (o) Where appropriate, the use of innovative
27 mechanisms for financing projects, including value capture
28 pricing, tolls, and congestion pricing.

29 (p) Preservation and management of rights-of-way for
30 construction of future transportation projects, including
31 identification of unused rights-of-way which may be needed for

1 future transportation corridors, and identification of those
2 corridors for which action is most needed to prevent
3 destruction or loss.

4 (q) Future, as well as existing, needs of the state
5 transportation system.

6 (r) Methods to enhance the efficient movement of
7 commercial motor vehicles.

8 (s) The use of life-cycle costs in the design and
9 engineering of bridges, tunnels, or pavement.

10 (t) Investment strategies to improve adjoining state
11 and local roads that support rural economic growth and tourism
12 development, federal agency renewable resources management,
13 and multipurpose land management practices, including
14 recreation development.

15 (u) The concerns of Indian tribal governments having
16 jurisdiction over lands within the boundaries of the state.

17 (v) A seaport or airport master plan, which has been
18 incorporated into an approved local government comprehensive
19 plan, and the linkage of transportation modes described in
20 such plan which are needed to provide for the movement of
21 goods and passengers between the seaport or airport and the
22 other transportation facilities.

23 (w) The joint use of transportation corridors and
24 major transportation facilities for alternate transportation
25 and community uses.

26 (x) The integration of any proposed system into all
27 other types of transportation facilities in the community.

28 (5) ADDITIONAL TRANSPORTATION PLANS.--

29 (b) Each regional planning council, as provided for in
30 s. 186.504, or any successor agency thereto, shall develop, as
31 an element of its strategic regional policy plan,

1 transportation goals and policies. The transportation goals
2 and policies shall be consistent, to the maximum extent
3 feasible, with the goals and policies of the metropolitan
4 planning organization and the Florida Transportation Plan.
5 Each council shall address and plan for intermodal facilities
6 for the movement of people and freight within and through the
7 region and plan for access to and connections between those
8 facilities.The transportation goals and policies of the
9 regional planning council will be advisory only and shall be
10 submitted to the department and any affected metropolitan
11 planning organization for their consideration and comments.
12 Metropolitan planning organization plans and other local
13 transportation plans shall be developed consistent, to the
14 maximum extent feasible, with the regional transportation
15 goals and policies. The regional planning council shall
16 review urbanized area transportation plans and any other
17 planning products stipulated in s. 339.175 and provide the
18 department and respective metropolitan planning organizations
19 with written recommendations which the department and the
20 metropolitan planning organizations shall take under
21 advisement. Further, the regional planning councils shall
22 directly assist local governments which are not part of a
23 metropolitan area transportation planning process in the
24 development of the transportation element of their
25 comprehensive plans as required by s. 163.3177.

26 Section 16. Subsections (4) and (6) and paragraph (b)
27 of subsection (5) and paragraph (c) of subsection (7) of
28 section 339.175, Florida Statutes, 1998 Supplement, are
29 amended to read:

30 339.175 Metropolitan planning organization.--It is the
31 intent of the Legislature to encourage and promote the

1 development of transportation systems embracing various modes
2 of transportation in a manner that will maximize the mobility
3 of people and goods within and through urbanized areas of this
4 state and minimize, to the maximum extent feasible, and
5 together with applicable regulatory government agencies,
6 transportation-related fuel consumption and air pollution. To
7 accomplish these objectives, metropolitan planning
8 organizations, referred to in this section as M.P.O.'s, shall
9 develop, in cooperation with the state, transportation plans
10 and programs for metropolitan areas. Such plans and programs
11 must provide for the development of transportation facilities
12 that will function as an intermodal transportation system for
13 the metropolitan area. The process for developing such plans
14 and programs shall be continuing, cooperative, and
15 comprehensive, to the degree appropriate, based on the
16 complexity of the transportation problems.

17 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
18 responsibility of an M.P.O. is to manage a continuing,
19 cooperative, and comprehensive transportation planning process
20 that results in the development of plans and programs which
21 are consistent, to the maximum extent feasible, with those of
22 adjacent M.P.O.'s and with the approved local government
23 comprehensive plans of the units of local government the
24 boundaries of which are within the metropolitan area of the
25 M.P.O. An M.P.O. shall provide local governments with
26 technical assistance in modeling alternative development
27 scenarios, and allow local governments in the M.P.O.'s
28 jurisdiction the opportunity to review and approve data sets
29 used by the M.P.O. prior to the M.P.O.'s submission of
30 long-range transportation plan updates. An M.P.O. shall be
31 the forum for cooperative decisionmaking by officials of the

1 affected governmental entities in the development of the plans
2 and programs required by subsections (5), (6), (7), and (8).
3 Each regional planning council shall serve as the forum for
4 cooperative decisionmaking for M.P.O.'s within its
5 jurisdiction and shall be responsible for coordinating the
6 plans required under subsection (6) for M.P.O.'s and the
7 capital-improvement and transportation elements of the
8 comprehensive plan of local governments within its
9 jurisdiction.

10 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
11 privileges, and authority of an M.P.O. are those specified in
12 this section or incorporated in an interlocal agreement
13 authorized under s. 163.01. Each M.P.O. shall perform all
14 acts required by federal or state laws or rules, now and
15 subsequently applicable, which are necessary to qualify for
16 federal aid. It is the intent of this section that each M.P.O.
17 shall be involved in the planning and programming of
18 transportation facilities, including, but not limited to,
19 airports, intercity and high-speed rail lines, seaports, and
20 intermodal facilities, to the extent permitted by state or
21 federal law.

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

25 1. The preservation of existing transportation
26 facilities and, where practical, ways to meet transportation
27 needs by using existing facilities more efficiently;

28 2. The consistency of transportation planning with
29 applicable federal, state, and local energy conservation
30 programs, goals, and objectives;

31

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

3 4. The likely effect of transportation policy
4 decisions, including potential negative secondary impacts, on
5 land use and development, the likely impacts of induced
6 development upon the metropolitan area,and the consistency of
7 transportation plans and programs with all applicable
8 short-term and long-term land use and development plans;

9 5. The programming of transportation enhancement
10 activities as required by federal law;

11 6. The effect of all transportation projects to be
12 undertaken in the metropolitan area, without regard to whether
13 such projects are publicly funded;

14 7. The provision of access to seaports, airports,
15 intermodal transportation facilities, major freight
16 distribution routes, national and state parks, recreation
17 areas, monuments and historic sites, and military
18 installations;

19 8. The need for roads within the metropolitan area to
20 efficiently connect with roads outside the metropolitan area;

21 9. The transportation needs identified through the use
22 of transportation management systems required by federal or
23 state law;

24 10. The preservation of rights-of-way for construction
25 of future transportation projects, including the
26 identification of unused rights-of-way that may be needed for
27 future transportation corridors and the identification of
28 corridors for which action is most needed to prevent
29 destruction or loss;

30 11. Any available methods to enhance the efficient
31 movement of freight;

1 12. The use of life-cycle costs in the design and
2 engineering of bridges, tunnels, or pavement;

3 13. The overall social, economic, energy, and
4 environmental effects of transportation decisions;

5 14. Any available methods to expand or enhance transit
6 services and increase the use of such services; and

7 15. The possible allocation of capital investments to
8 increase security for transit systems.

9 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
10 long-range transportation plan that addresses at least a
11 20-year planning horizon. The plan must include both
12 long-range and short-range strategies and must comply with all
13 other state and federal requirements. The long-range plan must
14 be consistent, to the maximum extent feasible, with future
15 land use elements and the goals, objectives, and policies of
16 the approved local government comprehensive plans of the units
17 of local government located within the jurisdiction of the
18 M.P.O. The approved long-range plan must be considered by
19 local governments in the development of the transportation
20 elements in local government comprehensive plans and any
21 amendments thereto. The long-range plan must be consistent
22 with those of adjacent M.P.O.'s. Each regional planning
23 council is responsible for coordinating long-range plans of
24 M.P.O.'s, and the capital-improvement and transportation
25 elements of the comprehensive plan of local governments within
26 its jurisdiction, and the department is responsible for
27 identifying inconsistencies between the long-range
28 transportation plans of M.P.O.'s having a common boundary.The
29 long-range plan must, at a minimum:

30 (a) Identify transportation facilities, including, but
31 not limited to, major roadways, airports, seaports, commuter

1 rail systems, transit systems, and intermodal or multimodal
2 terminals that will function as an integrated metropolitan
3 transportation system. The long-range plan must give emphasis
4 to those transportation facilities that serve national,
5 statewide, or regional functions, and must consider the goals
6 and objectives identified in the Florida Transportation Plan
7 as provided in s. 339.155.

8 (b) Identify and consider the secondary environmental
9 and land-use impacts of the identified transportation
10 facilities. The long-range plan must identify those
11 transportation projects which are likely to create adverse
12 secondary impacts and induced development within the
13 metropolitan area. An analysis of the secondary environmental
14 impacts and induced development of these identified
15 transportation projects must be included in the long-range
16 plan. The results of this analysis must be used to address the
17 likely secondary impacts from these identified transportation
18 projects.

19 (c)~~(b)~~ Include a financial plan that demonstrates how
20 the plan can be implemented, indicating resources from public
21 and private sources which are reasonably expected to be
22 available to carry out the plan, and recommends innovative
23 financing techniques that may be used to fund needed projects
24 and programs. Such techniques may include the assessment of
25 tolls, the use of value capture financing, or the use of
26 congestion pricing.

27 (d)~~(c)~~ Assess capital investment and other measures
28 necessary to:

29 1. Ensure the preservation of the existing
30 metropolitan transportation system including requirements for
31 the operation, resurfacing, restoration, and rehabilitation of

1 major roadways and requirements for the operation,
2 maintenance, modernization, and rehabilitation of public
3 transportation facilities; and

4 2. Make the most efficient use of existing
5 transportation facilities to relieve vehicular congestion and
6 maximize the mobility of people and goods.

7 ~~(e)(d)~~ Indicate, as appropriate, proposed
8 transportation enhancement activities, including, but not
9 limited to, pedestrian and bicycle facilities, scenic
10 easements, landscaping, historic preservation, mitigation of
11 water pollution due to highway runoff, and control of outdoor
12 advertising.

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

19
20 In the development of its long-range plan, each M.P.O. must
21 provide affected public agencies, representatives of
22 transportation agency employees, private providers of
23 transportation, other interested parties, and members of the
24 general public with a reasonable opportunity to comment on the
25 long-range plan. The long-range plan must be approved by the
26 M.P.O.

27 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
28 shall, in cooperation with the state and affected public
29 transportation operators, develop a transportation improvement
30 program for the area within the jurisdiction of the M.P.O. In
31 the development of the transportation improvement program,

1 each M.P.O. must provide affected public transit agencies,
2 representatives of transportation agency employees, private
3 providers of transportation, other interested parties, and
4 members of the general public with a reasonable opportunity to
5 comment on the transportation improvement program.

6 (c) The transportation improvement program must, at a
7 minimum:

8 1. Include projects and project phases to be funded
9 with state or federal funds within the time period of the
10 transportation improvement program and which are recommended
11 for advancement during the next fiscal year and 4 subsequent
12 fiscal years. Such projects and project phases must be
13 consistent, to the maximum extent feasible, with the approved
14 local government comprehensive plans of the units of local
15 government located within the jurisdiction of the M.P.O. For
16 informational purposes, the transportation improvement program
17 shall also include a list of projects to be funded from local
18 or private revenues.

19 2. Include projects within the metropolitan area which
20 are proposed for funding under 23 U.S.C. s. 134 of the Federal
21 Transit Act and which are consistent with the long-range plan
22 developed under subsection (6).

23 3. Provide a financial plan that demonstrates how the
24 transportation improvement program can be implemented;
25 indicates the resources, both public and private, that are
26 reasonably expected to be available to accomplish the program;
27 and recommends any innovative financing techniques that may be
28 used to fund needed projects and programs. Such techniques
29 may include the assessment of tolls, the use of value capture
30 financing, or the use of congestion pricing. The
31 transportation improvement program may include a project or

1 project phase only if full funding can reasonably be
2 anticipated to be available for the project or project phase
3 within the time period contemplated for completion of the
4 project or project phase.

5 4. Group projects and project phases of similar
6 urgency and anticipated staging into appropriate staging
7 periods.

8 5. Indicate how the transportation improvement program
9 relates to the long-range plan developed under subsection (6),
10 including providing examples of specific projects or project
11 phases that further the goals and policies of the long-range
12 plan.

13 6. Indicate whether any project or project phase is
14 inconsistent with an approved comprehensive plan of a unit of
15 local government located within the jurisdiction of the M.P.O.
16 If a project is inconsistent with an affected comprehensive
17 plan, the M.P.O. must provide justification for including the
18 project in the transportation improvement program.

19 7. Indicate how the improvements are consistent, to
20 the maximum extent feasible, with affected seaport and airport
21 master plans and with public transit development plans of the
22 units of local government located within the jurisdiction of
23 the M.P.O.

24 8. Address the potential adverse secondary impacts and
25 induced development likely to occur from the transportation
26 improvements identified in the long-range transportation plan
27 as potentially having these impacts. To eliminate or minimize
28 the likely secondary impacts, the M.P.O. should at a minimum
29 consider enhanced access-management or limited-access
30 roadways, land use controls, and the purchase of access
31 rights. If adverse secondary impacts cannot be adequately

1 addressed, a no-build alternative should be considered for the
2 project or improvement.

3 Section 17. Section 341.053, Florida Statutes, is
4 repealed.

5 Section 18. This act shall take effect upon becoming a
6 law.

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SENATE SUMMARY

Revises laws relating to land use and transportation planning. Defines the term "urban redevelopment" to include urban infill and downtown revitalization areas and specifies that the term "projects that promote public transportation" includes certain transit-oriented development. Provides for an alternative local-government planning process. Provides for consistency between a local government's capital-improvement program and the capital-improvements element of the comprehensive plan. Provides for coordination of the capital-improvements element with metropolitan planning organizations' long-range transportation plans. Provides a dispute-resolution process. Requires local governments in an urbanized area to include access-management measures and goals and objectives for accelerated acquisition of rights-of-way in their transportation element. Requires local governments to annually publish a report on the condition of their transportation systems with respect to concurrency. Authorizes the use of multimodal level-of-service analysis. Exempts certain public transit facilities from concurrency requirements. Allows local governments to set the level-of-service standards for certain portions of the Florida Intrastate Highway System, under specified circumstances. Allows concurrency exemptions for multi-use developments of regional impact under certain circumstances. Authorizes the establishment of multimodal transportation districts. Requires local government land regulations to include access-management measures to protect regional transportation corridors and interchanges. Requires regional planning councils to plan for intermodal facilities. Provides for a state capital-investment strategy for coordinating transportation infrastructure with land use and community design. Provides funding for the Florida Intrastate Transportation System. Requires the Department of Transportation to provide for the use of traffic-calming techniques. Makes the Department of Transportation responsible for coordinating the planning of an environmentally sound state transportation system and discouraging undesirable induced development. Provides that the regulation of access to the State Highway System is necessary to provide for orderly, well-placed, compact development and for the protection of natural resources. Provides that assignment of a road segment to a specific access category may be made after considering the character of lands adjoining the highway in order to provide for orderly, well-placed, compact development. Creates the Florida Intrastate Transportation System and Plan. Authorizes the Department of Transportation and Metropolitan Planning Organizations to reward local governments that have fully used their local gas tax or that use local gas tax revenues on regionally significant transportation projects. Requires the Department of Transportation to consider the needs of the entire state transportation system and the interconnection of modes and requires regional planning councils to address and plan for intermodal facilities and the movement of people and freight in the strategic regional policy plan.

1 Requires the plans of Metropolitan Planning Organizations
2 to be consistent with those of adjacent Metropolitan
3 Planning Organizations. Permits Metropolitan Planning
4 Organizations to share data and technical expertise with
5 local governments. Provides that a regional planning
6 council is the forum for cooperative decisionmaking for
7 Metropolitan Planning Organizations within its
8 jurisdiction and is responsible for coordinating the
9 Metropolitan Planning Organizations' long-range plans and
10 the capital-improvement and transportation elements of
11 the comprehensive plan of local governments within its
12 jurisdiction. Repeals s. 341.053, F.S., relating to the
13 intermodal program.
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