

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 2096

INTRODUCER: Senator Bullard

SUBJECT: Department of Transportation

DATE: April 4, 2008                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	<u>TA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill provides the Florida Department of Transportation (FDOT, the department) authority to provide incremental salary increases for employees successfully completing program phases of certain training programs. The bill also removes obsolete provisions relating to the transportation planning process, eliminates statutory requirements resulting in duplicative reports, and makes conforming changes for the purpose of updating citations.

This bill amends the following sections of the Florida Statutes: 334.044, 339.155, 338.223, 339.2819, and 339.285.

**II. Present Situation:**

Training Programs

FDOT administers two separate trainee programs: Professional Engineer (PE) Training Program and the Right of Way (ROW) Training Program. These programs have been administered under adopted internal guidelines for more than 20 years. The department considers these programs extremely effective in the recruitment and retention of highly specialized professional staff. On July 1, 2006, s. 216.251(3), F.S., took effect prohibiting agencies from providing salary increases

or pay additives for a cohort of positions sharing the same job classification or job occupations without legislative authority. This prevents the department from providing the incremental pay increases associated with training programs. In order to continue these programs, the department sought the counsel of Legislative and Governor's Office staff and was granted the authority to continue its training programs and to provide the pay incentive package for trainees in these programs in Section 8 of the General Appropriations Act (GAA) for Fiscal Year 07-08.

#### *PE Training Program*

The total PE Training Program is a four-year program divided into two phases. Engineer Training (ET) is a 24-month rotational assignment encompassing all aspects of the department's work. Six, twelve, and eighteen months after entering the program, trainees are given highly structured performance evaluations. If a six-month overall evaluation is "satisfactory," the trainee is eligible for a five-percent incremental salary increase. Upon completing the initial program, participants may begin the Senior Engineer Training (SET) Program. This is a 24-month internship combining on-the-job training in both the technical and managerial functions of a specific work area in the department. Evaluations continue every six months. At the end of the twelve and twenty-four month periods, if the trainee's annual overall rating is satisfactory, he or she receives a five-percent salary increase. All incremental salary increases are subject to budget and rate availability.

#### *ROW Training Program*

Similarly, the department provides formalized training programs for Real Estate, Level II employees and selected Real Estate, Level III employees. The ROW Training Program is designed as an internship where the trainee works with real world situations using knowledge and skills introduced in a specially designed series of courses. Success in the program is based on passing courses and receiving satisfactory trainee performance ratings from the supervisor. Trainees are expected to be productive employees, apart from their participation in the program. The first phase of the program is twenty-four (24) months in duration. It is composed of four six-month segments. Within each segment, the trainee is required to attend and satisfactorily complete designated courses, to complete prescribed demonstrated work products and to work and train in a variety of functional areas within Right of Way.

Subject to the approval required by s. 216.251 (3), F.S., Real Estate, Level II trainees who successfully complete all the requirements for a given six month segment will receive a five-percent salary increase. Successful completion of the first phase results in promotion to Real Estate, Level III status and eligibility to be selected to continue the second phase of training. The second phase is 36 months in duration and is composed of three one-year segments. Real Estate, Level III trainees who successfully complete all the requirements for each one-year segment will receive a 10-percent salary increase for each segment.

The programs provide trainees with classroom and practical experience within the department's programs. With the extraordinary competition to recruit, employ and retain qualified individuals, particularly in the areas of engineering, right-of-way and land appraisal, these training programs allow the department to offer a competitive incentive package, within its existing budget, to promising individuals. Graduates of these training programs, since their inception some 20 years ago, have included three former Department Secretaries, two former Assistant Department Secretaries, numerous District Secretaries and countless individuals that moved into

policymaking positions within the department, including posts as Division Directors and Bureau Chiefs. All incremental salary increases are subject to budget and rate availability.

#### Transportation Planning Regulations and Duplicative Reporting Requirements

Section 339.155, F.S., requires the department to develop and annually update the Florida Transportation Plan (FTP). The FTP is a long-range plan addressing the needs of the entire state transportation system and identifies the goals and objectives for the next 20 years. The FTP is intended to guide Florida's transportation decisions and investments based upon the prevailing principles of: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. In conformance with federal law, the section requires the transportation planning process used in developing the FTP to provide consideration of seven specific planning factors which are established in the United States Code. These federal requirements are occasionally amended, and the Legislature has, from time to time been required to revise s. 339.155, F.S., to maintain accordance with federal revisions. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) contained 23 planning factors to be considered in the statewide planning process and 16 planning factors to be included in the metropolitan planning process. The subsequent reauthorization, the Transportation Equity Act for the 21st Century (TEA-21) passed by Congress in 1998, consolidated the statewide and metropolitan planning factors into seven broad areas. Florida statutes were amended by the 1999 Legislature (HB 591) to accommodate the TEA-21 revisions. Currently, s. 339.155, F.S., reflects the seven broad planning factors and is once again nonconforming with federal law due to the 2005 reauthorization, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which separated the "safety and security" factor into two separate factors and modified the wording of the other factors.

Separate from the requirements of federal law, s. 339.155, F.S, requires the department to issue two additional documents: a Short Range Component of the FTP and an Annual Performance Report. The Short Range Component of the FTP documents the department's short-term objectives and strategies for implementing the FTP and specifies how those objectives are being measured. The Annual Performance Report includes a summary of how well the adopted work program meets the short-term objectives in the Short Range Component. In recent years, the department has combined the Short Range Component and the Annual Performance reports into a single report.

Over time, revisions to various sections of the Florida Statutes have resulted in duplicative reporting and planning requirements. For example, an annual Long Range Program Plan (LRPP), required of each state agency by s. 216.013, F.S., is also developed by the department to measure state goals, agency program objectives and service outcomes. The LRPP is submitted to the Governor and Legislature. Additionally, the Florida Transportation Commission annually evaluates and reports the department's performance and productivity to the Governor and the Legislature.

Section 338.223, F.S., requires all turnpike projects to be developed in accordance with the FTP and affected metropolitan planning organization's (MPO) transportation improvement programs. When a turnpike project falls outside of an MPO's jurisdiction, the department must notify the

affected county and provide for public hearings in accordance with s. 339.155(6)(c), F.S., which provides procedures for public participation in the transportation planning process.

Section 339.2819, F.S., creates the Transportation Regional Incentive Program (TRIP) to improve transportation facilities in regional transportation areas created under s. 339.1585(5), F.S.

Section 339.285, F.S., establishes the Enhanced Bridge Program for Sustainable Transportation to provide funds and improve local bridges and high cost bridges located on congested State Highway System roads or local corridors. Preference for inclusion in the program is given to bridge projects identified as being regionally significant in accordance with s. 339.155(5)(c), (d), and (e), F.S., which provides for the creation of regional transportation plans.

### **III. Effect of Proposed Changes:**

Section 1 amends s. 334.044, F.S., to grant FDOT the authority to maintain training programs for current and prospective employees providing broad practical expertise in transportation engineering and leading to professional licensure as an engineer. Similar authority to maintain training programs in right-of-way property management, real estate appraisal, and business valuation related to the department's right-of-way acquisition is provided. The provisions include explicit authority to provide incremental salary increases for employees successfully completing phases of certain training programs.

Section 2 amends s. 339.155, F.S., to remove transportation planning factors made obsolete by changes to federal law and to remove duplicative reporting requirements.

Section 3 makes conforming revisions to s. 338.233, F.S., for the purpose of updating citations.

Section 4 makes conforming revisions to s. 339.2819, F.S., for the purpose of updating citations.

Section 5 makes conforming revisions to s. 339.285, F.S., for the purpose of updating citations.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The department may experience a slight positive fiscal impact due to the reduction of costs associated with producing redundant reports.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:****Barcode 298570 by Transportation**

The amendment clarifies the need for FDOT to amend the Florida Transportation Plan to maintain compliance with federal law.