

By the Committee on Transportation; and Senator Sebesta

306-2272-03

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.

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

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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.  
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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.

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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), paragraph  
29 (b) of subsection (2), and paragraph (h) of subsection (5) of  
30 section 339.175, Florida Statutes, are amended, and paragraph  
31 (i) is added to 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 (2) VOTING MEMBERSHIP.--

9 (b) In metropolitan areas in which authorities or  
10 other agencies have been or may be created by law to perform  
11 transportation functions and are performing transportation  
12 functions that are not under the jurisdiction of a general  
13 purpose local government represented on the M.P.O., they shall  
14 be provided voting membership on the M.P.O. In all other  
15 M.P.O.'s where transportation authorities or agencies are to  
16 be represented by elected officials from general purpose local  
17 governments, the M.P.O. shall establish a process by which the  
18 collective interests of such authorities or other agencies are  
19 expressed and conveyed.

20 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
21 privileges, and authority of an M.P.O. are those specified in  
22 this section or incorporated in an interlocal agreement  
23 authorized under s. 163.01. Each M.P.O. shall perform all  
24 acts required by federal or state laws or rules, now and  
25 subsequently applicable, which are necessary to qualify for  
26 federal aid. It is the intent of this section that each M.P.O.  
27 shall be involved in the planning and programming of  
28 transportation facilities, including, but not limited to,  
29 airports, intercity and high-speed rail lines, seaports, and  
30 intermodal facilities, to the extent permitted by state or  
31 federal law.

1           (h) A chair's coordinating committee is created,  
2 composed of the M.P.O's serving Hernando, Hillsborough,  
3 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. ~~Any~~  
4 ~~group of M.P.O.'s which has created a chair's coordinating~~  
5 ~~committee as of the effective date of this act and is located~~  
6 ~~within the same Department of Transportation District which is~~  
7 ~~comprised of four adjacent M.P.O.'s must continue such~~  
8 ~~committee as provided for in this section. Such committee must~~  
9 ~~also include one representative from each M.P.O. contiguous to~~  
10 ~~the geographic boundaries of the original committee.~~The  
11 committee must, at a minimum:

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

14           2. Review the impact of regionally significant land  
15 use decisions on the region.

16           3. Review all proposed regionally significant  
17 transportation projects in the respective transportation  
18 improvement programs which affect more than one of the  
19 M.P.O.'s represented on the committee.

20           4. Institute a conflict resolution process to address  
21 any conflict that may arise in the planning and programming of  
22 such regionally significant projects.

23           (i)1. The Legislature finds that the state's rapid  
24 growth in recent decades has caused many urbanized areas  
25 subject to M.P.O. jurisdiction to become contiguous to each  
26 other. As a result, various transportation projects may cross  
27 from the jurisdiction of one M.P.O. into the jurisdiction of  
28 another M.P.O. To more fully accomplish the purposes for which  
29 M.P.O.'s have been mandated, M.P.O.'s shall develop  
30 coordination mechanisms with one another to expand and improve  
31 transportation within the state. The appropriate method of

1 coordination between M.P.O.'s shall vary depending upon the  
2 project involved and given local and regional needs.

3 Consequently, it is appropriate to set forth a flexible  
4 methodology that can be used by M.P.O.'s to coordinate with  
5 other M.P.O.'s and appropriate political subdivisions as  
6 circumstances demand.

7 2. Any M.P.O. may join with any other M.P.O. or any  
8 individual political subdivision to coordinate activities or  
9 to achieve any federal or state transportation planning or  
10 development goals or purposes consistent with federal or state  
11 law. When an M.P.O. determines that it is appropriate to join  
12 with another M.P.O. or any political subdivision to coordinate  
13 activities, the M.P.O. or political subdivision shall enter  
14 into an interlocal agreement pursuant to s. 163.01, which, at  
15 a minimum, creates a separate legal or administrative entity  
16 to coordinate the transportation planning or development  
17 activities required to achieve the goal or purpose; provide  
18 the purpose for which the entity is created; provide the  
19 duration of the agreement and the entity, and specify how the  
20 agreement may be terminated, modified, or rescinded; describe  
21 the precise organization of the entity, including who has  
22 voting rights on the governing board, whether alternative  
23 voting members are provided for, how voting members are  
24 appointed, and what the relative voting strength is for each  
25 constituent M.P.O. or political subdivision; provide the  
26 manner in which the parties to the agreement will provide for  
27 the financial support of the entity and payment of costs and  
28 expenses of the entity; provide the manner in which funds may  
29 be paid to and disbursed from the entity; and provide how  
30 members of the entity will resolve disagreements regarding  
31 interpretation of the interlocal agreement or disputes

1 relating to the operation of the entity. Such interlocal  
2 agreement shall become effective upon its recordation in the  
3 official public records of each county in which a member of  
4 the entity created by the interlocal agreement has a voting  
5 member. This paragraph does not require any M.P.O.'s to merge,  
6 combine, or otherwise join together as a single M.P.O.

7 Section 3. This act shall take effect upon becoming a  
8 law.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 Senate Bill 2110

13 The CS provides, in order for an agency which was created by  
14 law to perform transportation functions to have representation  
15 on an MPO, the agency must actually perform transportation  
16 functions.  
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