

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, 2010.