

By Senator Bullard

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1 A bill to be entitled

2 An act relating to the Department of Transportation;  
3 amending s. 334.044, F.S.; directing the department to  
4 maintain specified training programs for employees and  
5 prospective employees; amending s. 339.155, F.S.;  
6 eliminating the requirement for annual updating of the  
7 Florida Transportation Plan; removing obsolete provisions;  
8 deleting the requirement to develop a short-range  
9 component of the Florida Transportation Plan; eliminating  
10 the requirement to develop an annual performance report;  
11 amending ss. 338.223, 339.2819, and 339.285, F.S.,  
12 relating to proposed turnpike projects, the Transportation  
13 Regional Incentive Program, and the Enhanced Bridge  
14 Program for Sustainable Transportation; conforming cross-  
15 references; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsection (34) is added to section 334.044,  
20 Florida Statutes, to read:

21 334.044 Department; powers and duties.--The department  
22 shall have the following general powers and duties:

23 (34) To maintain training programs for department employees  
24 and prospective employees who are graduates from an approved  
25 engineering curriculum of 4 years or more in a school, college,  
26 or university approved by the state Board of Professional  
27 Engineers for the purpose of providing broad practical expertise  
28 in the field of transportation engineering and leading to  
29 licensure as a professional engineer. The department shall

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30 maintain training programs for department employees providing  
31 broad practical experience and enhanced knowledge in the areas of  
32 right-of-way property management, real estate appraisal, and  
33 business valuation relating to the department's right-of-way  
34 acquisition activities. These training programs may provide for  
35 incremental increases in the base salary of all employees  
36 enrolled in the programs following successful completion of  
37 training phases.

38 Section 2. Section 339.155, Florida Statutes, is amended to  
39 read:

40 339.155 Transportation planning.--

41 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall  
42 develop ~~and annually update~~ a statewide transportation plan, to  
43 be known as the Florida Transportation Plan. The plan shall be  
44 designed so as to be easily read and understood by the general  
45 public. The purpose of the Florida Transportation Plan is to  
46 establish and define the state's long-range transportation goals  
47 and objectives to be accomplished over a period of at least 20  
48 years within the context of the State Comprehensive Plan, and any  
49 other statutory mandates and authorizations and based upon the  
50 prevailing principles of: preserving the existing transportation  
51 infrastructure; enhancing Florida's economic competitiveness; and  
52 improving travel choices to ensure mobility. The Florida  
53 Transportation Plan shall consider the needs of the entire state  
54 transportation system and examine the use of all modes of  
55 transportation to effectively and efficiently meet such needs.

56 (2) SCOPE OF PLANNING PROCESS.--The department shall carry  
57 out a transportation planning process in conformance with s.

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58 334.046(1) and shall amend the plan from time to time. ~~which~~  
59 ~~provides for consideration of projects and strategies that will:~~

60 ~~(a) Support the economic vitality of the United States,~~  
61 ~~Florida, and the metropolitan areas, especially by enabling~~  
62 ~~global competitiveness, productivity, and efficiency;~~

63 ~~(b) Increase the safety and security of the transportation~~  
64 ~~system for motorized and nonmotorized users;~~

65 ~~(c) Increase the accessibility and mobility options~~  
66 ~~available to people and for freight;~~

67 ~~(d) Protect and enhance the environment, promote energy~~  
68 ~~conservation, and improve quality of life;~~

69 ~~(e) Enhance the integration and connectivity of the~~  
70 ~~transportation system, across and between modes throughout~~  
71 ~~Florida, for people and freight;~~

72 ~~(f) Promote efficient system management and operation; and~~

73 ~~(g) Emphasize the preservation of the existing~~  
74 ~~transportation system.~~

75 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida  
76 Transportation Plan shall be a unified, concise planning document  
77 that clearly defines the state's long-range transportation goals  
78 and objectives ~~and documents the department's short-range~~  
79 ~~objectives developed to further such goals and objectives.~~ The  
80 plan shall:

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

85 (b)(a) Document A ~~long-range component~~ documenting the  
86 goals and long-term objectives necessary to implement the results

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87 of the department's findings from its examination of the criteria  
88 listed in subsection (2) and s. 334.046(1). ~~The long-range~~  
89 ~~component must~~

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

94 (d) Be developed in consultation with affected local  
95 officials in nonmetropolitan areas and with any affected Indian  
96 tribal governments. ~~The plan must~~

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

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

103 ~~(b) A short-range component documenting the short-term~~  
104 ~~objectives and strategies necessary to implement the goals and~~  
105 ~~long-term objectives contained in the long-range component. The~~  
106 ~~short-range component must define the relationship between the~~  
107 ~~long-range goals and the short-range objectives, specify those~~  
108 ~~objectives against which the department's achievement of such~~  
109 ~~goals will be measured, and identify transportation strategies~~  
110 ~~necessary to efficiently achieve the goals and objectives in the~~  
111 ~~plan. It must provide a policy framework within which the~~  
112 ~~department's legislative budget request, the strategic~~  
113 ~~information resource management plan, and the work program are~~  
114 ~~developed. The short-range component shall serve as the~~  
115 ~~department's annual agency strategic plan pursuant to s. 186.021.~~

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116 ~~The short-range component shall be developed consistent with~~  
117 ~~available and forecasted state and federal funds. The short-range~~  
118 ~~component shall also be submitted to the Florida Transportation~~  
119 ~~Commission.~~

120 ~~(4) ANNUAL PERFORMANCE REPORT.--The department shall~~  
121 ~~develop an annual performance report evaluating the operation of~~  
122 ~~the department for the preceding fiscal year. The report shall~~  
123 ~~also include a summary of the financial operations of the~~  
124 ~~department and shall annually evaluate how well the adopted work~~  
125 ~~program meets the short-term objectives contained in the short-~~  
126 ~~range component of the Florida Transportation Plan. This~~  
127 ~~performance report shall be submitted to the Florida~~  
128 ~~Transportation Commission and the legislative appropriations and~~  
129 ~~transportation committees.~~

130 ~~(4)~~(5) ADDITIONAL TRANSPORTATION PLANS.--

131 (a) Upon request by local governmental entities, the  
132 department may in its discretion develop and design  
133 transportation corridors, arterial and collector streets,  
134 vehicular parking areas, and other support facilities which are  
135 consistent with the plans of the department for major  
136 transportation facilities. The department may render to local  
137 governmental entities or their planning agencies such technical  
138 assistance and services as are necessary so that local plans and  
139 facilities are coordinated with the plans and facilities of the  
140 department.

141 (b) Each regional planning council, as provided for in s.  
142 186.504, or any successor agency thereto, shall develop, as an  
143 element of its strategic regional policy plan, transportation  
144 goals and policies. The transportation goals and policies must be

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145 prioritized to comply with the prevailing principles provided in  
146 subsection (2) and s. 334.046(1). The transportation goals and  
147 policies shall be consistent, to the maximum extent feasible,  
148 with the goals and policies of the metropolitan planning  
149 organization and the Florida Transportation Plan. The  
150 transportation goals and policies of the regional planning  
151 council will be advisory only and shall be submitted to the  
152 department and any affected metropolitan planning organization  
153 for their consideration and comments. Metropolitan planning  
154 organization plans and other local transportation plans shall be  
155 developed consistent, to the maximum extent feasible, with the  
156 regional transportation goals and policies. The regional planning  
157 council shall review urbanized area transportation plans and any  
158 other planning products stipulated in s. 339.175 and provide the  
159 department and respective metropolitan planning organizations  
160 with written recommendations which the department and the  
161 metropolitan planning organizations shall take under advisement.  
162 Further, the regional planning councils shall directly assist  
163 local governments which are not part of a metropolitan area  
164 transportation planning process in the development of the  
165 transportation element of their comprehensive plans as required  
166 by s. 163.3177.

167 (c) Regional transportation plans may be developed in  
168 regional transportation areas in accordance with an interlocal  
169 agreement entered into pursuant to s. 163.01 by two or more  
170 contiguous metropolitan planning organizations; one or more  
171 metropolitan planning organizations and one or more contiguous  
172 counties, none of which is a member of a metropolitan planning  
173 organization; a multicounty regional transportation authority

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174 created by or pursuant to law; two or more contiguous counties  
175 that are not members of a metropolitan planning organization; or  
176 metropolitan planning organizations comprised of three or more  
177 counties.

178 (d) The interlocal agreement must, at a minimum, identify  
179 the entity that will coordinate the development of the regional  
180 transportation plan; delineate the boundaries of the regional  
181 transportation area; provide the duration of the agreement and  
182 specify how the agreement may be terminated, modified, or  
183 rescinded; describe the process by which the regional  
184 transportation plan will be developed; and provide how members of  
185 the entity will resolve disagreements regarding interpretation of  
186 the interlocal agreement or disputes relating to the development  
187 or content of the regional transportation plan. Such interlocal  
188 agreement shall become effective upon its recordation in the  
189 official public records of each county in the regional  
190 transportation area.

191 (e) The regional transportation plan developed pursuant to  
192 this section must, at a minimum, identify regionally significant  
193 transportation facilities located within a regional  
194 transportation area and contain a prioritized list of regionally  
195 significant projects. The level-of-service standards for  
196 facilities to be funded under this subsection shall be adopted by  
197 the appropriate local government in accordance with s.  
198 163.3180(10). The projects shall be adopted into the capital  
199 improvements schedule of the local government comprehensive plan  
200 pursuant to s. 163.3177(3).

201 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
202 TRANSPORTATION PLANNING.--

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203           (a) During the development of ~~the long range component of~~  
204 the Florida Transportation Plan and prior to substantive  
205 revisions, the department shall provide citizens, affected public  
206 agencies, representatives of transportation agency employees,  
207 other affected employee representatives, private providers of  
208 transportation, and other known interested parties with an  
209 opportunity to comment on the proposed plan or revisions. These  
210 opportunities shall include, at a minimum, publishing a notice in  
211 the Florida Administrative Weekly and within a newspaper of  
212 general circulation within the area of each department district  
213 office.

214           (b) During development of major transportation  
215 improvements, such as those increasing the capacity of a facility  
216 through the addition of new lanes or providing new access to a  
217 limited or controlled access facility or construction of a  
218 facility in a new location, the department shall hold one or more  
219 hearings prior to the selection of the facility to be provided;  
220 prior to the selection of the site or corridor of the proposed  
221 facility; and prior to the selection of and commitment to a  
222 specific design proposal for the proposed facility. Such public  
223 hearings shall be conducted so as to provide an opportunity for  
224 effective participation by interested persons in the process of  
225 transportation planning and site and route selection and in the  
226 specific location and design of transportation facilities. The  
227 various factors involved in the decision or decisions and any  
228 alternative proposals shall be clearly presented so that the  
229 persons attending the hearing may present their views relating to  
230 the decision or decisions which will be made.

231           (c) Opportunity for design hearings:



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232 1. The department, prior to holding a design hearing, shall  
233 duly notify all affected property owners of record, as recorded  
234 in the property appraiser's office, by mail at least 20 days  
235 prior to the date set for the hearing. The affected property  
236 owners shall be:

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

239 b. Those whom the department determines will be  
240 substantially affected environmentally, economically, socially,  
241 or safetywise.

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

247 3. A copy of the notice of opportunity for the hearing must  
248 be furnished to the United States Department of Transportation  
249 and to the appropriate departments of the state government at the  
250 time of publication.

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

256 5. The opportunity for a hearing shall be afforded in each  
257 case in which the department is in doubt as to whether a hearing  
258 is required.

259 Section 3. Paragraph (b) of subsection (1) of section  
260 338.223, Florida Statutes, is amended to read:

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261 338.223 Proposed turnpike projects.--

262 (1)

263 (b) Any proposed turnpike project or improvement shall be  
264 developed in accordance with the Florida Transportation Plan and  
265 the work program pursuant to s. 339.135. Turnpike projects that  
266 add capacity, alter access, affect feeder roads, or affect the  
267 operation of the local transportation system shall be included in  
268 the transportation improvement plan of the affected metropolitan  
269 planning organization. If such turnpike project does not fall  
270 within the jurisdiction of a metropolitan planning organization,  
271 the department shall notify the affected county and provide for  
272 public hearings in accordance with s. 339.155(5)(c) ~~s.~~  
273 ~~339.155(6)(c)~~.

274 Section 4. Subsections (1) and (3) of section 339.2819,  
275 Florida Statutes, are amended to read:

276 339.2819 Transportation Regional Incentive Program.--

277 (1) There is created within the Department of  
278 Transportation a Transportation Regional Incentive Program for  
279 the purpose of providing funds to improve regionally significant  
280 transportation facilities in regional transportation areas  
281 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

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

287 Section 5. Subsection (6) of section 339.285, Florida  
288 Statutes, is amended to read:

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289           339.285 Enhanced Bridge Program for Sustainable  
290 Transportation.--

291           (6) Preference shall be given to bridge projects located on  
292 corridors that connect to the Strategic Intermodal System,  
293 created under s. 339.64, and that have been identified as  
294 regionally significant in accordance with s. 339.155(4)(c), (d),  
295 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

296           Section 6. This act shall take effect July 1, 2008.