



287248

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
	.	
	.	

1 The Committee on Transportation and Economic Development
2 Appropriations (Webster) recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Between line(s) 332-333

6 and insert:

7 Section 8. Section 339.155, Florida Statutes, is amended to
8 read:

9 339.155 Transportation planning.--

10 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
11 develop ~~and annually update~~ a statewide transportation plan, to
12 be known as the Florida Transportation Plan. The plan shall be
13 designed so as to be easily read and understood by the general
14 public. The purpose of the Florida Transportation Plan is to
15 establish and define the state's long-range transportation goals
16 and objectives to be accomplished over a period of at least 20
17 years within the context of the State Comprehensive Plan, and any



287248

18 | other statutory mandates and authorizations and based upon the
19 | prevailing principles of: preserving the existing transportation
20 | infrastructure; enhancing Florida's economic competitiveness; and
21 | improving travel choices to ensure mobility. The Florida
22 | Transportation Plan shall consider the needs of the entire state
23 | transportation system and examine the use of all modes of
24 | transportation to effectively and efficiently meet such needs.

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

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

32 | ~~(b) Increase the safety and security of the transportation~~
33 | ~~system for motorized and nonmotorized users;~~

34 | ~~(c) Increase the accessibility and mobility options~~
35 | ~~available to people and for freight;~~

36 | ~~(d) Protect and enhance the environment, promote energy~~
37 | ~~conservation, and improve quality of life;~~

38 | ~~(e) Enhance the integration and connectivity of the~~
39 | ~~transportation system, across and between modes throughout~~
40 | ~~Florida, for people and freight;~~

41 | ~~(f) Promote efficient system management and operation; and~~

42 | ~~(g) Emphasize the preservation of the existing~~
43 | ~~transportation system.~~

44 | (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
45 | Transportation Plan shall be a unified, concise planning document
46 | that clearly defines the state's long-range transportation goals
47 | and objectives ~~and documents the department's short-range~~



287248

48 ~~objectives developed to further such goals and objectives. The~~
49 ~~plan shall:~~

50 (a) Include a glossary that clearly and succinctly defines
51 any and all phrases, words, or terms of art included in the plan,
52 with which the general public may be unfamiliar, ~~and shall~~
53 ~~consist of, at a minimum, the following components:~~

54 ~~(b) (a)~~ Document ~~A long-range component documenting the~~
55 goals and long-term objectives necessary to implement the results
56 of the department's findings from its examination of the
57 prevailing principles and criteria provided under ~~listed in~~
58 subsection (2) and s. 334.046(1). ~~The long-range component must~~

59 (c) Be developed in cooperation with the metropolitan
60 planning organizations and reconciled, to the maximum extent
61 feasible, with the long-range plans developed by metropolitan
62 planning organizations pursuant to s. 339.175. ~~The plan must also~~

63 (d) Be developed in consultation with affected local
64 officials in nonmetropolitan areas and with any affected Indian
65 tribal governments. ~~The plan must~~

66 (e) Provide an examination of transportation issues likely
67 to arise during at least a 20-year period. ~~The long-range~~
68 ~~component shall~~

69 (f) Be updated at least once every 5 years, or more often
70 as necessary, to reflect substantive changes to federal or state
71 law.

72 ~~(b)~~ ~~A short-range component documenting the short-term~~
73 ~~objectives and strategies necessary to implement the goals and~~
74 ~~long-term objectives contained in the long-range component. The~~
75 ~~short-range component must define the relationship between the~~
76 ~~long-range goals and the short-range objectives, specify those~~
77 ~~objectives against which the department's achievement of such~~



287248

78 ~~goals will be measured, and identify transportation strategies~~
79 ~~necessary to efficiently achieve the goals and objectives in the~~
80 ~~plan. It must provide a policy framework within which the~~
81 ~~department's legislative budget request, the strategic~~
82 ~~information resource management plan, and the work program are~~
83 ~~developed. The short range component shall serve as the~~
84 ~~department's annual agency strategic plan pursuant to s. 186.021.~~
85 ~~The short range component shall be developed consistent with~~
86 ~~available and forecasted state and federal funds. The short range~~
87 ~~component shall also be submitted to the Florida Transportation~~
88 ~~Commission.~~

89 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
90 ~~develop an annual performance report evaluating the operation of~~
91 ~~the department for the preceding fiscal year. The report shall~~
92 ~~also include a summary of the financial operations of the~~
93 ~~department and shall annually evaluate how well the adopted work~~
94 ~~program meets the short-term objectives contained in the short-~~
95 ~~range component of the Florida Transportation Plan. This~~
96 ~~performance report shall be submitted to the Florida~~
97 ~~Transportation Commission and the legislative appropriations and~~
98 ~~transportation committees.~~

99 ~~(4) (5) ADDITIONAL TRANSPORTATION PLANS.--~~

100 (a) Upon request by local governmental entities, the
101 department may in its discretion develop and design
102 transportation corridors, arterial and collector streets,
103 vehicular parking areas, and other support facilities which are
104 consistent with the plans of the department for major
105 transportation facilities. The department may render to local
106 governmental entities or their planning agencies such technical
107 assistance and services as are necessary so that local plans and



287248

108 facilities are coordinated with the plans and facilities of the
109 department.

110 (b) Each regional planning council, as provided for in s.
111 186.504, or any successor agency thereto, shall develop, as an
112 element of its strategic regional policy plan, transportation
113 goals and policies. The transportation goals and policies must be
114 prioritized to comply with the prevailing principles provided in
115 subsection (2) and s. 334.046(1). The transportation goals and
116 policies shall be consistent, to the maximum extent feasible,
117 with the goals and policies of the metropolitan planning
118 organization and the Florida Transportation Plan. The
119 transportation goals and policies of the regional planning
120 council will be advisory only and shall be submitted to the
121 department and any affected metropolitan planning organization
122 for their consideration and comments. Metropolitan planning
123 organization plans and other local transportation plans shall be
124 developed consistent, to the maximum extent feasible, with the
125 regional transportation goals and policies. The regional planning
126 council shall review urbanized area transportation plans and any
127 other planning products stipulated in s. 339.175 and provide the
128 department and respective metropolitan planning organizations
129 with written recommendations which the department and the
130 metropolitan planning organizations shall take under advisement.
131 Further, the regional planning councils shall directly assist
132 local governments which are not part of a metropolitan area
133 transportation planning process in the development of the
134 transportation element of their comprehensive plans as required
135 by s. 163.3177.

136 (c) Regional transportation plans may be developed in
137 regional transportation areas in accordance with an interlocal



287248

138 agreement entered into pursuant to s. 163.01 by two or more
139 contiguous metropolitan planning organizations; one or more
140 metropolitan planning organizations and one or more contiguous
141 counties, none of which is a member of a metropolitan planning
142 organization; a multicounty regional transportation authority
143 created by or pursuant to law; two or more contiguous counties
144 that are not members of a metropolitan planning organization; or
145 metropolitan planning organizations comprised of three or more
146 counties.

147 (d) The interlocal agreement must, at a minimum, identify
148 the entity that will coordinate the development of the regional
149 transportation plan; delineate the boundaries of the regional
150 transportation area; provide the duration of the agreement and
151 specify how the agreement may be terminated, modified, or
152 rescinded; describe the process by which the regional
153 transportation plan will be developed; and provide how members of
154 the entity will resolve disagreements regarding interpretation of
155 the interlocal agreement or disputes relating to the development
156 or content of the regional transportation plan. Such interlocal
157 agreement shall become effective upon its recordation in the
158 official public records of each county in the regional
159 transportation area.

160 (e) The regional transportation plan developed pursuant to
161 this section must, at a minimum, identify regionally significant
162 transportation facilities located within a regional
163 transportation area and contain a prioritized list of regionally
164 significant projects. The level-of-service standards for
165 facilities to be funded under this subsection shall be adopted by
166 the appropriate local government in accordance with s.
167 163.3180(10). The projects shall be adopted into the capital



287248

168 improvements schedule of the local government comprehensive plan
169 pursuant to s. 163.3177(3).

170 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
171 TRANSPORTATION PLANNING.--

172 (a) During the development of the ~~long-range component of~~
173 ~~the~~ Florida Transportation Plan and prior to substantive
174 revisions, the department shall provide citizens, affected public
175 agencies, representatives of transportation agency employees,
176 other affected employee representatives, private providers of
177 transportation, and other known interested parties with an
178 opportunity to comment on the proposed plan or revisions. These
179 opportunities shall include, at a minimum, publishing a notice in
180 the Florida Administrative Weekly and within a newspaper of
181 general circulation within the area of each department district
182 office.

183 (b) During development of major transportation
184 improvements, such as those increasing the capacity of a facility
185 through the addition of new lanes or providing new access to a
186 limited or controlled access facility or construction of a
187 facility in a new location, the department shall hold one or more
188 hearings prior to the selection of the facility to be provided;
189 prior to the selection of the site or corridor of the proposed
190 facility; and prior to the selection of and commitment to a
191 specific design proposal for the proposed facility. Such public
192 hearings shall be conducted so as to provide an opportunity for
193 effective participation by interested persons in the process of
194 transportation planning and site and route selection and in the
195 specific location and design of transportation facilities. The
196 various factors involved in the decision or decisions and any
197 alternative proposals shall be clearly presented so that the



287248

198 persons attending the hearing may present their views relating to
199 the decision or decisions which will be made.

200 (c) Opportunity for design hearings:

201 1. The department, prior to holding a design hearing, shall
202 duly notify all affected property owners of record, as recorded
203 in the property appraiser's office, by mail at least 20 days
204 prior to the date set for the hearing. The affected property
205 owners shall be:

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

208 b. Those whom the department determines will be
209 substantially affected environmentally, economically, socially,
210 or safetywise.

211 2. For each subsequent hearing, the department shall
212 publish notice prior to the hearing date in a newspaper of
213 general circulation for the area affected. These notices must be
214 published twice, with the first notice appearing at least 15
215 days, but no later than 30 days, before the hearing.

216 3. A copy of the notice of opportunity for the hearing must
217 be furnished to the United States Department of Transportation
218 and to the appropriate departments of the state government at the
219 time of publication.

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

225 5. The opportunity for a hearing shall be afforded in each
226 case in which the department is in doubt as to whether a hearing
227 is required.



287248

228 Section 9. Subsection (3) and paragraphs (b) and (c) of
229 subsection (4) of section 339.2816, Florida Statutes, are amended
230 to read:

231 339.2816 Small County Road Assistance Program.--

232 (3) Beginning with fiscal year 1999-2000 until fiscal year
233 2009-2010, and beginning again with fiscal year 2012-2013, up to
234 \$25 million annually from the State Transportation Trust Fund may
235 be used for the purposes of funding the Small County Road
236 Assistance Program as described in this section.

237 (4)

238 (b) In determining a county's eligibility for assistance
239 under this program, the department may consider whether the
240 county has attempted to keep county roads in satisfactory
241 condition, including the amount of local option fuel tax ~~and ad~~
242 ~~valorem millage rate~~ imposed by the county. The department may
243 also consider the extent to which the county has offered to
244 provide a match of local funds with state funds provided under
245 the program. At a minimum, small counties shall be eligible only
246 if:

247 ~~1. The county has enacted the maximum rate of the local~~
248 ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~
249 ~~an ad valorem millage rate of at least 8 mills; or~~

250 ~~2. The county has imposed an ad valorem millage rate of 10~~
251 ~~mills.~~

252 (c) The following criteria shall be used to prioritize road
253 projects for funding under the program:

254 1. The primary criterion is the physical condition of the
255 road as measured by the department.

256 2. As secondary criteria the department may consider:

257 a. Whether a road is used as an evacuation route.



287248

258 | b. Whether a road has high levels of agricultural travel.

259 | c. Whether a road is considered a major arterial route.

260 | d. Whether a road is considered a feeder road.

261 | e. Whether a road is located in a fiscally constrained
262 | county, as defined in s. 218.67(1).

263 | f.e. Other criteria related to the impact of a project on
264 | the public road system or on the state or local economy as
265 | determined by the department.

266 | Section 10. Subsections (1) and (3) of section 339.2819,
267 | Florida Statutes, are amended to read:

268 | 339.2819 Transportation Regional Incentive Program.--

269 | (1) There is created within the Department of
270 | Transportation a Transportation Regional Incentive Program for
271 | the purpose of providing funds to improve regionally significant
272 | transportation facilities in regional transportation areas
273 | created pursuant to s. 339.155(4)~~(5)~~.

274 | (3) The department shall allocate funding available for the
275 | Transportation Regional Incentive Program to the districts based
276 | on a factor derived from equal parts of population and motor fuel
277 | collections for eligible counties in regional transportation
278 | areas created pursuant to s. 339.155(4)~~(5)~~.

279 | Section 11. Subsection (6) of section 339.285, Florida
280 | Statutes, is amended to read:

281 | 339.285 Enhanced Bridge Program for Sustainable
282 | Transportation.--

283 | (6) Preference shall be given to bridge projects located on
284 | corridors that connect to the Strategic Intermodal System,
285 | created under s. 339.64, and that have been identified as
286 | regionally significant in accordance with s. 339.155(4)~~(5)~~(c),
287 | (d), and (e).



287248

288 Section 12. Subsection (4) of section 348.0003, Florida
289 Statutes, is amended to read:

290 348.0003 Expressway authority; formation; membership.--

291 (4) (a) An authority may employ an executive secretary, an
292 executive director, its own counsel and legal staff, technical
293 experts, and such engineers and employees, permanent or
294 temporary, as it may require and shall determine the
295 qualifications and fix the compensation of such persons, firms,
296 or corporations. An authority may employ a fiscal agent or
297 agents; however, the authority must solicit sealed proposals from
298 at least three persons, firms, or corporations for the
299 performance of any services as fiscal agents. An authority may
300 delegate to one or more of its agents or employees such of its
301 power as it deems necessary to carry out the purposes of the
302 Florida Expressway Authority Act, subject always to the
303 supervision and control of the authority. Members of an authority
304 may be removed from office by the Governor for misconduct,
305 malfeasance, misfeasance, or nonfeasance in office.

306 (b) Members of an authority are entitled to receive from
307 the authority their travel and other necessary expenses incurred
308 in connection with the business of the authority as provided in
309 s. 112.061, but they may not draw salaries or other compensation.

310 (c) Members of each expressway an authority, transportation
311 authority, bridge authority, or toll authority, created pursuant
312 to this chapter, chapters 343 or 349, or pursuant to any other
313 legislative enactment, shall be required to comply with the
314 applicable financial disclosure requirements of s. 8, Art. II of
315 the State Constitution. This subsection does not subject a
316 statutorily created expressway authority, transportation
317 authority, bridge authority, or toll authority, other than one



287248

318 created under this part, to any of the requirements of this part
319 other than those contained in this subsection.

320 Section 13. Paragraph (c) is added to subsection (1) of
321 section 348.0004, Florida Statutes, to read:

322 348.0004 Purposes and powers.--

323 (1)

324 (c) Notwithstanding any other provision of law, expressway
325 authorities as defined in chapter 348 shall index toll rates on
326 toll facilities to the annual Consumer Price Index or similar
327 inflation indicators. Toll rate index for inflation under this
328 subsection must be adopted and approved by the expressway
329 authority board at a public meeting and may be made no more
330 frequently than once a year and must be made no less frequently
331 than once every 5 years as necessary to accommodate cash toll
332 rate schedules. Toll rates may be increased beyond these limits
333 as directed by bond documents, covenants, or governing body
334 authorization or pursuant to department administrative rule.

335 Section 14. Part III of chapter 343, Florida Statutes,
336 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
337 343.76, and 343.77, is repealed.

338 Section 15. The Department of Transportation, in
339 consultation with the Department of Law Enforcement, the Division
340 of Emergency Management of the Department of Community Affairs,
341 and the Office of Tourism, Trade, and Economic Development, and
342 regional planning councils within whose jurisdictional area the
343 I-95 corridor lies, shall complete a study of transportation
344 alternatives for the travel corridor parallel to Interstate 95
345 which takes into account the transportation, emergency
346 management, homeland security, and economic development needs of
347 the state. The report must include identification of cost-



287248

348 effective measures that may be implemented to alleviate
349 congestion on Interstate 95, facilitate emergency and security
350 responses, and foster economic development. The Department of
351 Transportation shall send the report to the Governor, the
352 President of the Senate, the Speaker of the House of
353 Representatives, and each affected metropolitan planning
354 organization by June 30, 2009.

355
356
357 ===== T I T L E A M E N D M E N T =====

358 And the title is amended as follows:

359 Between line(s) 30-31

360 and insert:

361 amending s. 339.155, F.S.; revising provisions for
362 development of the Florida Transportation Plan; amending
363 s. 339.2816, F.S., relating to the small county road
364 assistance program; providing for resumption of certain
365 funding for the program; revising the criteria for
366 counties eligible to participate in the program; amending
367 ss. 339.2819 and 339.285, F.S.; conforming cross-
368 references; amending s. 348.0003, F.S.; providing for
369 financial disclosure for expressway, transportation,
370 bridge, and toll authorities; amending s. 348.0004, F.S.;
371 providing for certain expressway authorities to index toll
372 rate increases; repealing part III of ch. 343 F.S.;
373 abolishing the Tampa Bay Commuter Transit Authority;
374 requiring the department to conduct a study of
375 transportation alternatives for the Interstate 95
376 corridor;