

## 103 State Requirements

The State of Florida's requirements for public involvement are found in the Florida Statutes (FS). The following are the most frequently referenced statutes and requirements.

### Section 760.01, FS, Florida Civil Rights Act of 1992

The Florida Civil Rights Act of 1992 secures freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status for all individuals.

FDOT's nondiscrimination policy and language demonstrates the Department's intention to comply with the Civil Rights Act. The nondiscrimination language shown must be included in all materials sent to the public including meeting notifications and advertisements.

- *Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.*
- *Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact \_\_\_\_\_ at \_\_\_\_\_ at least seven days prior to the meeting.*

### Section 120.525, FS, Administrative Procedures Act

- Any public meeting, workshop, or hearing must be advertised in the Florida Administrative Register (FAR) and on the Department's public notices website at least seven days in advance regardless of project phase.

- The advertisement must include the general subject matter to be considered.
- An agenda (containing the items to be considered in order of presentation) must be prepared seven days before the meeting, workshop, or hearing and be published on the agency's website.

### Section 286.011, FS, Public Business (Government in the Sunshine)

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels.

- Any meeting involving two or more members of the same board (elected, advisory, or committee members) must be advertised and open to the public.
- Minutes of any such meeting must be available for public inspection.
- Public meetings must not be held at a facility or location that discriminates based on sex, age, race, creed, color, origin, or economic status or that otherwise restricts public access.
- Establishes penalties for violation of these provisions and exceptions for specific situations.

### Section 286.29, FS, Climate-Friendly Public Business (Green Lodging)

If using a hotel or conference facility for public meetings, the facility must be designated as Green Lodging facilities by the Florida Department of Environmental Protection (FDEP).

## Section 335.199, FS, State Highway System (Access Modification)

- Public meetings are required for access management changes.
- Applies to projects that will divide a state highway, erect median barriers modifying currently available vehicle turning movements, or have the effect of closing or modifying an existing access.
- The Department shall notify all affected property owners, municipalities, and counties at least 180 days before the design of the project is finalized.
- If the proposed changes were presented as part of the public hearing held during the Project Development and Environment (PD&E), then no further action is required.
- At least one public meeting must be held in the jurisdiction where the project is located before completing the design phase.

## Section 339.155, FS, Transportation Finance and Planning

- The Department must develop a statewide transportation plan, the Florida Transportation Plan (FTP).
- Procedures for public participation in transportation planning include:
  - Provide an opportunity for the public and affected and/or interested parties to comment on the FTP.
  - Require one or more public hearings to be held during the development of major transportation improvements, such as capacity improvements, new interchanges, and new roadway or limited access facilities.

- Require notification of all affected property owners 20 days prior to design hearings. Notices must be published twice, the first notice being at least 15 days before the hearing. Affected property owners are those whose property lies within 300 feet on either side of the centerline and those who the Department determines will be substantially affected environmentally, economically, socially, or safety wise.

## Executive Order 07-01, Section 2 – Plain Language Initiative

This initiative ensures that announcements, publications, and other documents provided by state agencies contain “clear and concise” information. Specific requirements include:

- Use of common language instead of technical jargon,
- Providing only the pertinent information in an organized manner,
- Use of short sentences and active voice, and
- Layout and design that are user friendly.

## Jessica Lunsford Act (Codified in Title XL VII K-20 Education Code, Chapter 1012 Personnel, §1012.465-1012.468)

This law requires background screenings for certain individuals entering school grounds when children are present. As a result of this, FDOT adopted the approach that public K-12 educational facilities should not be used for public meetings and hearings. There is a provision for exceptions.

- Public school facilities for grades K-12 should not be used for public meetings.

# Public Engagement Resource Guide

- Public schools may be used when no students are present, as confirmed by an appropriate school principal and approved by the Assistant Secretary of Engineering and Operations.
- Alternate facilities that may be used include colleges, universities, and private schools.

## Section 339.135, FS, Work Program

- District offices must hold a public hearing in at least one urbanized area in the district and make a presentation at a meeting of each metropolitan planning organization in the district prior to submitting the District Work Program.
- The Florida Transportation Commission must conduct a statewide public hearing on the Tentative Work Program and advertise the time, place, and purpose of the of the hearing in the FAR at least seven days prior to the hearing.

## Section 335.02, FS, Authority to Designate Transportation Facilities and Rights-of-Way and Establish Lanes

- Prior to reassigning transportation facilities into the State Highway System, a public hearing must be conducted in each affected county, with reasonable notice at least 14 days prior to the event.
- Notice must be published in a newspaper in each county in addition to any other notice required by law.

## Section 339.175, FS, Metropolitan Planning Organizations (MPO)

- Metropolitan transportation planning activities, such as the transportation improvement program and long-range transportation plan, must provide reasonable opportunity for public comment.
- The annual list of prioritized projects prepared by the MPO must consider the MPO's public involvement procedures.
- Additionally, the MPO must publicly provide the annual list of federally-obligated projects from the previous year.

