

By Senator Sebesta

20-1416A-99

See HB

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; providing that the
7 jurisdictional boundary of such an organization
8 is the metropolitan planning area and providing
9 requirements with respect thereto; revising
10 provisions relating to designation of multiple
11 organizations within an area; revising
12 provisions relating to the voting membership of
13 an organization; authorizing approval of
14 noncomplying membership apportionment plans;
15 revising the elements to be considered in the
16 development of long-range transportation plans
17 and transportation improvement programs;
18 deleting duties of the technical advisory
19 committees relating to identification of school
20 safety concerns; revising requirements with
21 respect to the long-range transportation plan
22 and the annual transportation improvement
23 program and development thereof; requiring a
24 metropolitan planning organization to make
25 certain information available for public
26 review; deleting a requirement that the
27 Metropolitan Planning Organization Advisory
28 Council's rules be adopted pursuant to ch. 120,
29 F.S.; clarifying and conforming provisions;
30 amending s. 341.053, F.S.; providing that the
31 Intermodal Development Program shall be

1 administered by the Department of
2 Transportation in cooperation with metropolitan
3 planning organizations and local governments;
4 providing that such an organization, rather
5 than the department, shall review funding
6 requests from rail authorities; providing that
7 such organizations are responsible for
8 submitting intermodal access project funding
9 requests to the department in urbanized areas
10 and providing requirements with respect
11 thereto; amending s. 320.20, F.S.; conforming a
12 reference; providing an effective date.

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

15

16 Section 1. Section 339.175, Florida Statutes, 1998
17 Supplement, is amended to read:

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

1 provide for the development of transportation facilities that
2 will function as an intermodal transportation system for the
3 metropolitan area. The process for developing such plans and
4 programs shall provide for consideration of all modes of
5 transportation and shall be continuing, cooperative, and
6 comprehensive, to the degree appropriate, based on the
7 complexity of the transportation problems to be addressed.

8 (1) DESIGNATION.--

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

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

27 3.2. More than one M.P.O. may be designated within an
28 existing metropolitan planning area ~~urbanized area~~ only if the
29 Governor and the existing metropolitan planning organization
30 determine ~~determines~~ that the size and complexity of the
31 existing metropolitan planning area make designation of more

1 than one metropolitan planning organization for the area
2 appropriate area justifies the designation of multiple
3 M.P.O.'s.

4 (b) Each M.P.O. shall be created and operated under
5 the provisions of this section pursuant to an interlocal
6 agreement entered into pursuant to s. 163.01. The signatories
7 to the interlocal agreement shall be the department and the
8 governmental entities designated by the Governor for
9 membership on the M.P.O. If there is a conflict between this
10 section and s. 163.01, this section prevails.

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

19 ~~(c) The jurisdictional boundaries of an M.P.O. shall~~
20 ~~be determined by agreement between the Governor and the~~
21 ~~applicable M.P.O. The boundaries must include, at a minimum,~~
22 ~~the metropolitan area and may include the entire metropolitan~~
23 ~~statistical area or the consolidated metropolitan statistical~~
24 ~~area.~~

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

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

1 ~~M.P.O., they shall be provided voting membership on the M.P.O.~~
2 The county commission shall compose not less than 20 percent
3 of the M.P.O. membership if an official of an agency that
4 operates or administers a major mode of transportation has
5 been appointed to an M.P.O.

6 (b) In metropolitan planning areas in which
7 authorities or other agencies have been, or may be, created by
8 law to perform transportation functions that are not under the
9 jurisdiction of a general-purpose local government represented
10 on the M.P.O., they shall be provided voting membership on the
11 M.P.O. In metropolitan planning areas where transportation
12 authorities or agencies are to be represented by elected
13 officials from general-purpose local government, the M.P.O.
14 may designate one or more of its members to express and convey
15 the collective interests of such authorities or other
16 agencies.

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

1 (d) An M.P.O. may submit to the Governor for
2 consideration and approval a membership apportionment plan
3 that does not comply with the requirements of paragraphs (a),
4 (b), and (c). This plan may be approved by the Governor, if
5 the M.P.O. demonstrates that such a membership apportionment
6 plan is needed to fulfill specific goals and policies
7 applicable to that metropolitan planning area. However, such a
8 membership apportionment plan, at a minimum, must comply with
9 all federal requirements pertaining to M.P.O. membership.

10 (3) APPORTIONMENT.--

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

29 (b) Except for members who represent municipalities on
30 the basis of alternating with representatives from other
31 municipalities that do not have members on the M.P.O. as

1 provided in paragraph (2)(a), the members of an M.P.O. shall
2 serve 4-year terms. Members who represent municipalities on
3 the basis of alternating with representatives from other
4 municipalities that do not have members on the M.P.O. as
5 provided in paragraph (2)(a) may serve terms of up to 4 years
6 as further provided in the interlocal agreement described in
7 paragraph (1)(b). The membership of a member who is a public
8 official automatically terminates upon the member's leaving
9 his or her elective or appointive office for any reason, or
10 may be terminated by a majority vote of the total membership
11 of a county or city governing entity represented by the
12 member. A vacancy shall be filled by the original appointing
13 entity. A member may be reappointed for one or more
14 additional 4-year terms.

15 (c) If a governmental entity fails to fill an assigned
16 appointment to an M.P.O. within 60 days after notification by
17 the Governor of its duty to appoint, that appointment shall be
18 made by the Governor from the eligible representatives of that
19 governmental entity.

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

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1 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
2 privileges, and authority of an M.P.O. are those specified in
3 this section or incorporated in an interlocal agreement
4 authorized under s. 163.01. Each M.P.O. shall perform all
5 acts required by federal or state laws or rules, now and
6 subsequently applicable, which are necessary to qualify for
7 federal aid. It is the intent of this section that each M.P.O.
8 shall be involved in the planning and programming of
9 transportation facilities, including, but not limited to,
10 airports, intercity and high-speed rail lines, seaports, and
11 intermodal facilities, to the extent permitted by state or
12 federal law.

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

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

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

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

21 (b) In developing the long-range transportation plan
22 and the transportation improvement program required under
23 paragraph (a), each M.P.O. must, at a minimum, consider the
24 planning factors established pursuant to federal law and
25 regulations, as well as applicable state, regional, and local
26 government planning processes.†

27 ~~1. The preservation of existing transportation~~
28 ~~facilities and, where practical, ways to meet transportation~~
29 ~~needs by using existing facilities more efficiently.~~†

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- 1 2. ~~The consistency of transportation planning with~~
2 ~~applicable federal, state, and local energy conservation~~
3 ~~programs, goals, and objectives;~~
- 4 3. ~~The need to relieve congestion and prevent~~
5 ~~congestion from occurring where it does not yet occur;~~
- 6 4. ~~The likely effect of transportation policy~~
7 ~~decisions on land use and development and the consistency of~~
8 ~~transportation plans and programs with all applicable~~
9 ~~short-term and long-term land use and development plans;~~
- 10 5. ~~The programming of transportation enhancement~~
11 ~~activities as required by federal law;~~
- 12 6. ~~The effect of all transportation projects to be~~
13 ~~undertaken in the metropolitan area, without regard to whether~~
14 ~~such projects are publicly funded;~~
- 15 7. ~~The provision of access to seaports, airports,~~
16 ~~intermodal transportation facilities, major freight~~
17 ~~distribution routes, national and state parks, recreation~~
18 ~~areas, monuments and historic sites, and military~~
19 ~~installations;~~
- 20 8. ~~The need for roads within the metropolitan area to~~
21 ~~efficiently connect with roads outside the metropolitan area;~~
- 22 9. ~~The transportation needs identified through the use~~
23 ~~of transportation management systems required by federal or~~
24 ~~state law;~~
- 25 10. ~~The preservation of rights-of-way for construction~~
26 ~~of future transportation projects, including the~~
27 ~~identification of unused rights-of-way that may be needed for~~
28 ~~future transportation corridors and the identification of~~
29 ~~corridors for which action is most needed to prevent~~
30 ~~destruction or loss;~~
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1 ~~11. Any available methods to enhance the efficient~~
2 ~~movement of freight;~~

3 ~~12. The use of life-cycle costs in the design and~~
4 ~~engineering of bridges, tunnels, or pavement;~~

5 ~~13. The overall social, economic, energy, and~~
6 ~~environmental effects of transportation decisions;~~

7 ~~14. Any available methods to expand or enhance transit~~
8 ~~services and increase the use of such services; and~~

9 ~~15. The possible allocation of capital investments to~~
10 ~~increase security for transit systems.~~

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

14 1. Prepare a congestion management system for the
15 metropolitan planning area and cooperate with the department
16 in the development of all other transportation management
17 systems required by state or federal law;

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

20 3. Assist the department in performing its duties
21 relating to access management, functional classification of
22 roads, and data collection;

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

25 5. Represent all the jurisdictional areas within the
26 metropolitan planning area in the formulation of
27 transportation plans and programs required by this section;

28 and

29 6. Perform all other duties required by state or
30 federal law.

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1 (d) Each M.P.O. shall appoint a technical advisory
2 committee that includes planners; engineers; representatives
3 of local aviation authorities, port authorities, and public
4 transit authorities or representatives of aviation
5 departments, seaport departments, and public transit
6 departments of municipal or county governments, as applicable;
7 the school superintendent of each county within the
8 jurisdiction of the M.P.O. or the superintendent's designee;
9 and other appropriate representatives of affected local
10 governments. ~~In addition to any other duties assigned to it by~~
11 ~~the M.P.O. or by state or federal law, the technical advisory~~
12 ~~committee is responsible for identifying projects contained in~~
13 ~~the long-range plan or transportation improvement program~~
14 ~~which deserve to be classified as a school safety concern.~~
15 ~~Upon receipt of the recommendation from the technical advisory~~
16 ~~committee that a project should be so classified, the M.P.O.~~
17 ~~must vote on whether to classify a particular project as a~~
18 ~~school safety concern. If the M.P.O. votes that a project~~
19 ~~should be classified as a school safety concern, the local~~
20 ~~governmental entity responsible for the project must consider~~
21 ~~at least two alternatives before making a decision about~~
22 ~~project location or alignment.~~

23 (e)1. Each M.P.O. shall appoint a citizens' advisory
24 committee, the members of which serve at the pleasure of the
25 M.P.O. The membership on the citizens' advisory committee must
26 reflect a broad cross section of local residents with an
27 interest in the development of an efficient, safe, and
28 cost-effective transportation system. Minorities, the elderly,
29 and the handicapped must be adequately represented.

30 2. Notwithstanding the provisions of subparagraph 1.,
31 an M.P.O. may, with the approval of the department and the

1 applicable federal governmental agency, adopt an alternative
2 program or mechanism to ensure citizen involvement in the
3 transportation planning process.

4 (f) The department shall allocate to each M.P.O., for
5 the purpose of accomplishing its transportation planning and
6 programming duties, an appropriate amount of federal
7 transportation planning funds.

8 (g) Each M.P.O. may employ personnel or may enter into
9 contracts with local or state agencies, private planning
10 firms, or private engineering firms to accomplish its
11 transportation planning and programming duties required by
12 state or federal law.

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

27 (a) Identify transportation facilities, including, but
28 not limited to, major roadways, airports, seaports, commuter
29 rail systems, transit systems, and intermodal or multimodal
30 terminals that will function as an integrated metropolitan
31 transportation system. The long-range transportation plan

1 must give emphasis to those transportation facilities that
2 serve national, statewide, or regional functions, and must
3 consider the goals and objectives identified in the Florida
4 Transportation Plan as provided in s. 339.155. If a project is
5 located within the boundaries of more than one Metropolitan
6 Planning Organization, those organizations shall coordinate
7 plans regarding the project in the long-range transportation
8 plan.

9 (b) Include a financial plan that demonstrates how the
10 plan can be implemented, indicating resources from public and
11 private sources which are reasonably expected to be available
12 to carry out the plan, and recommends any additional financing
13 strategies for needed projects and programs. The financial
14 plan may include, for illustrative purposes, additional
15 projects that would be included in the adopted long-range
16 transportation plan if reasonable additional resources beyond
17 those identified in the financial plan were available. For the
18 purpose of developing the long-range transportation plan, the
19 metropolitan planning organization and the department shall
20 cooperatively develop estimates of revenues that will be
21 available to support plan implementation. Innovative financing
22 techniques ~~that~~ may be used to fund needed projects and
23 programs. Such techniques may include the assessment of
24 tolls, the use of value capture financing, or the use of value
25 ~~congestion~~ pricing.

26 (c) Assess capital investment and other measures
27 necessary to:

28 1. Ensure the preservation of the existing
29 metropolitan transportation system including requirements for
30 the operation, resurfacing, restoration, and rehabilitation of
31 major roadways and requirements for the operation,

1 maintenance, modernization, and rehabilitation of public
2 transportation facilities; and

3 2. Make the most efficient use of existing
4 transportation facilities to relieve vehicular congestion and
5 maximize the mobility of people and goods.

6 (d) Indicate, as appropriate, proposed transportation
7 enhancement activities, including, but not limited to,
8 pedestrian and bicycle facilities, scenic easements,
9 landscaping, historic preservation, mitigation of water
10 pollution due to highway runoff, and control of outdoor
11 advertising.

12 (e) In addition to the requirements of paragraphs
13 (a)-(d), in metropolitan areas that are classified as
14 nonattainment areas for ozone or carbon monoxide, the M.P.O.
15 must coordinate the development of the long-range
16 transportation plan with the State Implementation Plan
17 developed pursuant to the requirements of the federal Clean
18 Air Act.

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20 In the development of its long-range transportation plan, each
21 M.P.O. must provide citizens, affected public agencies,
22 representatives of transportation agency employees, freight
23 shippers, providers of freight transportation services,
24 private providers of transportation, representatives of users
25 of public transit, and other interested parties, ~~and members~~
26 ~~of the general public~~ with a reasonable opportunity to comment
27 on the long-range transportation plan. The long-range
28 transportation plan must be approved by the M.P.O.

29 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
30 shall, in cooperation with the state and affected public
31 transportation operators, develop a transportation improvement

1 program for the area within the jurisdiction of the M.P.O. In
2 the development of the transportation improvement program,
3 each M.P.O. must provide the general public, affected public
4 ~~transit~~ agencies, representatives of transportation agency
5 employees, freight shippers, providers of freight
6 transportation services, private providers of transportation,
7 representatives of users of public transit, and other
8 interested parties, ~~and members of the general public~~ with a
9 reasonable opportunity to comment on the proposed
10 transportation improvement program.

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

26 (b) Each M.P.O. annually shall prepare a list of
27 project priorities and shall submit the list to the
28 appropriate district of the department by October 1 of each
29 year; however, the department and a metropolitan planning
30 organization may, in writing, agree to vary this submittal
31 date. The list of project priorities must be formally reviewed

1 by the technical and citizens' advisory committees, and
2 approved by the M.P.O., before it is transmitted to the
3 district. The approved list of project priorities shall
4 provide for the consideration of all modes of transportation,
5 including, but not limited to, projects identified pursuant to
6 s. 341.053, the Intermodal Development Program. The list is to
7 ~~must~~ be used by the district in developing the district work
8 program and ~~must be used~~ by the M.P.O. in developing its
9 transportation improvement program. The annual list of project
10 priorities must be based upon project selection criteria that,
11 at a minimum, consider the following:

- 12 1. The approved M.P.O. long-range plan;
- 13 2. The results of the transportation management
14 systems; and
- 15 3. The M.P.O.'s public-involvement procedures.

16 (c) The transportation improvement program must, at a
17 minimum:

- 18 1. Include projects and project phases to be funded
19 with state or federal funds within the time period of the
20 transportation improvement program and which are recommended
21 for advancement during the next fiscal year and 4 subsequent
22 fiscal years. Such projects and project phases must be
23 consistent, to the maximum extent feasible, with the approved
24 local government comprehensive plans of the units of local
25 government located within the jurisdiction of the M.P.O. For
26 informational purposes, the transportation improvement program
27 shall also include a list of projects to be funded from local
28 or private revenues.

- 29 2. Include projects within the metropolitan planning
30 area which are proposed for funding under 23 U.S.C. s. 134 of
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1 the Federal Transit Act and which are consistent with the
2 long-range transportation plan developed under subsection (6).
3 3. Provide a financial plan that demonstrates how the
4 transportation improvement program can be implemented;
5 indicates the resources, both public and private, that are
6 reasonably expected to be available to accomplish the program;
7 and identifies ~~recommends~~ any innovative financing techniques
8 that may be used to fund needed projects and programs. The
9 financial plan may include, for illustrative purposes,
10 additional projects that would be included in the approved
11 transportation improvement program if reasonable additional
12 resources beyond those identified in the financial plan were
13 available. Innovative financing ~~Such~~ techniques may include
14 the assessment of tolls, the use of value capture financing,
15 or the use of value ~~congestion~~ pricing. The transportation
16 improvement program may include a project or project phase
17 only if full funding can reasonably be anticipated to be
18 available for the project or project phase within the time
19 period contemplated for completion of the project or project
20 phase.
21 4. Group projects and project phases of similar
22 urgency and anticipated staging into appropriate staging
23 periods.
24 5. Indicate how the transportation improvement program
25 relates to the long-range transportation plan developed under
26 subsection (6), including providing examples of specific
27 projects or project phases that further the goals and policies
28 of the long-range transportation plan.
29 6. Indicate whether any project or project phase is
30 inconsistent with an approved comprehensive plan of a unit of
31 local government located within the jurisdiction of the M.P.O.

1 If a project is inconsistent with an affected comprehensive
2 plan, the M.P.O. must provide justification for including the
3 project in the transportation improvement program.

4 7. Indicate how the improvements are consistent, to
5 the maximum extent feasible, with affected seaport and airport
6 master plans and with public transit development plans of the
7 units of local government located within the jurisdiction of
8 the M.P.O. If a project is located within the boundaries of
9 more than one M.P.O., the M.P.O.'s shall coordinate plans
10 regarding the project in the transportation improvement
11 program.

12 (d) Projects included in the transportation
13 improvement program and that have advanced to the design stage
14 of preliminary engineering may be removed from or rescheduled
15 in a subsequent transportation improvement program only by the
16 joint action of the M.P.O. and the department. Except when
17 recommended in writing by the district secretary for good
18 cause, any project removed from or rescheduled in a subsequent
19 transportation improvement program shall not be rescheduled by
20 the M.P.O. in that subsequent program earlier than the 5th
21 year of such program.

22 (e) Prior to adopting the transportation improvement
23 program, the M.P.O. shall, in cooperation with the department
24 and any affected public transit operation, provide the general
25 public, affected public agencies, representatives of
26 transportation agency employees, freight shippers, providers
27 of freight transportation services, private providers of
28 transportation, representatives of users of public transit,
29 and other interested parties with reasonable notice of and an
30 opportunity to comment on the proposed program.

31

1 ~~(f)(e)~~ The adopted annual transportation improvement
2 program for M.P.O.'s in nonattainment or maintenance areas
3 must be submitted to the district secretary and the Department
4 of Community Affairs at least 90 days before the submission of
5 the state transportation improvement program by the department
6 to the appropriate federal agencies. The annual transportation
7 improvement program for M.P.O.'s in attainment areas must be
8 submitted to the district secretary and the Department of
9 Community Affairs at least 45 days before the department
10 submits the state transportation improvement program to the
11 appropriate federal agencies; however, the department, the
12 Department of Community Affairs, and a metropolitan planning
13 organization may, in writing, agree to vary this submittal
14 date. The M.P.O. and the Governor or the Governor's designee
15 shall review and approve each transportation improvement
16 program and any amendments thereto.

17 ~~(g)(f)~~ The Department of Community Affairs shall
18 review the annual transportation improvement program of each
19 M.P.O. for consistency with the approved local government
20 comprehensive plans of the units of local government whose
21 boundaries are within the metropolitan planning area of each
22 M.P.O. and shall identify those projects that are inconsistent
23 with such comprehensive plans. The Department of Community
24 Affairs shall notify an M.P.O. of any transportation projects
25 contained in its transportation improvement program which are
26 inconsistent with the approved local government comprehensive
27 plans of the units of local government whose boundaries are
28 within the metropolitan planning area of the M.P.O.

29 ~~(h)~~ The M.P.O. shall annually publish or otherwise
30 make available for public review the annual listing of
31 projects for which federal funds have been obligated in the

1 preceding year. Project monitoring systems shall be maintained
2 by those agencies responsible for obligating federal funds,
3 and made accessible to the M.P.O.'s.

4 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
5 develop, in cooperation with the department and public
6 transportation providers, a unified planning work program that
7 lists all planning tasks to be undertaken during the program
8 year. The unified planning work program must provide a
9 complete description of each planning task and an estimated
10 budget therefor and must comply with applicable state and
11 federal law.

12 (9) AGREEMENTS.--

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

16 1. An agreement with the department clearly
17 establishing the cooperative relationship essential to
18 accomplish the transportation planning requirements of state
19 and federal law.

20 2. An agreement with the metropolitan and regional
21 intergovernmental coordination and review agencies serving the
22 metropolitan areas, specifying the means by which activities
23 will be coordinated and how transportation planning and
24 programming will be part of the comprehensive planned
25 development of the area.

26 3. An agreement with operators of public
27 transportation systems, including transit systems, commuter
28 rail systems, airports, and seaports, describing the means by
29 which activities will be coordinated and specifying how public
30 transit, commuter rail, aviation, and seaport planning and
31

1 programming will be part of the comprehensive planned
2 development of the metropolitan planning area.

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

6 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
7 COUNCIL.--

8 (a) A Metropolitan Planning Organization Advisory
9 Council is created to augment, and not supplant, the role of
10 the individual M.P.O.'s in the cooperative transportation
11 planning process described in s. 339.155(5).

12 (b) The council shall consist of one representative
13 from each M.P.O. and shall elect a chairperson annually from
14 its number. Each M.P.O. shall also elect an alternate
15 representative from each M.P.O. to vote in the absence of the
16 representative. Members of the council do not receive any
17 compensation for their services, but may be reimbursed from
18 funds made available to council members for travel and per
19 diem expenses incurred in the performance of their council
20 duties as provided in s. 112.061.

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

23 1. Enter into contracts with individuals, private
24 corporations, and public agencies.

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

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

29 4. Establish bylaws and adopt rules ~~pursuant to ss.~~
30 ~~120.536(1) and 120.54~~ to implement provisions of law
31 conferring powers or duties upon it.

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

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

9 7. Employ an executive director and such other staff
10 as necessary to perform adequately the functions of the
11 council, within budgetary limitations. The executive director
12 and staff are exempt from part II of chapter 110 and serve at
13 the direction and control of the council. The council is
14 assigned to the Office of the Secretary of the Department of
15 Transportation ~~or~~ for fiscal and accountability purposes, but
16 it shall otherwise function independently of the control and
17 direction of the department.

18 8. Adopt an agency strategic plan that provides the
19 priority directions the agency will take to carry out its
20 mission within the context of the state comprehensive plan and
21 any other statutory mandates and directions given to the
22 agency.

23 (11) APPLICATION OF FEDERAL LAW.--Upon notification by
24 an agency of the Federal Government that any provision of this
25 section conflicts with federal laws or regulations, such
26 federal laws or regulations will take precedence to the extent
27 of the conflict until such conflict is resolved. The
28 department or an M.P.O. may take any necessary action to
29 comply with such federal laws and regulations or to continue
30 to remain eligible to receive federal funds.

31

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

3 341.053 Intermodal Development Program;
4 administration; eligible projects; limitations.--

5 (1) There is created ~~within the Department of~~
6 ~~Transportation~~ an Intermodal Development Program to provide
7 for major capital investments in fixed-guideway transportation
8 systems, access to seaports, airports and other transportation
9 terminals, providing for the construction of intermodal or
10 multimodal terminals; and to otherwise facilitate the
11 intermodal or multimodal movement of people and goods.

12 (2) The Intermodal Development Program shall be
13 administered by the Department of Transportation in
14 cooperation with metropolitan planning organizations and other
15 units of special purpose and general-purpose local
16 governments.

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

21 (3)(4) No single transportation authority operating a
22 fixed-guideway transportation system, or single fixed-guideway
23 transportation system not administered by a transportation
24 authority, receiving funds under the Intermodal Development
25 Program shall receive more than 33 1/3 percent of the total
26 intermodal development funds appropriated between July 1,
27 1990, and June 30, 2015. In determining the distribution of
28 funds under the Intermodal Development Program in any fiscal
29 year, the department shall assume that future appropriation
30 levels will be equal to the current appropriation level.

31

1 ~~(4)(5)~~ The department is authorized to fund projects
2 within the Intermodal Development Program, which are
3 consistent, to the maximum extent feasible, with approved
4 local government comprehensive plans of the units of local
5 government in which the project is located. Projects that are
6 eligible for funding under this program include major capital
7 investments in public rail and fixed-guideway transportation
8 facilities and systems which provide intermodal access and
9 which, if approved after July 1, 1991, have complied with the
10 requirement of the department's major capital investment
11 policy as adopted by agency rule; road, rail, or
12 fixed-guideway access to, from, or between seaports, airports,
13 and other transportation terminals; construction of intermodal
14 or multimodal terminals; development and construction of
15 dedicated bus lanes; and projects which otherwise facilitate
16 the intermodal or multimodal movement of people and goods.

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

31

1 Section 3. Subsection (4) of section 320.20, Florida
2 Statutes, is amended to read:

3 320.20 Disposition of license tax moneys.--The revenue
4 derived from the registration of motor vehicles, including any
5 delinquent fees and excluding those revenues collected and
6 distributed under the provisions of s. 320.081, must be
7 distributed monthly, as collected, as follows:

8 (4) Notwithstanding any other provision of law except
9 subsections (1), (2), and (3), on July 1, 2001, and annually
10 thereafter, \$10 million shall be deposited in the State
11 Transportation Trust Fund solely for the purposes of funding
12 the Florida Seaport Transportation and Economic Development
13 Program as provided in chapter 311 and for funding seaport
14 intermodal access projects of statewide significance as
15 provided in s. 341.053. Such revenues shall be distributed to
16 any port listed in s. 311.09(1), to be used for funding
17 projects as follows:

18 (a) For any seaport intermodal access projects that
19 are identified in the 1997-1998 Tentative Work Program of the
20 Department of Transportation, up to the amounts needed to
21 offset the funding requirements of this section; and

22 (b) For seaport intermodal access projects as
23 described in s. 341.053(4)~~s. 341.053(5)~~ that are identified
24 in the 5-year Florida Seaport Mission Plan as provided in s.
25 311.09(3). Funding for such projects shall be on a matching
26 basis as mutually determined by the Florida Seaport
27 Transportation and Economic Development Council and the
28 Department of Transportation, provided a minimum of 25 percent
29 of total project funds shall come from any port funds, local
30 funds, private funds, or specifically earmarked federal funds;
31 or

1 (c) On a 50-50 matching basis for projects as
2 described in s. 311.07(3)(b).
3
4 Such revenues may be assigned, pledged, or set aside as a
5 trust for the payment of principal or interest on bonds, tax
6 anticipation certificates, or any other form of indebtedness
7 issued by an individual port or appropriate local government
8 having jurisdiction thereof, or collectively by interlocal
9 agreement among any of the ports, or used to purchase credit
10 support to permit such borrowings. However, such debt shall
11 not constitute a general obligation of the state. This state
12 does hereby covenant with holders of such revenue bonds or
13 other instruments of indebtedness issued hereunder that it
14 will not repeal or impair or amend this subsection in any
15 manner which will materially and adversely affect the rights
16 of holders so long as bonds authorized by this subsection are
17 outstanding. Any revenues that are not pledged to the
18 repayment of bonds as authorized by this section may be
19 utilized for purposes authorized under the Florida Seaport
20 Transportation and Economic Development Program. This revenue
21 source is in addition to any amounts provided for and
22 appropriated in accordance with s. 311.07 and subsection (3).
23 The Florida Seaport Transportation and Economic Development
24 Council shall approve distribution of funds to ports for
25 projects that have been approved pursuant to s. 311.09(5)-(9),
26 or for seaport intermodal access projects identified in the
27 5-year Florida Seaport Mission Plan as provided in s.
28 311.09(3) and mutually agreed upon by the FSTED Council and
29 the Department of Transportation. All contracts for actual
30 construction of projects authorized by this subsection must
31 include a provision encouraging employment of WAGES

1 participants. The goal for employment of WAGES participants
2 is 25 percent of all new employees employed specifically for
3 the project, unless the Department of Transportation and the
4 Florida Seaport Transportation and Economic Development
5 Council can demonstrate to the satisfaction of the Secretary
6 of Labor and Employment Security that such a requirement would
7 severely hamper the successful completion of the project. In
8 such an instance, the Secretary of Labor and Employment
9 Security shall establish an appropriate percentage of
10 employees that must be WAGES participants. The council and the
11 Department of Transportation are authorized to perform such
12 acts as are required to facilitate and implement the
13 provisions of this subsection. To better enable the ports to
14 cooperate to their mutual advantage, the governing body of
15 each port may exercise powers provided to municipalities or
16 counties in s. 163.01(7)(d) subject to the provisions of
17 chapter 311 and special acts, if any, pertaining to a port.
18 The use of funds provided pursuant to this subsection is
19 limited to eligible projects listed in this subsection. The
20 provisions of s. 311.07(4) do not apply to any funds received
21 pursuant to this subsection.

22 Section 4. This act shall take effect upon becoming a
23 law.

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LEGISLATIVE SUMMARY

Revises provisions relating to legislative intent regarding, and purposes of, metropolitan planning organizations. Revises provisions relating to the jurisdictional boundary of an organization, designation of multiple organizations within an area, and the voting membership of an organization. Deletes duties of the technical advisory committees relating to identification of school safety concerns. Revises requirements with respect to the long-range transportation plan and the annual transportation improvement program and development thereof. Requires a Metropolitan Planning Organization to make certain information available for public review.

Provides that the Intermodal Development Program shall be administered by the Department of Transportation in cooperation with Metropolitan Planning Organizations and local governments. Provides that an organization, rather than the department, shall review funding requests from rail authorities. Provides that an organization is responsible for submitting intermodal access project funding requests to the department in urbanized areas.