



CHAMBER ACTION

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The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to metropolitan planning organizations; amending s. 120.52, F.S.; revising the definition of "agency" for the purposes of the Administrative Procedure Act; providing that certain metropolitan planning organizations and certain described legal or administrative agencies are not agencies for the purposes of that act; amending s. 339.175, F.S.; clarifying a provision that M.P.O.'s be designated for each urbanized area; revising membership provisions; revising provisions for chair's coordinating committees; providing for a chair's coordinating committee consisting of designated M.P.O.'s; providing legislative findings; authorizing an M.P.O. to enter into interlocal agreement with any other M.P.O. or any political subdivision for described purposes; providing for content of such agreement; providing conditions for such agreement to take effect; providing for recording of such agreements in public records; providing an effective date.



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WHEREAS, in pursuit of the implementation of federal law and pursuant to s. 339.175, Florida Statutes, metropolitan planning organizations (M.P.O.'s) are created by interlocal agreement between the Department of Transportation, acting on behalf of the Office of the Governor, and various local government entities primarily, including counties and municipalities, and

WHEREAS, local governments, such as counties and municipalities, are not "agencies" pursuant to, and are consequently exempt from, chapter 120, Florida Statutes, the Administrative Procedure Act, and

WHEREAS, it is only because the Department of Transportation, a state agency subject to the Administrative Procedure Act, is a party to the interlocal agreement creating M.P.O.'s that M.P.O.'s are defined as "agencies" pursuant to the Administrative Procedure Act, and therefore made subject to the act, and

WHEREAS, most M.P.O.'s have jurisdiction within only a single county, and

WHEREAS, M.P.O.'s are essentially nonregulatory organizations, and

WHEREAS, most of the membership of an M.P.O. consists of county commissioners and city commissioners, and

WHEREAS, citizens, attorneys, and others dealing with M.P.O.'s are generally unfamiliar with the Administrative Procedure Act, and

WHEREAS, the Administrative Procedure Act has caused



HB 1425

2003
CS

57 | confusion and created additional bureaucracy for local
58 | government officials and the general public, a result that the
59 | act was specifically intended to avoid, and

60 | WHEREAS, because of the essentially nonregulatory, local
61 | governmental nature of M.P.O.'s, M.P.O.'s and citizens dealing
62 | with M.P.O.'s will be better served by having M.P.O.'s exempted
63 | from the Administrative Procedure Act, and

64 | WHEREAS, towards the implementation of federal law and
65 | pursuant to s. 339.175, Florida Statutes, providing for the
66 | creation of Metropolitan Planning Organizations "to encourage
67 | and promote the safe and efficient management, operation, and
68 | development of surface transportation systems that will serve
69 | the mobility needs of people and freight within and through
70 | urbanized areas of this state while minimizing transportation-
71 | related fuel consumption and air pollution," and

72 | WHEREAS, Florida law provides for various local
73 | governmental entities (primarily counties, municipalities, and
74 | certain intermodal agencies) to combine together as an M.P.O.
75 | for transportation planning and development purposes, and

76 | WHEREAS, Florida law provides for all M.P.O.'s to combine
77 | as a statewide council to collectively provide for
78 | transportation planning and development purposes, and

79 | WHEREAS, there is no specific provision of state law which
80 | specifically provides for individual M.P.O.'s or local
81 | governmental entities to join together for the purpose of
82 | coordinating transportation planning and development on a
83 | regional basis, and

84 | WHEREAS, it is the purpose of this act to provide a



HB 1425

2003
CS

85 nonexclusive means for individual M.P.O.'s and local
 86 governmental entities to work together for the purpose of
 87 coordinating transportation planning and development on a
 88 regional basis, and

89 WHEREAS, it is the intent of the Legislature that this act
 90 shall in no way limit other legal methods or procedures
 91 currently existing or which may hereinafter be provided for
 92 permitting M.P.O.'s and local governmental entities to join
 93 together for the purpose of coordinating transportation planning
 94 and development on a regional basis, NOW, THEREFORE,

95

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

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

100 120.52 Definitions.--As used in this act:

101 (1) "Agency" means:

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

104 (b) Each:

105 1. State officer and state department, and each
 106 departmental unit described in s. 20.04.

107 2. Authority, including a regional water supply authority.

108 3. Board.

109 4. Commission, including the Commission on Ethics and the
 110 Fish and Wildlife Conservation Commission when acting pursuant
 111 to statutory authority derived from the Legislature.

112 5. Regional planning agency.



113 6. Multicounty special district with a majority of its
114 governing board comprised of nonelected persons.

115 7. Educational units.

116 8. Entity described in chapters 163, 373, 380, and 582 and
117 s. 186.504.

118 (c) Each other unit of government in the state, including
119 counties and municipalities, to the extent they are expressly
120 made subject to this act by general or special law or existing
121 judicial decisions.

122
123 This definition does not include any legal entity or agency
124 created in whole or in part pursuant to chapter 361, part II, a
125 metropolitan planning organization created pursuant to s.
126 339.175, any separate legal or administrative entity of which a
127 metropolitan planning organization is a member, which separate
128 legal or administrative entity is created pursuant to s.
129 339.175, an expressway authority pursuant to chapter 348, any
130 legal or administrative entity created by an interlocal
131 agreement pursuant to s. 163.01(7), unless any party to such
132 agreement is otherwise an agency as defined in this subsection,
133 or any multicounty special district with a majority of its
134 governing board comprised of elected persons; however, this
135 definition shall include a regional water supply authority.

136 Section 2. Paragraph (a) of subsection (1), paragraph (b)
137 of subsection (2), and paragraph (h) of subsection (5) of
138 section 339.175, Florida Statutes, are amended, and paragraph
139 (i) is added to said subsection (5), to read:



HB 1425

2003
CS

140 339.175 Metropolitan planning organization.--It is the
141 intent of the Legislature to encourage and promote the safe and
142 efficient management, operation, and development of surface
143 transportation systems that will serve the mobility needs of
144 people and freight within and through urbanized areas of this
145 state while minimizing transportation-related fuel consumption
146 and air pollution. To accomplish these objectives, metropolitan
147 planning organizations, referred to in this section as M.P.O.'s,
148 shall develop, in cooperation with the state and public transit
149 operators, transportation plans and programs for metropolitan
150 areas. The plans and programs for each metropolitan area must
151 provide for the development and integrated management and
152 operation of transportation systems and facilities, including
153 pedestrian walkways and bicycle transportation facilities that
154 will function as an intermodal transportation system for the
155 metropolitan area, based upon the prevailing principles provided
156 in s. 334.046(1). The process for developing such plans and
157 programs shall provide for consideration of all modes of
158 transportation and shall be continuing, cooperative, and
159 comprehensive, to the degree appropriate, based on the
160 complexity of the transportation problems to be addressed.

161 (1) DESIGNATION.--

162 (a)1. An M.P.O. shall be designated for each urbanized
163 area of the state; however, this provision shall not require
164 that an individual M.P.O. be designated for each individual
165 urbanized area of the state. Such designation shall be
166 accomplished by agreement between the Governor and units of
167 general-purpose local government representing at least 75



HB 1425

2003
CS

168 | percent of the population of the urbanized area; however, the
169 | unit of general-purpose local government that represents the
170 | central city or cities within the M.P.O. jurisdiction, as
171 | defined by the United States Bureau of the Census, must be a
172 | party to such agreement.

173 | 2. More than one M.P.O. may be designated within an
174 | existing metropolitan planning area only if the Governor and the
175 | existing M.P.O. determine that the size and complexity of the
176 | existing metropolitan planning area makes the designation of
177 | more than one M.P.O. for the area appropriate.

178 |
179 | Each M.P.O. required under this section must be fully operative
180 | no later than 6 months following its designation.

181 | (2) VOTING MEMBERSHIP.--

182 | (b) In metropolitan areas in which authorities or other
183 | agencies have been or may be created by law to perform
184 | transportation functions and are performing transportation
185 | functions that are not under the jurisdiction of a general
186 | purpose local government represented on the M.P.O., they shall
187 | be provided voting membership on the M.P.O. In all other
188 | M.P.O.'s where transportation authorities or agencies are to be
189 | represented by elected officials from general purpose local
190 | governments, the M.P.O. shall establish a process by which the
191 | collective interests of such authorities or other agencies are
192 | expressed and conveyed.

193 | (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
194 | privileges, and authority of an M.P.O. are those specified in
195 | this section or incorporated in an interlocal agreement



196 authorized under s. 163.01. Each M.P.O. shall perform all acts
 197 required by federal or state laws or rules, now and subsequently
 198 applicable, which are necessary to qualify for federal aid. It
 199 is the intent of this section that each M.P.O. shall be involved
 200 in the planning and programming of transportation facilities,
 201 including, but not limited to, airports, intercity and high-
 202 speed rail lines, seaports, and intermodal facilities, to the
 203 extent permitted by state or federal law.

204 (h) There shall exist a chair's coordinating committee
 205 consisting of the M.P.O.'s serving Hernando, Hillsborough,
 206 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties ~~Any group~~
 207 ~~of M.P.O.'s which has created a chair's coordinating committee~~
 208 ~~as of the effective date of this act and is located within the~~
 209 ~~same Department of Transportation District which is comprised of~~
 210 ~~four adjacent M.P.O.'s must continue such committee as provided~~
 211 ~~for in this section. Such committee must also include one~~
 212 ~~representative from each M.P.O. contiguous to the geographic~~
 213 ~~boundaries of the original committee. The committee must, at a~~
 214 minimum:

- 215 1. Coordinate transportation projects deemed to be
- 216 regionally significant by the committee.
- 217 2. Review the impact of regionally significant land use
- 218 decisions on the region.
- 219 3. Review all proposed regionally significant
- 220 transportation projects in the respective transportation
- 221 improvement programs which affect more than one of the M.P.O.'s
- 222 represented on the committee.



HB 1425

2003
CS

223 4. Institute a conflict resolution process to address any
224 conflict that may arise in the planning and programming of such
225 regionally significant projects.

226 (i)1. Findings and intent.--The Legislature finds that
227 Florida's rapid growth in recent decades has caused many
228 urbanized areas subject to M.P.O. jurisdiction to become
229 contiguous to one another. As a result, various needed
230 transportation projects will likely cross from the jurisdiction
231 of one M.P.O. into the jurisdiction of another M.P.O. To more
232 fully accomplish the purposes for which M.P.O.'s have been
233 mandated pursuant to federal law, the Legislature finds that
234 various M.P.O.'s will need to develop coordination mechanisms
235 with one another in an effort to expand and improve
236 transportation within the state. The Legislature recognizes that
237 the appropriate method of coordination between M.P.O.'s will
238 vary depending upon the project involved and given local and
239 regional needs. Consequently, the Legislature finds it
240 appropriate to set forth a flexible methodology that can be
241 utilized by M.P.O.'s to coordinate with other M.P.O.'s and
242 appropriate political subdivisions as circumstances demand.

243 2. Interlocal coordination.--Any M.P.O. is authorized to
244 join with any other M.P.O. or any individual political
245 subdivision for the purpose of coordination of activities or
246 toward the achievement of an activity or activities of any
247 federal or state transportation planning or development goal or
248 purpose consistent with federal or state law. When an M.P.O.
249 determines that it is appropriate to join with any other M.P.O.
250 or any political subdivision for the purpose of coordination of



HB 1425

2003
CS

251 activities, the M.P.O. or political subdivision shall effectuate
252 coordination by entering into an interlocal agreement pursuant
253 to s. 163.01, which agreement shall, at a minimum:

254 a. Create a separate legal or administrative entity for
255 coordination of the transportation planning or development
256 activities intended to achieve the goal or purpose.

257 b. Provide the purpose for which the entity is created.

258 c. Provide the duration of the agreement and the entity,
259 and how the agreement may be terminated, modified, or rescinded.

260 d. Describe the precise organization of the entity, who
261 shall have voting rights on the governing board, whether
262 alternate voting members shall be provided for, how voting
263 members shall be appointed, and what the relative voting
264 strength of each constituent M.P.O. or political subdivision
265 shall be.

266 e. Specify the manner in which the parties to an
267 interlocal agreement will provide from their treasuries for the
268 financial support of the entity and payment of costs and
269 expenses of the entity.

270 f. Specify the manner in which funds may be paid to and
271 disbursed from the entity.

272 g. Specify how members of the entity shall resolve any
273 disagreement between themselves with regard to interpretation of
274 the interlocal agreement or dispute relating to the operation of
275 the entity.

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277 Any interlocal agreement entered into pursuant to this

278 subparagraph shall become effective only upon its recordation in



HB 1425

2003
CS

279 | the official public records of each county in which a member of
280 | the entity created by the interlocal agreement shall have a
281 | voting member. Nothing in this paragraph shall be interpreted or
282 | construed to require any two or more M.P.O.'s to merge, combine,
283 | or otherwise join together as a single M.P.O.

284 | Section 3. This act shall take effect upon becoming a law.