

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  
8           provisions; deleting the requirement to develop a  
9           short-range component of the Florida Transportation  
10          Plan; eliminating the requirement to develop an annual  
11          performance report; amending ss. 338.223, 339.2819,  
12          and 339.285, F.S., relating to proposed turnpike  
13          projects, the Transportation Regional Incentive  
14          Program, and the Enhanced Bridge Program for  
15          Sustainable Transportation; conforming cross-  
16          references; providing an effective date.

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

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

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

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

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

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

41 339.155 Transportation planning.—

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

58 (2) SCOPE OF PLANNING PROCESS.—The department shall carry

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59 out a transportation planning process in conformance with s.  
 60 334.046(1) and shall amend the plan from time to time. ~~which~~  
 61 ~~provides for consideration of projects and strategies that will:~~

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

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

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

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

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

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

75 ~~(g) Emphasize the preservation of the existing~~  
 76 ~~transportation system.~~

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

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

87 (b) ~~(a)~~ Document A long-range component documenting the

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88 goals and long-term objectives necessary to implement the  
89 results of the department's findings from its examination of the  
90 criteria listed in subsection (2) and s. 334.046(1). ~~The long-~~  
91 ~~range component must~~

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

97 (d) Be developed in consultation with affected local  
98 officials in nonmetropolitan areas and with any affected Indian  
99 tribal governments. ~~The plan must~~

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

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

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

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117 ~~developed. The short-range component shall serve as the~~  
118 ~~department's annual agency strategic plan pursuant to s.~~  
119 ~~186.021. The short-range component shall be developed consistent~~  
120 ~~with available and forecasted state and federal funds. The~~  
121 ~~short-range component shall also be submitted to the Florida~~  
122 ~~Transportation Commission.~~

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

133 ~~(4)~~(5) ADDITIONAL TRANSPORTATION PLANS.—

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

144 (b) Each regional planning council, as provided for in s.  
145 186.504, or any successor agency thereto, shall develop, as an

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

170 (c) Regional transportation plans may be developed in  
171 regional transportation areas in accordance with an interlocal  
172 agreement entered into pursuant to s. 163.01 by two or more  
173 contiguous metropolitan planning organizations; one or more  
174 metropolitan planning organizations and one or more contiguous

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175 counties, none of which is a member of a metropolitan planning  
176 organization; a multicounty regional transportation authority  
177 created by or pursuant to law; two or more contiguous counties  
178 that are not members of a metropolitan planning organization; or  
179 metropolitan planning organizations comprised of three or more  
180 counties.

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

194 (e) The regional transportation plan developed pursuant to  
195 this section must, at a minimum, identify regionally significant  
196 transportation facilities located within a regional  
197 transportation area and contain a prioritized list of regionally  
198 significant projects. The level-of-service standards for  
199 facilities to be funded under this subsection shall be adopted  
200 by the appropriate local government in accordance with s.  
201 163.3180(10). The projects shall be adopted into the capital  
202 improvements schedule of the local government comprehensive plan  
203 pursuant to s. 163.3177(3).

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204        (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
205 TRANSPORTATION PLANNING.—

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

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



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233 present their views relating to the decision or decisions which  
234 will be made.

235 (c) Opportunity for design hearings:

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

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

243 b. Those whom the department determines will be  
244 substantially affected environmentally, economically, socially,  
245 or safetywise.

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

251 3. A copy of the notice of opportunity for the hearing must  
252 be furnished to the United States Department of Transportation  
253 and to the appropriate departments of the state government at  
254 the time of publication.

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

260 5. The opportunity for a hearing shall be afforded in each  
261 case in which the department is in doubt as to whether a hearing

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262 is required.

263 Section 3. Paragraph (b) of subsection (1) of section  
264 338.223, Florida Statutes, is amended to read:

265 338.223 Proposed turnpike projects.—

266 (1)

267 (b) Any proposed turnpike project or improvement shall be  
268 developed in accordance with the Florida Transportation Plan and  
269 the work program pursuant to s. 339.135. Turnpike projects that  
270 add capacity, alter access, affect feeder roads, or affect the  
271 operation of the local transportation system shall be included  
272 in the transportation improvement plan of the affected  
273 metropolitan planning organization. If such turnpike project  
274 does not fall within the jurisdiction of a metropolitan planning  
275 organization, the department shall notify the affected county  
276 and provide for public hearings in accordance with s.  
277 339.155(5)(c) ~~s. 339.155(6)(e)~~.

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

280 339.2819 Transportation Regional Incentive Program.—

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

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

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291 ~~339.155(5).~~

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

294 339.285 Enhanced Bridge Program for Sustainable  
295 Transportation.—

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

301 Section 6. This act shall take effect July 1, 2009.