

By Representative Flanagan

1 A bill to be entitled
2 An act relating to metropolitan planning
3 organizations; amending s. 120.52, F.S.;
4 redefining the term "agency" for the purposes
5 of the Administrative Procedure Act to provide
6 that metropolitan planning organizations are
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
15 entities primarily, including counties and municipalities, and

16 WHEREAS, local governments, such as counties and
17 municipalities, are not "agencies" pursuant to, and are
18 consequently exempt from, chapter 120, F.S., the
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
23 MPO's that MPO's are defined as "agencies" pursuant to the
24 Administrative Procedure Act, and therefore made subject to
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

30 WHEREAS, most of the membership of an MPO consists of
31 county commissioners and city commissioners, and

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

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

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

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

14
15 Section 1. Subsection (1) of section 120.52, Florida
16 Statutes, is amended to read:

17 120.52 Definitions.--As used in this act:

18 (1) "Agency" means:

19 (a) The Governor in the exercise of all executive
20 powers other than those derived from the constitution.

21 (b) Each:

22 1. State officer and state department, and each
23 departmental unit described in s. 20.04.

24 2. Authority, including a regional water supply
25 authority.

26 3. Board.

27 4. Commission, including the Commission on Ethics and
28 the Fish and Wildlife Conservation Commission when acting
29 pursuant to statutory authority derived from the Legislature.

30 5. Regional planning agency.
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