

Bill No. CS for CS for SB 1368

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 40, line 26, through page 44, line 28 delete those lines

and insert:

Section 27. Section 334.035, Florida Statutes, is amended to read:

334.035 Purpose of transportation code.--The purpose of the Florida Transportation Code is to establish the responsibilities of the state, the counties, and the municipalities in the planning and development of the transportation systems serving the people of the state and to assure the development of an integrated, balanced statewide transportation system. The prevailing principles to be considered in planning and developing these transportation systems are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility ~~which enhances economic development through promotion of international trade~~

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1 ~~and interstate and intrastate commerce.~~ This code is necessary
2 for the protection of the public safety and general welfare
3 and for the preservation of all transportation facilities in
4 the state. The chapters in the code shall be considered
5 components of the total code, and the provisions therein,
6 unless expressly limited in scope, shall apply to all
7 chapters.

8 Section 28. Section 334.046, Florida Statutes, is
9 amended to read:

10 334.046 Department mission, goals, and objectives.--

11 (1) The prevailing principles to be considered in
12 planning and developing an integrated, balanced statewide
13 transportation system are: preserving the existing
14 transportation infrastructure; enhancing Florida's economic
15 competitiveness; and improving travel choices to ensure
16 mobility.

17 (2)(1) The mission of the Department of Transportation
18 shall be to provide a safe, ~~interconnected~~ statewide
19 transportation system ~~for Florida's citizens and visitors~~ that
20 ensures the mobility of people and goods freight, enhances
21 ~~while enhancing~~ economic prosperity, and preserves and
22 sustaining the quality of our environment and communities.

23 (3)(2) The department shall document in the Florida
24 Transportation Plan, in accordance with s. 339.155 and based
25 upon the prevailing principles of preserving the existing
26 transportation infrastructure, enhancing Florida's economic
27 competitiveness, and improving travel choices to ensure
28 mobility, pursuant to s. 339.155 the goals and objectives that
29 ~~which~~ provide statewide policy guidance for accomplishing the
30 department's mission.

31 (4)(3) At a minimum, the department's goals shall

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1 address the following prevailing principles.+

2 (a) Preservation.--Protecting the state's
3 transportation infrastructure investment. Preservation
4 includes:

5 1. Ensuring that 80 percent of the pavement on the
6 State Highway System meets department standards;

7 2. Ensuring that 90 percent of department-maintained
8 bridges meet department standards; and

9 3. Ensuring that the department achieves 100 percent
10 of the acceptable maintenance standard on the state highway
11 system.

12 (b) Economic Competitiveness.--Ensuring that the state
13 has a clear understanding of the economic consequences of
14 transportation investments, and how such investments affect
15 the state's economic competitiveness. The department must
16 develop a macroeconomic analysis of the linkages between
17 transportation investment and economic performance, as well as
18 a method to quantifiably measure the economic benefits of the
19 district-work-program investments. Such an analysis must
20 analyze:

21 1. The state's and district's economic performance
22 relative to the competition.

23 2. The business environment as viewed from the
24 perspective of companies evaluating the state as a place in
25 which to do business.

26 3. The state's capacity to sustain long-term growth.

27 (c) Mobility--Ensuring a cost-effective, statewide,
28 interconnected transportation system.

29 ~~(a) Providing a safe transportation system for~~
30 ~~residents, visitors, and commerce.~~

31 ~~(b) Preservation of the transportation system.~~

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1 ~~(c) Providing an interconnected transportation system~~
2 ~~to support Florida's economy.~~

3 ~~(d) Providing travel choices to support Florida's~~
4 ~~communities.~~

5 Section 29. Section 339.155, Florida Statutes, is
6 amended to read:

7 339.155 Transportation planning.--

8 (1) THE FLORIDA TRANSPORTATION PLAN.--The department
9 shall develop and annually update a statewide transportation
10 plan, to be known as the Florida Transportation Plan. The plan
11 shall be designed so as to be easily read and understood by
12 the general public. The purpose of the Florida Transportation
13 Plan is to establish and define the state's long-range
14 transportation goals and objectives to be accomplished over a
15 period of at least 20 years within the context of the State
16 Comprehensive Plan, and any other statutory mandates and
17 authorizations and based upon the prevailing principles of:
18 preserving the existing transportation infrastructure;
19 enhancing Florida's economic competitiveness; and improving
20 travel choices to ensure mobility. The Florida Transportation
21 Plan shall consider the needs of the entire state
22 transportation system and examine the use of all modes of
23 transportation to effectively and efficiently meet such needs.

24 (2) SCOPE OF PLANNING PROCESS.--

25 ~~(a)~~ The department shall carry out a transportation
26 planning process in conformance with s. 334.046(1) which that
27 provides for consideration of projects and strategies that
28 will:

29 ~~(a)†~~ Support the economic vitality of the United
30 States, Florida, and the metropolitan areas, especially by
31 enabling global competitiveness, productivity, and efficiency;

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1 ~~ports, airports, spaceports, intermodal transportation~~
2 ~~facilities, major freight distribution routes, national parks,~~
3 ~~recreation and scenic areas, monuments and historic sites, and~~
4 ~~military installations.~~

5 ~~(g) The transportation needs of nonmetropolitan areas~~
6 ~~through a process that includes consultation with local~~
7 ~~elected officials with jurisdiction over transportation.~~

8 ~~(h) Consistency of the plan, to the maximum extent~~
9 ~~feasible, with strategic regional policy plans, metropolitan~~
10 ~~planning organization plans, and approved local government~~
11 ~~comprehensive plans so as to contribute to the management of~~
12 ~~orderly and coordinated community development.~~

13 ~~(i) Connectivity between metropolitan areas within the~~
14 ~~state and with metropolitan areas in other states.~~

15 ~~(j) Recreational travel and tourism.~~

16 ~~(k) Any state plan developed pursuant to the Federal~~
17 ~~Water Pollution Control Act.~~

18 ~~(l) Transportation system management and investment~~
19 ~~strategies designed to make the most efficient use of existing~~
20 ~~transportation facilities.~~

21 ~~(m) The total social, economic, energy, and~~
22 ~~environmental effects of transportation decisions on the~~
23 ~~community and region.~~

24 ~~(n) Methods to manage traffic congestion and to~~
25 ~~prevent traffic congestion from developing in areas where it~~
26 ~~does not yet occur, including methods which reduce motor~~
27 ~~vehicle travel, particularly single-occupant vehicle travel.~~

28 ~~(o) Methods to expand and enhance transit services and~~
29 ~~to increase the use of such services.~~

30 ~~(p) The effect of transportation decisions on land use~~
31 ~~and land development, including the need for consistency~~

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- 1 ~~between transportation decisionmaking and the provisions of~~
2 ~~all applicable short-range and long-range land use and~~
3 ~~development plans.~~
- 4 ~~(q) Where appropriate, the use of innovative~~
5 ~~mechanisms for financing projects, including value capture~~
6 ~~pricing, tolls, and congestion pricing.~~
- 7 ~~(r) Preservation and management of rights-of-way for~~
8 ~~construction of future transportation projects, including~~
9 ~~identification of unused rights-of-way which may be needed for~~
10 ~~future transportation corridors, and identification of those~~
11 ~~corridors for which action is most needed to prevent~~
12 ~~destruction or loss.~~
- 13 ~~(s) Future, as well as existing, needs of the state~~
14 ~~transportation system.~~
- 15 ~~(t) Methods to enhance the efficient movement of~~
16 ~~commercial motor vehicles.~~
- 17 ~~(u) The use of life-cycle costs in the design and~~
18 ~~engineering of bridges, tunnels, or pavement.~~
- 19 ~~(v) Investment strategies to improve adjoining state~~
20 ~~and local roads that support rural economic growth and tourism~~
21 ~~development, federal agency renewable resources management,~~
22 ~~and multipurpose land management practices, including~~
23 ~~recreation development.~~
- 24 ~~(w) The concerns of Indian tribal governments having~~
25 ~~jurisdiction over lands within the boundaries of the state.~~
- 26 ~~(x) A seaport or airport master plan, which has been~~
27 ~~incorporated into an approved local government comprehensive~~
28 ~~plan, and the linkage of transportation modes described in~~
29 ~~such plan which are needed to provide for the movement of~~
30 ~~goods and passengers between the seaport or airport and the~~
31 ~~other transportation facilities.~~

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1 ~~(y) The spaceport master plan approved by the~~
2 ~~Spaceport Florida Authority.~~

3 ~~(z) The joint use of transportation corridors and~~
4 ~~major transportation facilities for alternate transportation~~
5 ~~and community uses.~~

6 ~~(aa) The integration of any proposed system into all~~
7 ~~other types of transportation facilities in the community.~~

8 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
9 Transportation Plan shall be a unified, concise planning
10 document that clearly defines the state's long-range
11 transportation goals and objectives and documents the
12 department's short-range objectives developed to further such
13 goals and objectives. The plan shall include a glossary that
14 clearly and succinctly defines any and all phrases, words, or
15 terms of art included in the plan, with which the general
16 public may be unfamiliar and shall consist of, at a minimum,
17 the following components:

18 (a) A long-range component documenting the goals and
19 long-term objectives necessary to implement the results of the
20 department's findings from its examination of the criteria
21 listed in subsection (2) and s. 334.046(1). The long-range
22 component must be developed in cooperation with the
23 metropolitan planning organizations and reconciled, to the
24 maximum extent feasible, with the long-range plans developed
25 by metropolitan planning organizations pursuant to s. 339.175.
26 The plan must also be developed in consultation with affected
27 local officials in nonmetropolitan areas and with any affected
28 Indian tribal governments. The plan must provide an
29 examination of transportation issues likely to arise during at
30 least a 20-year period. The long-range component shall be
31 updated at least once every 5 years, or more often as

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1 necessary, to reflect substantive changes to federal or state
2 law.

3 (b) A short-range component documenting the short-term
4 objectives and strategies necessary to implement the goals and
5 long-term objectives contained in the long-range component.
6 The short-range component must define the relationship between
7 the long-range goals and the short-range objectives, specify
8 those objectives against which the department's achievement of
9 such goals will be measured, and identify transportation
10 strategies necessary to efficiently achieve the goals and
11 objectives in the plan. It must provide a policy framework
12 within which the department's legislative budget request, the
13 strategic information resource management plan, and the work
14 program are developed. The short-range component shall serve
15 as the department's annual agency strategic plan pursuant to
16 s. 186.021. The short-range component shall be developed
17 consistent with the requirements of s. 186.022 and consistent
18 with available and forecasted state and federal funds. In
19 addition to those entities listed in s. 186.022, the
20 short-range component shall also be submitted to the Florida
21 Transportation Commission.

22 (4) ANNUAL PERFORMANCE REPORT.--The department shall
23 develop an annual performance report evaluating the operation
24 of the department for the preceding fiscal year. The report,
25 which shall meet the requirements of s. 186.022, shall also
26 include a summary of the financial operations of the
27 department and shall annually evaluate how well the adopted
28 work program meets the short-term objectives contained in the
29 short-range component of the Florida Transportation Plan. In
30 addition to the entities listed in s. 186.022, this
31 performance report shall also be submitted to the Florida

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1 Transportation Commission and the legislative appropriations
2 and transportation committees.

3 (5) ADDITIONAL TRANSPORTATION PLANS.--

4 (a) Upon request by local governmental entities, the
5 department may in its discretion develop and design
6 transportation corridors, arterial and collector streets,
7 vehicular parking areas, and other support facilities which
8 are consistent with the plans of the department for major
9 transportation facilities. The department may render to local
10 governmental entities or their planning agencies such
11 technical assistance and services as are necessary so that
12 local plans and facilities are coordinated with the plans and
13 facilities of the department.

14 (b) Each regional planning council, as provided for in
15 s. 186.504, or any successor agency thereto, shall develop, as
16 an element of its strategic regional policy plan,
17 transportation goals and policies. The transportation goals
18 and policies must be prioritized to comply with the prevailing
19 principles provided in subsection (2) and s. 334.046(1).The
20 transportation goals and policies shall be consistent, to the
21 maximum extent feasible, with the goals and policies of the
22 metropolitan planning organization and the Florida
23 Transportation Plan. The transportation goals and policies of
24 the regional planning council will be advisory only and shall
25 be submitted to the department and any affected metropolitan
26 planning organization for their consideration and comments.
27 Metropolitan planning organization plans and other local
28 transportation plans shall be developed consistent, to the
29 maximum extent feasible, with the regional transportation
30 goals and policies. The regional planning council shall
31 review urbanized area transportation plans and any other

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1 planning products stipulated in s. 339.175 and provide the
2 department and respective metropolitan planning organizations
3 with written recommendations which the department and the
4 metropolitan planning organizations shall take under
5 advisement. Further, the regional planning councils shall
6 directly assist local governments which are not part of a
7 metropolitan area transportation planning process in the
8 development of the transportation element of their
9 comprehensive plans as required by s. 163.3177.

10 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
11 TRANSPORTATION PLANNING.--

12 (a) During the development of the long-range component
13 of the Florida Transportation Plan and prior to substantive
14 revisions, the department shall provide citizens, affected
15 public agencies, representatives of transportation agency
16 employees, other affected employee representatives, private
17 providers of transportation, and other known interested
18 parties with an opportunity to comment on the proposed plan or
19 revisions. These opportunities shall include, at a minimum,
20 publishing a notice in the Florida Administrative Weekly and
21 within a newspaper of general circulation within the area of
22 each department district office.

23 (b) During development of major transportation
24 improvements, such as those increasing the capacity of a
25 facility through the addition of new lanes or providing new
26 access to a limited or controlled access facility or
27 construction of a facility in a new location, the department
28 shall hold one or more hearings prior to the selection of the
29 facility to be provided; prior to the selection of the site or
30 corridor of the proposed facility; and prior to the selection
31 of and commitment to a specific design proposal for the

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1 proposed facility. Such public hearings shall be conducted so
2 as to provide an opportunity for effective participation by
3 interested persons in the process of transportation planning
4 and site and route selection and in the specific location and
5 design of transportation facilities. The various factors
6 involved in the decision or decisions and any alternative
7 proposals shall be clearly presented so that the persons
8 attending the hearing may present their views relating to the
9 decision or decisions which will be made.

10 (c) Opportunity for design hearings:

11 1. The department, prior to holding a design hearing,
12 shall duly notify ~~notice~~ all affected property owners of
13 record, as recorded in the property appraiser's office, by
14 mail at least 20 days prior to the date set for the hearing.
15 The affected property owners shall be:

16 a. Those whose property lies in whole or in part
17 within 300 feet on either side of the centerline of the
18 proposed facility.

19 b. Those whom ~~who~~ the department determines will be
20 substantially affected environmentally, economically,
21 socially, or safetywise.

22 2. For each subsequent hearing, the department shall
23 ~~daily~~ publish notice ~~at least 14 days immediately~~ prior to the
24 hearing date in a newspaper of general circulation for the
25 area affected. These notices must be published twice, with the
26 first notice appearing at least 15 days, but no later than 30
27 days, before the hearing

28 3. A copy of the notice of opportunity for the hearing
29 must ~~shall~~ be furnished to the United States Department of
30 Transportation and to the appropriate departments of the state
31 government at the time of publication.

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1 4. The opportunity for another hearing shall be
2 afforded in any case when proposed locations or designs are so
3 changed from those presented in the notices specified above or
4 at a hearing as to have a substantially different social,
5 economic, or environmental effect.

6 5. The opportunity for a hearing shall be afforded in
7 each case in which the department is in doubt as to whether a
8 hearing is required.

9 Section 30. Subsections (1) through (6) and paragraph
10 (a) of subsection (7) of section 339.175, Florida Statutes, is
11 amended to read:

12 339.175 Metropolitan planning organization.--It is the
13 intent of the Legislature to encourage and promote the safe
14 and efficient management, operation, and development of
15 surface transportation systems that will serve the mobility
16 needs of people and freight within and through urbanized areas
17 of this state while minimizing transportation-related fuel
18 consumption and air pollution. To accomplish these objectives,
19 metropolitan planning organizations, referred to in this
20 section as M.P.O.'s, shall develop, in cooperation with the
21 state and public transit operators, transportation plans and
22 programs for metropolitan areas. The plans and programs for
23 each metropolitan area must provide for the development and
24 integrated management and operation of transportation systems
25 and facilities, including pedestrian walkways and bicycle
26 transportation facilities that will function as an intermodal
27 transportation system for the metropolitan area, based upon
28 the prevailing principles provided in s. 334.046(1). The
29 process for developing such plans and programs shall provide
30 for consideration of all modes of transportation and shall be
31 continuing, cooperative, and comprehensive, to the degree

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1 appropriate, based on the complexity of the transportation
2 problems to be addressed.

3 (1) DESIGNATION.--

4 (a)1. An M.P.O. shall be designated for each urbanized
5 area of the state. Such designation shall be accomplished by
6 agreement between the Governor and units of general-purpose
7 local government representing at least 75 percent of the
8 population of the urbanized area; however, the unit of
9 general-purpose local government that represents the central
10 city or cities within the M.P.O. jurisdiction, as defined by
11 the United States Bureau of the Census, must be a party to
12 such agreement.

13 2. More than one M.P.O. may be designated within an
14 existing metropolitan planning area only if the Governor and
15 the existing M.P.O. determine that the size and complexity of
16 the existing metropolitan planning area makes the designation
17 of more than one M.P.O. for the area appropriate.

18 (b) Each M.P.O. shall be created and operated under
19 the provisions of this section pursuant to an interlocal
20 agreement entered into pursuant to s. 163.01. The signatories
21 to the interlocal agreement shall be the department and the
22 governmental entities designated by the Governor for
23 membership on the M.P.O. If there is a conflict between this
24 section and s. 163.01, this section prevails.

25 (c) The jurisdictional boundaries of an M.P.O. shall
26 be determined by agreement between the Governor and the
27 applicable M.P.O. The boundaries must include at least the
28 metropolitan planning area, which is the existing urbanized
29 area and the contiguous area expected to become urbanized
30 within a 20-year forecast period, and may encompass the entire
31 metropolitan statistical area or the consolidated metropolitan

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1 statistical area.

2 (d) In the case of an urbanized area designated as a
3 nonattainment area for ozone or carbon monoxide under the
4 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
5 the metropolitan planning area in existence as of the date of
6 enactment of this paragraph shall be retained, except that the
7 boundaries may be adjusted by agreement of the Governor and
8 affected metropolitan planning organizations in the manner
9 described in this section. If more than one M.P.O. has
10 authority within a metropolitan area or an area that is
11 designated as a nonattainment area, each M.P.O. shall consult
12 with other M.P.O.'s designated for such area and with the
13 state in the coordination of plans and programs required by
14 this section.

15
16 Each M.P.O. required under this section must be fully
17 operative no later than 6 months following its designation.

18 (2) VOTING MEMBERSHIP.--

19 (a) The voting membership of an M.P.O. shall consist
20 of not fewer than 5 or more than 19 apportioned members, the
21 exact number to be determined on an equitable
22 geographic-population ratio basis by the Governor, based on an
23 agreement among the affected units of general-purpose local
24 government as required by federal rules and regulations. The
25 Governor, in accordance with 23 U.S.C. s. 134, may also
26 provide for M.P.O. members who represent municipalities to
27 alternate with representatives from other municipalities
28 within the metropolitan planning area that do not have members
29 on the M.P.O. County commission members shall compose not less
30 than one-third of the M.P.O. membership, except for an M.P.O.
31 with more than 15 members located in a county with a

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1 five-member county commission or an M.P.O. with 19 members
 2 located in a county with no more than 6 county commissioners,
 3 in which case county commission members may compose less than
 4 one-third percent of the M.P.O. membership, but all county
 5 commissioners must be members. All voting members shall be
 6 elected officials of general-purpose governments, except that
 7 an M.P.O. may include, as part of its apportioned voting
 8 members, a member of a statutorily authorized planning board,
 9 an official of an agency that operates or administers a major
 10 mode of transportation, or an official of the Spaceport
 11 Florida Authority. The county commission shall compose not
 12 less than 20 percent of the M.P.O. membership if an official
 13 of an agency that operates or administers a major mode of
 14 transportation has been appointed to an M.P.O.

15 (b) In metropolitan areas in which authorities or
 16 other agencies have been or may be created by law to perform
 17 transportation functions that are not under the jurisdiction
 18 of a general purpose local government represented on the
 19 M.P.O., they shall be provided voting membership on the M.P.O.
 20 In all other M.P.O.'s where transportation authorities or
 21 agencies are to be represented by elected officials from
 22 general purpose local governments, the M.P.O. shall establish
 23 a process by which the collective interests of such
 24 authorities or other agencies are expressed and conveyed.

25 (c) Any other provision of this section to the
 26 contrary notwithstanding, a chartered county with over 1
 27 million population may elect to reapportion the membership of
 28 an M.P.O. whose jurisdiction is wholly within the county. The
 29 charter county may exercise the provisions of this paragraph
 30 if:

- 31 1. The M.P.O. approves the reapportionment plan by a

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1 three-fourths vote of its membership;

2 2. The M.P.O. and the charter county determine that
3 the reapportionment plan is needed to fulfill specific goals
4 and policies applicable to that metropolitan planning area;
5 and

6 3. The charter county determines the reapportionment
7 plan otherwise complies with all federal requirements
8 pertaining to M.P.O. membership.

9
10 Any charter county that elects to exercise the provisions of
11 this paragraph shall notify the Governor in writing.

12 (d) Any other provision of this section to the
13 contrary notwithstanding, any county chartered under s. 6(e),
14 Art. VIII of the State Constitution may elect to have its
15 county commission serve as the M.P.O., if the M.P.O.
16 jurisdiction is wholly contained within the county. Any
17 charter county that elects to exercise the provisions of this
18 paragraph shall so notify the Governor in writing. Upon
19 receipt of such notification, the Governor must designate the
20 county commission as the M.P.O. The Governor must appoint
21 four additional voting members to the M.P.O., one of whom must
22 be an elected official representing a municipality within the
23 county, one of whom must be an expressway authority member,
24 one of whom must be a person who does not hold elected public
25 office and who resides in the unincorporated portion of the
26 county, and one of whom must be a school board member.

27 (3) APPORTIONMENT.--

28 (a) The Governor shall, with the agreement of the
29 affected units of general-purpose local government as required
30 by federal rules and regulations, apportion the membership on
31 the applicable M.P.O. among the various governmental entities

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1 within the area and shall prescribe a method for appointing
2 alternate members who may vote at any M.P.O. meeting that an
3 alternate member attends in place of a regular member. An
4 appointed alternate member must be an elected official serving
5 the same governmental entity or a general-purpose local
6 government with jurisdiction within all or part of the area
7 that the regular member serves. The governmental entity so
8 designated shall appoint the appropriate number of members to
9 the M.P.O. from eligible officials. Representatives of the
10 department shall serve as nonvoting members of the M.P.O.
11 Nonvoting advisers may be appointed by the M.P.O. as deemed
12 necessary. The Governor shall review the composition of the
13 M.P.O. membership in conjunction with the decennial census as
14 prepared by the United States Department of Commerce, Bureau
15 of the Census, and reapportion it as necessary to comply with
16 subsection (2).

17 (b) Except for members who represent municipalities on
18 the basis of alternating with representatives from other
19 municipalities that do not have members on the M.P.O. as
20 provided in paragraph (2)(a), the members of an M.P.O. shall
21 serve 4-year terms. Members who represent municipalities on
22 the basis of alternating with representatives from other
23 municipalities that do not have members on the M.P.O. as
24 provided in paragraph (2)(a) may serve terms of up to 4 years
25 as further provided in the interlocal agreement described in
26 paragraph (1)(b). The membership of a member who is a public
27 official automatically terminates upon the member's leaving
28 his or her elective or appointive office for any reason, or
29 may be terminated by a majority vote of the total membership
30 of a county or city governing entity represented by the
31 member. A vacancy shall be filled by the original appointing

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1 entity. A member may be reappointed for one or more
2 additional 4-year terms.

3 (c) If a governmental entity fails to fill an assigned
4 appointment to an M.P.O. within 60 days after notification by
5 the Governor of its duty to appoint, that appointment shall be
6 made by the Governor from the eligible representatives of that
7 governmental entity.

8 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
9 responsibility of an M.P.O. is to manage a continuing,
10 cooperative, and comprehensive transportation planning process
11 that, based upon the prevailing principles provided in s.
12 334.046(1), results in the development of plans and programs
13 which are consistent, to the maximum extent feasible, with the
14 approved local government comprehensive plans of the units of
15 local government the boundaries of which are within the
16 metropolitan area of the M.P.O. An M.P.O. shall be the forum
17 for cooperative decisionmaking by officials of the affected
18 governmental entities in the development of the plans and
19 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

9 (b) In developing the long-range transportation plan
10 and the transportation improvement program required under
11 paragraph (a), each M.P.O. shall provide for consideration of
12 projects and strategies that will:

13 1. Support the economic vitality of the metropolitan
14 area, especially by enabling global competitiveness,
15 productivity, and efficiency;

16 2. Increase the safety and security of the
17 transportation system for motorized and nonmotorized users;

18 3. Increase the accessibility and mobility options
19 available to people and for freight;

20 4. Protect and enhance the environment, promote energy
21 conservation, and improve quality of life;

22 5. Enhance the integration and connectivity of the
23 transportation system, across and between modes, for people
24 and freight;

25 6. Promote efficient system management and operation;
26 and

27 7. Emphasize the preservation of the existing
28 transportation system.

29 ~~(c) Additionally, each M.P.O. shall consider:~~

30 ~~1. The consistency of transportation planning with~~
31 ~~applicable federal, state, and local energy conservation~~

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1 ~~programs, goals, and objectives;~~

2 ~~2. The likely effect of transportation policy~~
3 ~~decisions on land use and development and the consistency of~~
4 ~~transportation plans and programs with all applicable~~
5 ~~short-term and long-term land use and development plans;~~

6 ~~3. The preservation of rights-of-way for construction~~
7 ~~of future transportation projects, including the~~
8 ~~identification of unused rights-of-way that may be needed for~~
9 ~~future transportation corridors and the identification of~~
10 ~~corridors for which action is most needed to prevent~~
11 ~~destruction or loss;~~

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

14 ~~5. Available methods to expand or enhance transit~~
15 ~~services and increase the use of such services.~~

16 ~~6. The possible allocation of capital investments to~~
17 ~~increase security for transit systems.~~

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

21 1. Prepare a congestion management system for the
22 metropolitan area and cooperate with the department in the
23 development of all other transportation management systems
24 required by state or federal law;

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

27 3. Assist the department in performing its duties
28 relating to access management, functional classification of
29 roads, and data collection;

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

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1 5. Represent all the jurisdictional areas within the
2 metropolitan area in the formulation of transportation plans
3 and programs required by this section; and

4 6. Perform all other duties required by state or
5 federal law.

6 (d)~~(e)~~ Each M.P.O. shall appoint a technical advisory
7 committee that includes planners; engineers; representatives
8 of local aviation authorities, port authorities, and public
9 transit authorities or representatives of aviation
10 departments, seaport departments, and public transit
11 departments of municipal or county governments, as applicable;
12 the school superintendent of each county within the
13 jurisdiction of the M.P.O. or the superintendent's designee;
14 and other appropriate representatives of affected local
15 governments. In addition to any other duties assigned to it by
16 the M.P.O. or by state or federal law, the technical advisory
17 committee is responsible for considering safe access to
18 schools in its review of transportation project priorities,
19 long-range transportation plans, and transportation
20 improvement programs, and shall advise the M.P.O. on such
21 matters. In addition, the technical advisory committee shall
22 coordinate its actions with local school boards and other
23 local programs and organizations within the metropolitan area
24 which participate in school safety activities, such as locally
25 established community traffic safety teams. Local school
26 boards must provide the appropriate M.P.O. with information
27 concerning future school sites and in the coordination of
28 transportation service.~~identifying projects contained in the~~
29 ~~long-range transportation plan or transportation improvement~~
30 ~~program which deserve to be classified as a school safety~~
31 ~~concern. Upon receipt of the recommendation from the technical~~

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1 ~~advisory committee that a project should be so classified, the~~
2 ~~M.P.O. must vote on whether to classify a particular project~~
3 ~~as a school safety concern. If the M.P.O. votes that a~~
4 ~~project should be classified as a school safety concern, the~~
5 ~~local governmental entity responsible for the project must~~
6 ~~consider at least two alternatives before making a decision~~
7 ~~about project location or alignment.~~

8 (e)~~(f)~~1. Each M.P.O. shall appoint a citizens'
9 advisory committee, the members of which serve at the pleasure
10 of the M.P.O. The membership on the citizens' advisory
11 committee must reflect a broad cross section of local
12 residents with an interest in the development of an efficient,
13 safe, and cost-effective transportation system. Minorities,
14 the elderly, and the handicapped must be adequately
15 represented.

16 2. Notwithstanding the provisions of subparagraph 1.,
17 an M.P.O. may, with the approval of the department and the
18 applicable federal governmental agency, adopt an alternative
19 program or mechanism to ensure citizen involvement in the
20 transportation planning process.

21 (f)~~(g)~~ The department shall allocate to each M.P.O.,
22 for the purpose of accomplishing its transportation planning
23 and programming duties, an appropriate amount of federal
24 transportation planning funds.

25 (g)~~(h)~~ Each M.P.O. may employ personnel or may enter
26 into contracts with local or state agencies, private planning
27 firms, or private engineering firms to accomplish its
28 transportation planning and programming duties required by
29 state or federal law.

30 (h) Any group of M.P.O.s which have created a
31 Chairmen's Coordinating Committee as of the effective date of

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1 this act, and are located within the same Regional Planning
2 Council district which is comprised of 4 adjacent counties,
3 must continue such committee as provided for in this section.
4 Such M.P.O.s on the committee will be represented by two
5 members, appointed by the M.P.O. chairman, to the committee.
6 Such committee must also include one representative from all
7 M.P.O.s contiguous to such Regional Planning Council district.

8 The committee must at a minimum:

9 1. Coordinate local, state, and regional
10 transportation systems.

11 2. Review the impact of local land use decisions on
12 the region.

13 3. Review all proposed projects in the respective
14 transportation improvement plans which effect more than one of
15 the M.P.O.s represented on the committee.

16
17 The committee shall have the authority to object, by a
18 majority vote, to any project within the geographic boundaries
19 of the committee and which is included in a M.P.O.'s
20 transportation improvement plan. The committee may also
21 recommend projects, by a majority vote, to be included in a
22 M.P.O.'s transportation improvement plan. If the committee
23 objects to a project, or if an M.P.O. refuses to include a
24 project recommended by the committee, the effected M.P.O.s
25 must initiate a formal conflict resolution process to reach
26 agreement on such projects. Until the conflict is resolved to
27 the satisfaction of the committee, the department must, to the
28 maximum extent feasible, withhold 10 percent of the state
29 funds from the disputed project of the effected M.P.O.s.

30 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
31 develop a long-range transportation plan that addresses at

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1 least a 20-year planning horizon. The plan must include both
2 long-range and short-range strategies and must comply with all
3 other state and federal requirements. The prevailing
4 principles to be considered in the long-range transportation
5 plan are: preserving the existing transportation
6 infrastructure; enhancing Florida's economic competitiveness;
7 and improving travel choices to ensure mobility.The
8 long-range transportation plan must be consistent, to the
9 maximum extent feasible, with future land use elements and the
10 goals, objectives, and policies of the approved local
11 government comprehensive plans of the units of local
12 government located within the jurisdiction of the M.P.O. The
13 approved long-range transportation plan must be considered by
14 local governments in the development of the transportation
15 elements in local government comprehensive plans and any
16 amendments thereto. The long-range transportation plan must,
17 at a minimum:

18 (a) Identify transportation facilities, including, but
19 not limited to, major roadways, airports, seaports,
20 spaceports, commuter rail systems, transit systems, and
21 intermodal or multimodal terminals that will function as an
22 integrated metropolitan transportation system. The long-range
23 transportation plan must give emphasis to those transportation
24 facilities that serve national, statewide, or regional
25 functions, and must consider the goals and objectives
26 identified in the Florida Transportation Plan as provided in
27 s. 339.155. If a project is located within the boundaries of
28 more than one M.P.O., the M.P.O.'s must coordinate plans
29 regarding the project in the long-range transportation plan.

30 (b) Include a financial plan that demonstrates how the
31 plan can be implemented, indicating resources from public and

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1 private sources which are reasonably expected to be available
2 to carry out the plan, and recommends any additional financing
3 strategies for needed projects and programs. The financial
4 plan may include, for illustrative purposes, additional
5 projects that would be included in the adopted long-range
6 transportation plan if reasonable additional resources beyond
7 those identified in the financial plan were available. For the
8 purpose of developing the long-range transportation plan, the
9 M.P.O. and the department shall cooperatively develop
10 estimates of funds that will be available to support the plan
11 implementation. Innovative financing techniques may be used to
12 fund needed projects and programs. Such techniques may
13 include the assessment of tolls, the use of value capture
14 financing, or the use of value pricing.

15 (c) Assess capital investment and other measures
16 necessary to:

17 1. Ensure the preservation of the existing
18 metropolitan transportation system including requirements for
19 the operation, resurfacing, restoration, and rehabilitation of
20 major roadways and requirements for the operation,
21 maintenance, modernization, and rehabilitation of public
22 transportation facilities; and

23 2. Make the most efficient use of existing
24 transportation facilities to relieve vehicular congestion and
25 maximize the mobility of people and goods.

26 (d) Indicate, as appropriate, proposed transportation
27 enhancement activities, including, but not limited to,
28 pedestrian and bicycle facilities, scenic easements,
29 landscaping, historic preservation, mitigation of water
30 pollution due to highway runoff, and control of outdoor
31 advertising.

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1 (e) In addition to the requirements of paragraphs
2 (a)-(d), in metropolitan areas that are classified as
3 nonattainment areas for ozone or carbon monoxide, the M.P.O.
4 must coordinate the development of the long-range
5 transportation plan with the State Implementation Plan
6 developed pursuant to the requirements of the federal Clean
7 Air Act.

8
9 In the development of its long-range transportation plan, each
10 M.P.O. must provide the public, affected public agencies,
11 representatives of transportation agency employees, freight
12 shippers, providers of freight transportation services,
13 private providers of transportation, representatives of users
14 of public transit, and other interested parties with a
15 reasonable opportunity to comment on the long-range
16 transportation plan. The long-range transportation plan must
17 be approved by the M.P.O.

18 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
19 shall, in cooperation with the state and affected public
20 transportation operators, develop a transportation improvement
21 program for the area within the jurisdiction of the M.P.O. In
22 the development of the transportation improvement program,
23 each M.P.O. must provide the public, affected public agencies,
24 representatives of transportation agency employees, freight
25 shippers, providers of freight transportation services,
26 private providers of transportation, representatives of users
27 of public transit, and other interested parties with a
28 reasonable opportunity to comment on the proposed
29 transportation improvement program.

30 (a) Each M.P.O. is responsible for developing,
31 annually, a list of project priorities and a transportation

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1 improvement program. The prevailing principles to be
 2 considered by each M.P.O. when developing a list of project
 3 priorities and a transportation improvement program are:
 4 preserving the existing transportation infrastructure;
 5 enhancing Florida's economic competitiveness; and improving
 6 travel choices to ensure mobility.The transportation
 7 improvement program will be used to initiate federally aided
 8 transportation facilities and improvements as well as other
 9 transportation facilities and improvements including transit,
 10 rail, aviation, spaceport, and port facilities to be funded
 11 from the State Transportation Trust Fund within its
 12 metropolitan area in accordance with existing and subsequent
 13 federal and state laws and rules and regulations related
 14 thereto. The transportation improvement program shall be
 15 consistent, to the maximum extent feasible, with the approved
 16 local government comprehensive plans of the units of local
 17 government whose boundaries are within the metropolitan area
 18 of the M.P.O.

19
20

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 3, line 2, through page 3, line 10, delete
24 those lines

25
26 and insert:

27 tentative work program; amending ss. 334.035,
 28 334.046, F.S.; providing prevailing principles
 29 for planning and developing transportation
 30 systems; amending s. 339.155, F.S.; clarifying
 31 the public participation process in

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1 transportation planning; conforming provisions
2 to federal requirements; providing prevailing
3 principles; deleting certain planning factors;
4 amending s. 339.175, F.S.; providing duties of
5 the metropolitan planning Technical Advisory
6 Committee; providing for a coordinating
7 committee in certain M.P.O.s; providing
8 prevailing principles for planning and
9 developing transportation systems for
10 metropolitan planning organizations; deleting
11 certain planning factors; amending s. 341.051,
12 F.S.;

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