A bill to be entitled 1 2 An act relating to metropolitan planning 3 organizations; amending s. 120.52, F.S.; redefining the term "agency" for the purposes 4 5 of the Administrative Procedure Act to provide that metropolitan planning organizations are 6 7 not agencies for the purposes of the act; 8 providing an effective date. 9 10 WHEREAS, in pursuit of the implementation of federal 11 law and pursuant to s. 339.175, F.S., Metropolitan Planning 12 Organizations (MPO) are created by interlocal agreement 13 between the Department of Transportation, acting on behalf of 14 the Office of the Governor, and various local government entities primarily, including counties and municipalities, and 15 16 WHEREAS, local governments, such as counties and municipalities, are not "agencies" pursuant to, and are 17 consequently exempt from, chapter 120, F.S., the 18 19 Administrative Procedure Act, and 20 WHEREAS, it is only because the Department of 21 Transportation, a state agency subject to the Administrative 22 Procedure Act, is a party to the interlocal agreement creating MPO's that MPO's are defined as "agencies" pursuant to the 23 Administrative Procedure Act, and therefore made subject to 24 25 the act, and 26 WHEREAS, most MPO's have jurisdiction within only a 27 single county, and 28 WHEREAS, MPO's are essentially nonregulatory 29 organizations, and

WHEREAS, most of the membership of an MPO consists of

county commissioners and city commissioners, and

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WHEREAS, citizens, attorneys, and others dealing with MPO's are generally unfamiliar with the Administrative Procedure Act, and

WHEREAS, the Administrative Procedure Act has caused confusion and created additional bureaucracy for local government officials and the general public, a result that the act was specifically intended to avoid, and

WHEREAS, because of the essentially nonregulatory, local governmental nature of MPO's, MPO's and citizens dealing with MPO's will be better served by having MPO's exempted from the Administrative Procedure Act, NOW, THEREFORE,

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

Section 1. Subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.--As used in this act:

- 18 (1) "Agency" means:
 - (a) The Governor in the exercise of all executive powers other than those derived from the constitution.
 - (b) Each:
 - 1. State officer and state department, and each departmental unit described in s. 20.04.
 - 2. Authority, including a regional water supply authority.
 - 3. Board.
 - 4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.
 - 5. Regional planning agency.

- 6. Multicounty special district with a majority of its governing board comprised of nonelected persons.7. Educational units.
- 8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.
- (c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, a metropolitan planning organization created pursuant to s. 339.175, an expressway authority pursuant to chapter 348, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

Exempts Metropolitan Planning Organizations from the definition of the term "agency" under the Administrative Procedure Act.