

By Senator Sebesta

16-943-03

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; amending
6 s. 339.175, F.S.; providing authority for
7 metropolitan planning organizations and
8 political subdivisions to form separate legal
9 or administrative entities for the purpose of
10 coordinating regional transportation planning
11 and development goals and purposes; specifying
12 how the entity shall be created and operated;
13 exempting the entity from the Administrative
14 Procedure Act; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (1) of section 120.52, Florida
19 Statutes, is amended to read:

20 120.52 Definitions.--As used in this act:

21 (1) "Agency" means:

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

24 (b) Each:

25 1. State officer and state department, and each
26 departmental unit described in s. 20.04.

27 2. Authority, including a regional water supply
28 authority.

29 3. Board.
30
31

1 4. Commission, including the Commission on Ethics and
2 the Fish and Wildlife Conservation Commission when acting
3 pursuant to statutory authority derived from the Legislature.

4 5. Regional planning agency.

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

7 7. Educational units.

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

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

14

15 This definition does not include any legal entity or agency
16 created in whole or in part pursuant to chapter 361, part II,
17 any metropolitan planning organization created pursuant to s.
18 339.175, any separate legal or administrative entity created
19 pursuant to s. 339.175 of which a metropolitan planning
20 organization is a member,an expressway authority pursuant to
21 chapter 348, any legal or administrative entity created by an
22 interlocal agreement pursuant to s. 163.01(7), unless any
23 party to such agreement is otherwise an agency as defined in
24 this subsection, or any multicounty special district with a
25 majority of its governing board comprised of elected persons;
26 however, this definition shall include a regional water supply
27 authority.

28 Section 2. Paragraph (a) of subsection (1) and
29 paragraph (h) of subsection (5) of section 339.175, Florida
30 Statutes, are amended, and paragraph (i) is added to
31 subsection (5) of that section to read:

1 339.175 Metropolitan planning organization.--It is the
2 intent of the Legislature to encourage and promote the safe
3 and efficient management, operation, and development of
4 surface transportation systems that will serve the mobility
5 needs of people and freight within and through urbanized areas
6 of this state while minimizing transportation-related fuel
7 consumption and air pollution. To accomplish these objectives,
8 metropolitan planning organizations, referred to in this
9 section as M.P.O.'s, shall develop, in cooperation with the
10 state and public transit operators, transportation plans and
11 programs for metropolitan areas. The plans and programs for
12 each metropolitan area must provide for the development and
13 integrated management and operation of transportation systems
14 and facilities, including pedestrian walkways and bicycle
15 transportation facilities that will function as an intermodal
16 transportation system for the metropolitan area, based upon
17 the prevailing principles provided in s. 334.046(1). The
18 process for developing such plans and programs shall provide
19 for consideration of all modes of transportation and shall be
20 continuing, cooperative, and comprehensive, to the degree
21 appropriate, based on the complexity of the transportation
22 problems to be addressed.

23 (1) DESIGNATION.--

24 (a)1. An M.P.O. shall be designated for each urbanized
25 area of the state; however, this does not require that an
26 individual M.P.O. be designated for each such area. Such
27 designation shall be accomplished by agreement between the
28 Governor and units of general-purpose local government
29 representing at least 75 percent of the population of the
30 urbanized area; however, the unit of general-purpose local
31 government that represents the central city or cities within

1 the M.P.O. jurisdiction, as defined by the United States
2 Bureau of the Census, must be a party to such agreement.

3 2. More than one M.P.O. may be designated within an
4 existing metropolitan planning area only if the Governor and
5 the existing M.P.O. determine that the size and complexity of
6 the existing metropolitan planning area makes the designation
7 of more than one M.P.O. for the area appropriate.

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

20 (h) A chair's coordinating committee is created,
21 composed of the M.P.O.'s serving Hernando, Hillsborough,
22 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. ~~Any~~
23 ~~group of M.P.O.'s which has created a chair's coordinating~~
24 ~~committee as of the effective date of this act and is located~~
25 ~~within the same Department of Transportation District which is~~
26 ~~comprised of four adjacent M.P.O.'s must continue such~~
27 ~~committee as provided for in this section. Such committee must~~
28 ~~also include one representative from each M.P.O. contiguous to~~
29 ~~the geographic boundaries of the original committee.~~The
30 committee must, at a minimum:
31

1 1. Coordinate transportation projects deemed to be
2 regionally significant by the committee.

3 2. Review the impact of regionally significant land
4 use decisions on the region.

5 3. Review all proposed regionally significant
6 transportation projects in the respective transportation
7 improvement programs which affect more than one of the
8 M.P.O.'s represented on the committee.

9 4. Institute a conflict resolution process to address
10 any conflict that may arise in the planning and programming of
11 such regionally significant projects.

12 (i)1. The Legislature finds that the state's rapid
13 growth in recent decades has caused many urbanized areas
14 subject to M.P.O. jurisdiction to become contiguous to each
15 other. As a result, various transportation projects may cross
16 from the jurisdiction of one M.P.O. into the jurisdiction of
17 another M.P.O. To more fully accomplish the purposes for which
18 M.P.O.'s have been mandated, M.P.O.'s shall develop
19 coordination mechanisms with one another to expand and improve
20 transportation within the state. The appropriate method of
21 coordination between M.P.O.'s shall vary depending upon the
22 project involved and given local and regional needs.
23 Consequently, it is appropriate to set forth a flexible
24 methodology that can be used by M.P.O.'s to coordinate with
25 other M.P.O.'s and appropriate political subdivisions as
26 circumstances demand.

27 2. Any M.P.O. may join with any other M.P.O. or any
28 individual political subdivision to coordinate activities or
29 to achieve any federal or state transportation planning or
30 development goals or purposes consistent with federal or state
31 law. When an M.P.O. determines that it is appropriate to join

1 with another M.P.O. or any political subdivision to coordinate
2 activities, the M.P.O. or political subdivision shall enter
3 into an interlocal agreement pursuant to s. 163.01, which, at
4 a minimum, creates a separate legal or administrative entity
5 to coordinate the transportation planning or development
6 activities required to achieve the goal or purpose; provide
7 the purpose for which the entity is created; provide the
8 duration of the agreement and the entity, and specify how the
9 agreement may be terminated, modified, or rescinded; describe
10 the precise organization of the entity, including who has
11 voting rights on the governing board, whether alternative
12 voting members are provided for, how voting members are
13 appointed, and what the relative voting strength is for each
14 constituent M.P.O. or political subdivision; provide the
15 manner in which the parties to the agreement will provide for
16 the financial support of the entity and payment of costs and
17 expenses of the entity; provide the manner in which funds may
18 be paid to and disbursed from the entity; and provide how
19 members of the entity will resolve disagreements regarding
20 interpretation of the interlocal agreement or disputes
21 relating to the operation of the entity. Such interlocal
22 agreement shall become effective upon its recordation in the
23 official public records of each county in which a member of
24 the entity created by the interlocal agreement has a voting
25 member. This paragraph does not require any M.P.O.'s to merge,
26 combine, or otherwise join together as a single M.P.O.

27 Section 3. This act shall take effect upon becoming a
28 law.

29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Revises provisions relating to metropolitan planning organizations. Redefines the term "agency." Authorizes the creation of separate entities to coordinate transportation planning and development on a regional basis. (See bill for details.)