

By Representative Patterson

1 A bill to be entitled
2 An act relating to transportation planning;
3 amending s. 339.175, F.S.; revising provisions
4 relating to legislative intent regarding, and
5 purposes of, metropolitan planning
6 organizations (M.P.O.'s); providing that the
7 jurisdictional boundary of an M.P.O. is the
8 metropolitan planning area and providing
9 requirements with respect thereto; revising
10 provisions relating to designation of multiple
11 M.P.O.'s within an area; revising provisions
12 relating to the voting membership of an M.P.O.;
13 authorizing approval of noncomplying membership
14 apportionment plans; revising the elements to
15 be considered in the development of long-range
16 transportation plans and transportation
17 improvement programs; deleting duties of the
18 technical advisory committees relating to
19 identification of school safety concerns;
20 revising requirements with respect to the
21 long-range transportation plan and the annual
22 transportation improvement program and
23 development thereof; requiring an M.P.O. to
24 make certain information available for public
25 review; clarifying and correcting language;
26 amending s. 341.053, F.S.; providing that the
27 Intermodal Development Program shall be
28 administered by the Department of
29 Transportation in cooperation with M.P.O.'s and
30 local governments; providing that an M.P.O.,
31 rather than the department, shall review

1 funding requests from rail authorities;
2 providing that an M.P.O. shall be responsible
3 for submitting intermodal access project
4 funding requests to the department in urbanized
5 areas and providing requirements with respect
6 thereto; amending s. 320.20, F.S.; correcting a
7 reference; providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Section 339.175, Florida Statutes, 1998
12 Supplement, is amended to read:

13 339.175 Metropolitan planning organization.--It is the
14 intent of the Legislature to encourage and promote the safe
15 and efficient management, operation, and development of
16 transportation systems ~~embracing various modes of~~
17 ~~transportation in a manner~~ that will serve ~~maximize~~ the
18 mobility needs of people and freight ~~goods~~ within and through
19 urbanized areas of this state and minimize, to the maximum
20 extent feasible, and together with applicable regulatory
21 government agencies, transportation-related fuel consumption
22 and air pollution. To accomplish these objectives,
23 metropolitan planning organizations, referred to in this
24 section as M.P.O.'s, shall develop, in cooperation with the
25 state and public transit operators, transportation plans and
26 programs for metropolitan areas. Such plans and programs must
27 provide for the development of transportation facilities that
28 will function as an intermodal transportation system for the
29 metropolitan area. The process for developing such plans and
30 programs shall provide for consideration of all modes of
31 transportation and shall be continuing, cooperative, and

1 comprehensive, to the degree appropriate, based on the
2 complexity of the transportation problems to be addressed.

3 (1) DESIGNATION.--

4 (a)1. An M.P.O. shall be designated for each urbanized
5 area of the state. Such designation shall be accomplished by
6 agreement between the Governor and units of general-purpose
7 local government representing at least 75 percent of the
8 population of the urbanized area; however, the unit of
9 general-purpose local government that represents the central
10 city or cities within the M.P.O. jurisdiction, as defined by
11 the United States Bureau of the Census, must be a party to
12 such agreement.

13 2. The jurisdictional boundary of an M.P.O. is the
14 metropolitan planning area, which is determined by agreement
15 between the Governor and the applicable M.P.O. Each
16 metropolitan planning area shall encompass at least the
17 existing urbanized area and the contiguous urbanized area
18 expected to become urbanized within a 20-year forecast period,
19 and may encompass the entire metropolitan statistical area or
20 consolidated metropolitan statistical area, as defined by the
21 United States Bureau of the Census.

22 3.2. More than one M.P.O. may be designated within an
23 existing metropolitan planning area ~~urbanized area~~ only if the
24 Governor and the existing metropolitan planning organization
25 determine ~~determines~~ that the size and complexity of the
26 existing metropolitan planning area make designation of more
27 than one metropolitan planning organization for the area
28 appropriate ~~area justifies the designation of multiple~~
29 ~~M.P.O.'s.~~

30 (b) Each M.P.O. shall be created and operated under
31 the provisions of this section pursuant to an interlocal

1 agreement entered into pursuant to s. 163.01. The signatories
2 to the interlocal agreement shall be the department and the
3 governmental entities designated by the Governor for
4 membership on the M.P.O. If there is a conflict between this
5 section and s. 163.01, this section prevails.

6 (c) In the case of an urbanized area designated as a
7 nonattainment area for ozone or carbon monoxide under the
8 Clean Air Act, 42 U.S.C. s. 7401 et seq., the boundaries of
9 the metropolitan planning area in existence as of the
10 effective date of this act shall be retained, except that the
11 boundaries may be adjusted by agreement of the Governor and
12 affected metropolitan planning organizations in the manner
13 described in this subsection.

14 ~~(c) The jurisdictional boundaries of an M.P.O. shall~~
15 ~~be determined by agreement between the Governor and the~~
16 ~~applicable M.P.O. The boundaries must include, at a minimum,~~
17 ~~the metropolitan area and may include the entire metropolitan~~
18 ~~statistical area or the consolidated metropolitan statistical~~
19 ~~area.~~

20 (d) If more than one M.P.O. has authority within a
21 metropolitan planning area or an area that is designated as a
22 nonattainment area, each M.P.O. shall consult with other
23 M.P.O.'s designated for such area and with the state in the
24 coordination of plans and programs required by this section.

25
26 Each M.P.O. required under this section must be fully
27 operative no later than 6 months following its designation.

28 (2) VOTING MEMBERSHIP.--

29 (a) The voting membership of an M.P.O. shall consist
30 of not fewer than 5 or more than 19 apportioned members, the
31 exact number to be determined on an equitable

1 geographic-population ratio basis by the Governor, based on an
2 agreement among the affected units of general-purpose local
3 government as required by federal rules and regulations. The
4 Governor, in accordance with 23 U.S.C. s. 134, ~~as amended by~~
5 ~~the Intermodal Surface Transportation Efficiency Act of 1991,~~
6 may also provide for M.P.O. members who represent
7 municipalities to alternate with representatives from other
8 municipalities within the metropolitan planning designated
9 ~~urban~~ area that do not have members on the M.P.O. County
10 commission members shall compose not less than one-third of
11 the M.P.O. membership, except for an M.P.O. with more than 15
12 members located in a county with a five-member county
13 commission or an M.P.O. with 19 members located in a county
14 with no more than 6 county commissioners, in which case county
15 commission members may compose less than one-third ~~percent~~ of
16 the M.P.O. membership, but all county commissioners must be
17 members. All voting members shall be elected officials of
18 general-purpose governments, except that an M.P.O. may
19 include, as part of its apportioned voting members, a member
20 of a statutorily authorized planning board or an official of
21 an agency that operates or administers a major mode of
22 transportation. ~~In metropolitan areas in which authorities or~~
23 ~~other agencies have been, or may be, created by law to perform~~
24 ~~transportation functions that are not under the jurisdiction~~
25 ~~of a general-purpose local government represented on the~~
26 ~~M.P.O., they shall be provided voting membership on the M.P.O.~~
27 The county commission shall compose not less than 20 percent
28 of the M.P.O. membership if an official of an agency that
29 operates or administers a major mode of transportation has
30 been appointed to an M.P.O.
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1 (b) In metropolitan planning areas in which
2 authorities or other agencies have been, or may be, created by
3 law to perform transportation functions that are not under the
4 jurisdiction of a general-purpose local government represented
5 on the M.P.O., they shall be provided voting membership on the
6 M.P.O. In metropolitan planning areas where transportation
7 authorities or agencies are to be represented by elected
8 officials from general-purpose local government, the M.P.O.
9 may designate one or more of its members to express and convey
10 the collective interests of such authorities or other
11 agencies.

12 (c)~~(b)~~ Any other provision of this section to the
13 contrary notwithstanding, any county chartered under s. 6(e),
14 Art. VIII of the State Constitution may elect to have its
15 county commission serve as the M.P.O., if the M.P.O.
16 jurisdiction is wholly contained within the county. Any
17 charter county that elects to exercise the provisions of this
18 paragraph shall so notify the Governor in writing. Upon
19 receipt of such notification, the Governor must designate the
20 county commission as the M.P.O. The Governor must appoint
21 four additional voting members to the M.P.O., one of whom must
22 be an elected official representing a municipality within the
23 county, one of whom must be an expressway authority member,
24 one of whom must be a person who does not hold elected public
25 office and who resides in the unincorporated portion of the
26 county, and one of whom must be a school board member.

27 (d) An M.P.O. may submit to the Governor for
28 consideration and approval a membership apportionment plan
29 that does not comply with the requirements of paragraphs (a),
30 (b), and (c). This plan may be approved by the Governor, if
31 the M.P.O. demonstrates that such a membership apportionment

1 plan is needed to fulfill specific goals and policies
2 applicable to that metropolitan planning area. However, such a
3 membership apportionment plan, at a minimum, must comply with
4 all federal requirements pertaining to M.P.O. membership.

5 (3) APPORTIONMENT.--

6 (a) The Governor shall, with the agreement of the
7 affected units of general-purpose local government as required
8 by federal rules and regulations, apportion the membership on
9 the applicable M.P.O. among the various governmental entities
10 within the area and shall prescribe a method for appointing
11 alternate members who may vote at any M.P.O. meeting that an
12 alternate member attends in place of a regular member. An
13 appointed alternate member must be an elected official serving
14 the same governmental entity or a general-purpose local
15 government with jurisdiction within all or part of the area
16 that the regular member serves. The governmental entity so
17 designated shall appoint the appropriate number of members to
18 the M.P.O. from eligible officials. Representatives of the
19 department shall serve as nonvoting members of the M.P.O.
20 Nonvoting advisers may be appointed by the M.P.O. as deemed
21 necessary. The Governor shall review the composition of the
22 M.P.O. membership at least every 5 years and reapportion it as
23 necessary to comply with subsection (2).

24 (b) Except for members who represent municipalities on
25 the basis of alternating with representatives from other
26 municipalities that do not have members on the M.P.O. as
27 provided in paragraph (2)(a), the members of an M.P.O. shall
28 serve 4-year terms. Members who represent municipalities on
29 the basis of alternating with representatives from other
30 municipalities that do not have members on the M.P.O. as
31 provided in paragraph (2)(a) may serve terms of up to 4 years

1 as further provided in the interlocal agreement described in
2 paragraph (1)(b). The membership of a member who is a public
3 official automatically terminates upon the member's leaving
4 his or her elective or appointive office for any reason, or
5 may be terminated by a majority vote of the total membership
6 of a county or city governing entity represented by the
7 member. A vacancy shall be filled by the original appointing
8 entity. A member may be reappointed for one or more
9 additional 4-year terms.

10 (c) If a governmental entity fails to fill an assigned
11 appointment to an M.P.O. within 60 days after notification by
12 the Governor of its duty to appoint, that appointment shall be
13 made by the Governor from the eligible representatives of that
14 governmental entity.

15 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
16 responsibility of an M.P.O. is to manage a continuing,
17 cooperative, and comprehensive transportation planning process
18 that results in the development of plans and programs which
19 are consistent, to the maximum extent feasible, with the
20 approved local government comprehensive plans of the units of
21 local government the boundaries of which are within the
22 metropolitan planning area of the M.P.O. An M.P.O. shall be
23 the forum for cooperative decisionmaking by officials of the
24 affected governmental entities in the development of the plans
25 and programs required by subsections (5), (6), (7), and (8).

26 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
27 privileges, and authority of an M.P.O. are those specified in
28 this section or incorporated in an interlocal agreement
29 authorized under s. 163.01. Each M.P.O. shall perform all
30 acts required by federal or state laws or rules, now and
31 subsequently applicable, which are necessary to qualify for

1 federal aid. It is the intent of this section that each M.P.O.
2 shall be involved in the planning and programming of
3 transportation facilities, including, but not limited to,
4 airports, intercity and high-speed rail lines, seaports, and
5 intermodal facilities, to the extent permitted by state or
6 federal law.

7 (a) Each M.P.O. shall, in cooperation with the
8 department, develop:

9 1. A long-range transportation plan pursuant to the
10 requirements of subsection (6);

11 2. An annually updated transportation improvement
12 program pursuant to the requirements of subsection (7); and

13 3. An annual unified planning work program pursuant to
14 the requirements of subsection (8).

15 (b) In developing the long-range transportation plan
16 and the transportation improvement program required under
17 paragraph (a), each M.P.O. must, at a minimum, consider the
18 planning factors established pursuant to federal law and
19 regulations, as well as applicable state, regional, and local
20 government planning processes.†

21 ~~1. The preservation of existing transportation~~
22 ~~facilities and, where practical, ways to meet transportation~~
23 ~~needs by using existing facilities more efficiently;~~

24 ~~2. The consistency of transportation planning with~~
25 ~~applicable federal, state, and local energy conservation~~
26 ~~programs, goals, and objectives;~~

27 ~~3. The need to relieve congestion and prevent~~
28 ~~congestion from occurring where it does not yet occur;~~

29 ~~4. The likely effect of transportation policy~~
30 ~~decisions on land use and development and the consistency of~~
31

1 ~~transportation plans and programs with all applicable~~
2 ~~short-term and long-term land use and development plans;~~
3 ~~5. The programming of transportation enhancement~~
4 ~~activities as required by federal law;~~
5 ~~6. The effect of all transportation projects to be~~
6 ~~undertaken in the metropolitan area, without regard to whether~~
7 ~~such projects are publicly funded;~~
8 ~~7. The provision of access to seaports, airports,~~
9 ~~intermodal transportation facilities, major freight~~
10 ~~distribution routes, national and state parks, recreation~~
11 ~~areas, monuments and historic sites, and military~~
12 ~~installations;~~
13 ~~8. The need for roads within the metropolitan area to~~
14 ~~efficiently connect with roads outside the metropolitan area;~~
15 ~~9. The transportation needs identified through the use~~
16 ~~of transportation management systems required by federal or~~
17 ~~state law;~~
18 ~~10. The preservation of rights-of-way for construction~~
19 ~~of future transportation projects, including the~~
20 ~~identification of unused rights-of-way that may be needed for~~
21 ~~future transportation corridors and the identification of~~
22 ~~corridors for which action is most needed to prevent~~
23 ~~destruction or loss;~~
24 ~~11. Any available methods to enhance the efficient~~
25 ~~movement of freight;~~
26 ~~12. The use of life-cycle costs in the design and~~
27 ~~engineering of bridges, tunnels, or pavement;~~
28 ~~13. The overall social, economic, energy, and~~
29 ~~environmental effects of transportation decisions;~~
30 ~~14. Any available methods to expand or enhance transit~~
31 ~~services and increase the use of such services; and~~

1 ~~15. The possible allocation of capital investments to~~
2 ~~increase security for transit systems.~~

3 (c) In order to provide recommendations to the
4 department and local governmental entities regarding
5 transportation plans and programs, each M.P.O. shall:

6 1. Prepare a congestion management system for the
7 metropolitan planning area and cooperate with the department
8 in the development of all other transportation management
9 systems required by state or federal law;

10 2. Assist the department in mapping transportation
11 planning boundaries required by state or federal law;

12 3. Assist the department in performing its duties
13 relating to access management, functional classification of
14 roads, and data collection;

15 4. Execute all agreements or certifications necessary
16 to comply with applicable state or federal law;

17 5. Represent all the jurisdictional areas within the
18 metropolitan planning area in the formulation of
19 transportation plans and programs required by this section;
20 and

21 6. Perform all other duties required by state or
22 federal law.

23 (d) Each M.P.O. shall appoint a technical advisory
24 committee that includes planners; engineers; representatives
25 of local aviation authorities, port authorities, and public
26 transit authorities or representatives of aviation
27 departments, seaport departments, and public transit
28 departments of municipal or county governments, as applicable;
29 the school superintendent of each county within the
30 jurisdiction of the M.P.O. or the superintendent's designee;
31 and other appropriate representatives of affected local

1 ~~governments. In addition to any other duties assigned to it by~~
2 ~~the M.P.O. or by state or federal law, the technical advisory~~
3 ~~committee is responsible for identifying projects contained in~~
4 ~~the long-range plan or transportation improvement program~~
5 ~~which deserve to be classified as a school safety concern.~~
6 ~~Upon receipt of the recommendation from the technical advisory~~
7 ~~committee that a project should be so classified, the M.P.O.~~
8 ~~must vote on whether to classify a particular project as a~~
9 ~~school safety concern. If the M.P.O. votes that a project~~
10 ~~should be classified as a school safety concern, the local~~
11 ~~governmental entity responsible for the project must consider~~
12 ~~at least two alternatives before making a decision about~~
13 ~~project location or alignment.~~

14 (e)1. Each M.P.O. shall appoint a citizens' advisory
15 committee, the members of which serve at the pleasure of the
16 M.P.O. The membership on the citizens' advisory committee must
17 reflect a broad cross section of local residents with an
18 interest in the development of an efficient, safe, and
19 cost-effective transportation system. Minorities, the elderly,
20 and the handicapped must be adequately represented.

21 2. Notwithstanding the provisions of subparagraph 1.,
22 an M.P.O. may, with the approval of the department and the
23 applicable federal governmental agency, adopt an alternative
24 program or mechanism to ensure citizen involvement in the
25 transportation planning process.

26 (f) The department shall allocate to each M.P.O., for
27 the purpose of accomplishing its transportation planning and
28 programming duties, an appropriate amount of federal
29 transportation planning funds.

30 (g) Each M.P.O. may employ personnel or may enter into
31 contracts with local or state agencies, private planning

1 firms, or private engineering firms to accomplish its
2 transportation planning and programming duties required by
3 state or federal law.

4 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
5 develop a long-range transportation plan that addresses at
6 least a 20-year planning horizon. The plan must include both
7 long-range and short-range strategies and must comply with all
8 other state and federal requirements. The long-range
9 transportation plan must be consistent, to the maximum extent
10 feasible, with future land use elements and the goals,
11 objectives, and policies of the approved local government
12 comprehensive plans of the units of local government located
13 within the jurisdiction of the M.P.O. The approved long-range
14 transportation plan must be considered by local governments in
15 the development of the transportation elements in local
16 government comprehensive plans and any amendments thereto. The
17 long-range transportation plan must, at a minimum:

18 (a) Identify transportation facilities, including, but
19 not limited to, major roadways, airports, seaports, commuter
20 rail systems, transit systems, and intermodal or multimodal
21 terminals that will function as an integrated metropolitan
22 transportation system. The long-range transportation plan
23 must give emphasis to those transportation facilities that
24 serve national, statewide, or regional functions, and must
25 consider the goals and objectives identified in the Florida
26 Transportation Plan as provided in s. 339.155. If a project is
27 located within the boundaries of more than one M.P.O., the
28 metropolitan planning organizations shall coordinate plans
29 regarding the project in the long-range transportation plan.

30 (b) Include a financial plan that demonstrates how the
31 plan can be implemented, indicating resources from public and

1 private sources which are reasonably expected to be available
2 to carry out the plan, and recommends any additional financing
3 strategies for needed projects and programs. The financial
4 plan may include, for illustrative purposes, additional
5 projects that would be included in the adopted long-range
6 transportation plan if reasonable additional resources beyond
7 those identified in the financial plan were available. For the
8 purpose of developing the long-range transportation plan, the
9 metropolitan planning organization and the department shall
10 cooperatively develop estimates of revenues that will be
11 available to support plan implementation. Innovative financing
12 techniques ~~that~~ may be used to fund needed projects and
13 programs. Such techniques may include the assessment of
14 tolls, the use of value capture financing, or the use of value
15 ~~congestion~~ pricing.

16 (c) Assess capital investment and other measures
17 necessary to:

18 1. Ensure the preservation of the existing
19 metropolitan transportation system including requirements for
20 the operation, resurfacing, restoration, and rehabilitation of
21 major roadways and requirements for the operation,
22 maintenance, modernization, and rehabilitation of public
23 transportation facilities; and

24 2. Make the most efficient use of existing
25 transportation facilities to relieve vehicular congestion and
26 maximize the mobility of people and goods.

27 (d) Indicate, as appropriate, proposed transportation
28 enhancement activities, including, but not limited to,
29 pedestrian and bicycle facilities, scenic easements,
30 landscaping, historic preservation, mitigation of water

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1 pollution due to highway runoff, and control of outdoor
2 advertising.

3 (e) In addition to the requirements of paragraphs
4 (a)-(d), in metropolitan areas that are classified as
5 nonattainment areas for ozone or carbon monoxide, the M.P.O.
6 must coordinate the development of the long-range
7 transportation plan with the State Implementation Plan
8 developed pursuant to the requirements of the federal Clean
9 Air Act.

10

11 In the development of its long-range transportation plan, each
12 M.P.O. must provide citizens, affected public agencies,
13 representatives of transportation agency employees, freight
14 shippers, providers of freight transportation services,
15 private providers of transportation, representatives of users
16 of public transit, and other interested parties, ~~and members~~
17 ~~of the general public~~ with a reasonable opportunity to comment
18 on the long-range transportation plan. The long-range
19 transportation plan must be approved by the M.P.O.

20 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
21 shall, in cooperation with the state and affected public
22 transportation operators, develop a transportation improvement
23 program for the area within the jurisdiction of the M.P.O. In
24 the development of the transportation improvement program,
25 each M.P.O. must provide the general public, affected public
26 ~~transit~~ agencies, representatives of transportation agency
27 employees, freight shippers, providers of freight
28 transportation services, private providers of transportation,
29 representatives of users of public transit, and other
30 interested parties, ~~and members of the general public~~ with a
31

1 reasonable opportunity to comment on the proposed
2 transportation improvement program.

3 (a) Each M.P.O. is responsible for developing,
4 annually, a list of project priorities and a transportation
5 improvement program. The transportation improvement program
6 will be used to initiate state and federally aided
7 transportation facilities and improvements as well as other
8 transportation facilities and improvements including transit,
9 rail, aviation, and port facilities to be funded from the
10 State Transportation Trust Fund within its metropolitan
11 planning area in accordance with existing and subsequent
12 federal and state laws and rules and regulations related
13 thereto. The transportation improvement program shall be
14 consistent, to the maximum extent feasible, with the approved
15 local government comprehensive plans of the units of local
16 government whose boundaries are within the metropolitan
17 planning area of the M.P.O.

18 (b) Each M.P.O. annually shall prepare a list of
19 project priorities and shall submit the list to the
20 appropriate district of the department by October 1 of each
21 year; however, the department and a metropolitan planning
22 organization may, in writing, agree to vary this submittal
23 date. The list of project priorities must be formally reviewed
24 by the technical and citizens' advisory committees, and
25 approved by the M.P.O., before it is transmitted to the
26 district. The approved list of project priorities shall
27 provide for the consideration of all modes of transportation,
28 including, but not limited to, projects identified pursuant to
29 s. 341.053, the Intermodal Development Program. The list is to
30 ~~must~~ be used by the district in developing the district work
31 program and ~~must be used~~ by the M.P.O. in developing its

1 transportation improvement program. The annual list of project
2 priorities must be based upon project selection criteria that,
3 at a minimum, consider the following:

- 4 1. The approved M.P.O. long-range plan;
- 5 2. The results of the transportation management
6 systems; and
- 7 3. The M.P.O.'s public-involvement procedures.

8 (c) The transportation improvement program must, at a
9 minimum:

10 1. Include projects and project phases to be funded
11 with state or federal funds within the time period of the
12 transportation improvement program and which are recommended
13 for advancement during the next fiscal year and 4 subsequent
14 fiscal years. Such projects and project phases must be
15 consistent, to the maximum extent feasible, with the approved
16 local government comprehensive plans of the units of local
17 government located within the jurisdiction of the M.P.O. For
18 informational purposes, the transportation improvement program
19 shall also include a list of projects to be funded from local
20 or private revenues.

21 2. Include projects within the metropolitan planning
22 area which are proposed for funding under 23 U.S.C. s. 134 of
23 the Federal Transit Act and which are consistent with the
24 long-range transportation plan developed under subsection (6).

25 3. Provide a financial plan that demonstrates how the
26 transportation improvement program can be implemented;
27 indicates the resources, both public and private, that are
28 reasonably expected to be available to accomplish the program;
29 and identifies ~~recommends~~ any innovative financing techniques
30 that may be used to fund needed projects and programs. The
31 financial plan may include, for illustrative purposes,

1 additional projects that would be included in the approved
2 transportation improvement program if reasonable additional
3 resources beyond those identified in the financial plan were
4 available. Innovative financing ~~Such~~ techniques may include
5 the assessment of tolls, the use of value capture financing,
6 or the use of value congestion pricing. The transportation
7 improvement program may include a project or project phase
8 only if full funding can reasonably be anticipated to be
9 available for the project or project phase within the time
10 period contemplated for completion of the project or project
11 phase.

12 4. Group projects and project phases of similar
13 urgency and anticipated staging into appropriate staging
14 periods.

15 5. Indicate how the transportation improvement program
16 relates to the long-range transportation plan developed under
17 subsection (6), including providing examples of specific
18 projects or project phases that further the goals and policies
19 of the long-range transportation plan.

20 6. Indicate whether any project or project phase is
21 inconsistent with an approved comprehensive plan of a unit of
22 local government located within the jurisdiction of the M.P.O.
23 If a project is inconsistent with an affected comprehensive
24 plan, the M.P.O. must provide justification for including the
25 project in the transportation improvement program.

26 7. Indicate how the improvements are consistent, to
27 the maximum extent feasible, with affected seaport and airport
28 master plans and with public transit development plans of the
29 units of local government located within the jurisdiction of
30 the M.P.O. If a project is located within the boundaries of
31 more than one M.P.O., the metropolitan planning organizations

1 shall coordinate plans regarding the project in the
2 transportation improvement program.

3 (d) Projects included in the transportation
4 improvement program and that have advanced to the design stage
5 of preliminary engineering may be removed from or rescheduled
6 in a subsequent transportation improvement program only by the
7 joint action of the M.P.O. and the department. Except when
8 recommended in writing by the district secretary for good
9 cause, any project removed from or rescheduled in a subsequent
10 transportation improvement program shall not be rescheduled by
11 the M.P.O. in that subsequent program earlier than the 5th
12 year of such program.

13 (e) Prior to adopting the transportation improvement
14 program, the M.P.O. shall, in cooperation with the department
15 and any affected public transit operation, provide the general
16 public, affected public agencies, representatives of
17 transportation agency employees, freight shippers, providers
18 of freight transportation services, private providers of
19 transportation, representatives of users of public transit,
20 and other interested parties with reasonable notice of and an
21 opportunity to comment on the proposed program.

22 (f)~~(e)~~ The adopted annual transportation improvement
23 program for M.P.O.'s in nonattainment or maintenance areas
24 must be submitted to the district secretary and the Department
25 of Community Affairs at least 90 days before the submission of
26 the state transportation improvement program by the department
27 to the appropriate federal agencies. The annual transportation
28 improvement program for M.P.O.'s in attainment areas must be
29 submitted to the district secretary and the Department of
30 Community Affairs at least 45 days before the department
31 submits the state transportation improvement program to the

1 appropriate federal agencies; however, the department, the
2 Department of Community Affairs, and a metropolitan planning
3 organization may, in writing, agree to vary this submittal
4 date. The M.P.O. and the Governor or the Governor's designee
5 shall review and approve each transportation improvement
6 program and any amendments thereto.

7 ~~(g)(f)~~ The Department of Community Affairs shall
8 review the annual transportation improvement program of each
9 M.P.O. for consistency with the approved local government
10 comprehensive plans of the units of local government whose
11 boundaries are within the metropolitan planning area of each
12 M.P.O. and shall identify those projects that are inconsistent
13 with such comprehensive plans. The Department of Community
14 Affairs shall notify an M.P.O. of any transportation projects
15 contained in its transportation improvement program which are
16 inconsistent with the approved local government comprehensive
17 plans of the units of local government whose boundaries are
18 within the metropolitan planning area of the M.P.O.

19 (h) The M.P.O. shall annually publish or otherwise
20 make available for public review the annual listing of
21 projects for which federal funds have been obligated in the
22 preceding year. Project monitoring systems shall be maintained
23 by those agencies responsible for obligating federal funds,
24 and made accessible to the M.P.O.'s.

25 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
26 develop, in cooperation with the department and public
27 transportation providers, a unified planning work program that
28 lists all planning tasks to be undertaken during the program
29 year. The unified planning work program must provide a
30 complete description of each planning task and an estimated
31

1 budget therefor and must comply with applicable state and
2 federal law.

3 (9) AGREEMENTS.--

4 (a) Each M.P.O. shall execute the following written
5 agreements, which shall be reviewed, and updated as necessary,
6 every 5 years:

7 1. An agreement with the department clearly
8 establishing the cooperative relationship essential to
9 accomplish the transportation planning requirements of state
10 and federal law.

11 2. An agreement with the metropolitan and regional
12 intergovernmental coordination and review agencies serving the
13 metropolitan areas, specifying the means by which activities
14 will be coordinated and how transportation planning and
15 programming will be part of the comprehensive planned
16 development of the area.

17 3. An agreement with operators of public
18 transportation systems, including transit systems, commuter
19 rail systems, airports, and seaports, describing the means by
20 which activities will be coordinated and specifying how public
21 transit, commuter rail, aviation, and seaport planning and
22 programming will be part of the comprehensive planned
23 development of the metropolitan planning area.

24 (b) An M.P.O. may execute other agreements required by
25 state or federal law or as necessary to properly accomplish
26 its functions.

27 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
28 COUNCIL.--

29 (a) A Metropolitan Planning Organization Advisory
30 Council is created to augment, and not supplant, the role of
31

1 the individual M.P.O.'s in the cooperative transportation
2 planning process described in s. 339.155(5).

3 (b) The council shall consist of one representative
4 from each M.P.O. and shall elect a chairperson annually from
5 its number. Each M.P.O. shall also elect an alternate
6 representative from each M.P.O. to vote in the absence of the
7 representative. Members of the council do not receive any
8 compensation for their services, but may be reimbursed from
9 funds made available to council members for travel and per
10 diem expenses incurred in the performance of their council
11 duties as provided in s. 112.061.

12 (c) The powers and duties of the Metropolitan Planning
13 Organization Advisory Council are to:

14 1. Enter into contracts with individuals, private
15 corporations, and public agencies.

16 2. Acquire, own, operate, maintain, sell, or lease
17 personal property essential for the conduct of business.

18 3. Accept funds, grants, assistance, gifts, or
19 bequests from private, local, state, or federal sources.

20 4. Establish bylaws and adopt rules pursuant to ss.
21 120.536(1) and 120.54 to implement provisions of law
22 conferring powers or duties upon it.

23 5. Assist M.P.O.'s in carrying out the urbanized area
24 transportation planning process by serving as the principal
25 forum for collective policy discussion pursuant to law.

26 6. Serve as a clearinghouse for review and comment by
27 M.P.O.'s on the Florida Transportation Plan and on other
28 issues required to comply with federal or state law in
29 carrying out the urbanized area transportation and systematic
30 planning processes instituted pursuant to s. 339.155.

31

1 7. Employ an executive director and such other staff
2 as necessary to perform adequately the functions of the
3 council, within budgetary limitations. The executive director
4 and staff are exempt from part II of chapter 110 and serve at
5 the direction and control of the council. The council is
6 assigned to the Office of the Secretary of the Department of
7 Transportation ~~or~~ for fiscal and accountability purposes, but
8 it shall otherwise function independently of the control and
9 direction of the department.

10 8. Adopt an agency strategic plan that provides the
11 priority directions the agency will take to carry out its
12 mission within the context of the state comprehensive plan and
13 any other statutory mandates and directions given to the
14 agency.

15 (11) APPLICATION OF FEDERAL LAW.--Upon notification by
16 an agency of the Federal Government that any provision of this
17 section conflicts with federal laws or regulations, such
18 federal laws or regulations will take precedence to the extent
19 of the conflict until such conflict is resolved. The
20 department or an M.P.O. may take any necessary action to
21 comply with such federal laws and regulations or to continue
22 to remain eligible to receive federal funds.

23 Section 2. Section 341.053, Florida Statutes, is
24 amended to read:

25 341.053 Intermodal Development Program;
26 administration; eligible projects; limitations.--

27 (1) There is created ~~within the Department of~~
28 ~~Transportation~~ an Intermodal Development Program to provide
29 for major capital investments in fixed-guideway transportation
30 systems, access to seaports, airports and other transportation
31 terminals, providing for the construction of intermodal or

1 multimodal terminals; and to otherwise facilitate the
2 intermodal or multimodal movement of people and goods.

3 (2) The Intermodal Development Program shall be
4 administered by the Department of Transportation in
5 cooperation with metropolitan planning organizations and other
6 units of special purpose and general-purpose local
7 governments.

8 ~~(3) The department shall review funding requests from~~
9 ~~a rail authority created pursuant to chapter 343. The~~
10 ~~department may include projects of the authorities, including~~
11 ~~planning and design, in the tentative work program.~~

12 (3)~~(4)~~ No single transportation authority operating a
13 fixed-guideway transportation system, or single fixed-guideway
14 transportation system not administered by a transportation
15 authority, receiving funds under the Intermodal Development
16 Program shall receive more than 33 1/3 percent of the total
17 intermodal development funds appropriated between July 1,
18 1990, and June 30, 2015. In determining the distribution of
19 funds under the Intermodal Development Program in any fiscal
20 year, the department shall assume that future appropriation
21 levels will be equal to the current appropriation level.

22 (4)~~(5)~~ The department is authorized to fund projects
23 within the Intermodal Development Program, which are
24 consistent, to the maximum extent feasible, with approved
25 local government comprehensive plans of the units of local
26 government in which the project is located. Projects that are
27 eligible for funding under this program include major capital
28 investments in public rail and fixed-guideway transportation
29 facilities and systems which provide intermodal access and
30 which, if approved after July 1, 1991, have complied with the
31 requirement of the department's major capital investment

1 policy as adopted by agency rule; road, rail, or
2 fixed-guideway access to, from, or between seaports, airports,
3 and other transportation terminals; construction of intermodal
4 or multimodal terminals; development and construction of
5 dedicated bus lanes; and projects which otherwise facilitate
6 the intermodal or multimodal movement of people and goods.

7 (5) In urbanized areas of the state, the metropolitan
8 planning organization shall be the responsible agency for the
9 submittal to the department of intermodal access project
10 funding requests, including funding requests from rail
11 authorities created pursuant to chapter 343. The M.P.O.'s
12 submittal of intermodal access project funding requests and
13 requests from rail authorities shall be contained in the
14 M.P.O.'s list of project priorities submitted to the
15 department annually pursuant to s. 339.175(7)(b). In order for
16 a project to be eligible for state or federal funding, the
17 metropolitan planning organization must demonstrate that the
18 project for which funding is being requested is contained
19 within the approved M.P.O. long-range transportation plan and
20 transportation improvement program.

21 Section 3. Paragraph (b) of subsection (4) of section
22 320.20, Florida Statutes, is amended to read:

23 320.20 Disposition of license tax moneys.--The revenue
24 derived from the registration of motor vehicles, including any
25 delinquent fees and excluding those revenues collected and
26 distributed under the provisions of s. 320.081, must be
27 distributed monthly, as collected, as follows:

28 (4) Notwithstanding any other provision of law except
29 subsections (1), (2), and (3), on July 1, 2001, and annually
30 thereafter, \$10 million shall be deposited in the State
31 Transportation Trust Fund solely for the purposes of funding

1 the Florida Seaport Transportation and Economic Development
2 Program as provided in chapter 311 and for funding seaport
3 intermodal access projects of statewide significance as
4 provided in s. 341.053. Such revenues shall be distributed to
5 any port listed in s. 311.09(1), to be used for funding
6 projects as follows:

7 (b) For seaport intermodal access projects as
8 described in s. 341.053(4)(~~5~~) that are identified in the
9 5-year Florida Seaport Mission Plan as provided in s.
10 311.09(3). Funding for such projects shall be on a matching
11 basis as mutually determined by the Florida Seaport
12 Transportation and Economic Development Council and the
13 Department of Transportation, provided a minimum of 25 percent
14 of total project funds shall come from any port funds, local
15 funds, private funds, or specifically earmarked federal funds;
16 or

17
18 Such revenues may be assigned, pledged, or set aside as a
19 trust for the payment of principal or interest on bonds, tax
20 anticipation certificates, or any other form of indebtedness
21 issued by an individual port or appropriate local government
22 having jurisdiction thereof, or collectively by interlocal
23 agreement among any of the ports, or used to purchase credit
24 support to permit such borrowings. However, such debt shall
25 not constitute a general obligation of the state. This state
26 does hereby covenant with holders of such revenue bonds or
27 other instruments of indebtedness issued hereunder that it
28 will not repeal or impair or amend this subsection in any
29 manner which will materially and adversely affect the rights
30 of holders so long as bonds authorized by this subsection are
31 outstanding. Any revenues that are not pledged to the

1 repayment of bonds as authorized by this section may be
2 utilized for purposes authorized under the Florida Seaport
3 Transportation and Economic Development Program. This revenue
4 source is in addition to any amounts provided for and
5 appropriated in accordance with s. 311.07 and subsection (3).
6 The Florida Seaport Transportation and Economic Development
7 Council shall approve distribution of funds to ports for
8 projects that have been approved pursuant to s. 311.09(5)-(9),
9 or for seaport intermodal access projects identified in the
10 5-year Florida Seaport Mission Plan as provided in s.
11 311.09(3) and mutually agreed upon by the FSTED Council and
12 the Department of Transportation. All contracts for actual
13 construction of projects authorized by this subsection must
14 include a provision encouraging employment of WAGES
15 participants. The goal for employment of WAGES participants
16 is 25 percent of all new employees employed specifically for
17 the project, unless the Department of Transportation and the
18 Florida Seaport Transportation and Economic Development
19 Council can demonstrate to the satisfaction of the Secretary
20 of Labor and Employment Security that such a requirement would
21 severely hamper the successful completion of the project. In
22 such an instance, the Secretary of Labor and Employment
23 Security shall establish an appropriate percentage of
24 employees that must be WAGES participants. The council and the
25 Department of Transportation are authorized to perform such
26 acts as are required to facilitate and implement the
27 provisions of this subsection. To better enable the ports to
28 cooperate to their mutual advantage, the governing body of
29 each port may exercise powers provided to municipalities or
30 counties in s. 163.01(7)(d) subject to the provisions of
31 chapter 311 and special acts, if any, pertaining to a port.

1 The use of funds provided pursuant to this subsection is
2 limited to eligible projects listed in this subsection. The
3 provisions of s. 311.07(4) do not apply to any funds received
4 pursuant to this subsection.

5 Section 4. This act shall take effect upon becoming a
6 law.

7
8 *****

9 HOUSE SUMMARY

10 Revises provisions relating to legislative intent
11 regarding, and purposes of, metropolitan planning
12 organizations (M.P.O.'s). Revises provisions relating to
13 the jurisdictional boundary of an M.P.O., designation of
14 multiple M.P.O.'s within an area, and the voting
15 membership of an M.P.O. Deletes duties of the technical
16 advisory committees relating to identification of school
17 safety concerns. Revises requirements with respect to the
18 long-range transportation plan and the annual
19 transportation improvement program and development
20 thereof. Requires an M.P.O. to make certain information
21 available for public review.

22 Provides that the Intermodal Development Program shall be
23 administered by the Department of Transportation in
24 cooperation with M.P.O.'s and local governments. Provides
25 that an M.P.O., rather than the department, shall review
26 funding requests from rail authorities. Provides that an
27 M.P.O. shall be responsible for submitting intermodal
28 access project funding requests to the department in
29 urbanized areas.
30
31