

Bill No. CS for CS for SB 1456

Amendment No. ____ Barcode 495300

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 8, lines 20-24, delete those lines

and insert:

Section 3. Subsections (13) and (15), of section 177.031, Florida Statutes, are amended to read:

177.031 Definitions.--As used in this part:

(13) "P.C.P." means permanent control point and shall be considered a reference monument.

(a) "P.C.P.s" set in impervious surfaces must:

1. Be composed of a metal marker with a point of reference.

2. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

(b) "P.C.P.s" set in pervious surfaces must:

1. Consist of a metal rod having a minimum length of

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1 18 inches and a minimum cross-section area of material of 0.2
2 square inches In certain materials, encasement in concrete is
3 optional for stability of the rod. When used, encased in
4 ~~concrete.~~ the concrete shall have a minimum cross-section area
5 of 12.25 square inches and be a minimum of 24 inches long.

6 2. Be identified with a durable marker or cap with the
7 point of reference marked thereon bearing either the Florida
8 registration number of the professional surveyor and mapper in
9 responsible charge or the certificate of authorization number
10 of the legal entity, which number shall be preceded by LS or
11 LB as applicable and the letters "P.C.P."

12 (c) "P.C.P.s" must be detectable with conventional
13 instruments for locating ferrous or magnetic objects.

14 (15) "P.R.M." means a permanent reference monument
15 which must:

16 (a) Consist of a metal rod having a minimum length of
17 18 inches and a minimum cross-section area of material of 0.2
18 square inches In certain materials, encasement in concrete is
19 optional for stability of the rod. When used, encased in
20 ~~concrete.~~ the concrete shall have a minimum cross-section area
21 of 12.25 square inches and be a minimum of 24 inches long.

22 (b) Be identified with a durable marker or cap with
23 the point of reference marked thereon bearing either the
24 Florida registration number of the professional surveyor and
25 mapper in responsible charge or the certificate of
26 authorization number of the legal entity, which number shall
27 be preceded by LS or LB as applicable and the letters "P.R.M."

28 (c) Be detectable with conventional instruments for
29 locating ferrous or magnetic objects.

30

31 If the location of the "P.R.M." falls in a hard surface such

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1 as asphalt or concrete, alternate monumentation may be used
2 that is durable and identifiable.

3 Section 4. Section 339.175, Florida Statutes, is
4 amended to read:

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

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1 functions. For the purposes of this section, those facilities
2 include the facilities on the Strategic Intermodal System
3 designated under s. 339.63.

4 (1) DESIGNATION.--

5 (a)1. An M.P.O. shall be designated for each urbanized
6 area of the state; however, this does not require that an
7 individual M.P.O. be designated for each such area. Such
8 designation shall be accomplished by agreement between the
9 Governor and units of general-purpose local government
10 representing at least 75 percent of the population of the
11 urbanized area; however, the unit of general-purpose local
12 government that represents the central city or cities within
13 the M.P.O. jurisdiction, as defined by the United States
14 Bureau of the Census, must be a party to such agreement.

15 2. More than one M.P.O. may be designated within an
16 existing metropolitan planning area only if the Governor and
17 the existing M.P.O. determine that the size and complexity of
18 the existing metropolitan planning area makes the designation
19 of more than one M.P.O. for the area appropriate.

20 (b) Each M.P.O. shall be created and operated under
21 the provisions of this section pursuant to an interlocal
22 agreement entered into pursuant to s. 163.01. The signatories
23 to the interlocal agreement shall be the department and the
24 governmental entities designated by the Governor for
25 membership on the M.P.O. If there is a conflict between this
26 section and s. 163.01, this section prevails.

27 (c) The jurisdictional boundaries of an M.P.O. shall
28 be determined by agreement between the Governor and the
29 applicable M.P.O. The boundaries must include at least the
30 metropolitan planning area, which is the existing urbanized
31 area and the contiguous area expected to become urbanized

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1 within a 20-year forecast period, and may encompass the entire
2 metropolitan statistical area or the consolidated metropolitan
3 statistical area.

4 (d) In the case of an urbanized area designated as a
5 nonattainment area for ozone or carbon monoxide under the
6 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
7 the metropolitan planning area in existence as of the date of
8 enactment of this paragraph shall be retained, except that the
9 boundaries may be adjusted by agreement of the Governor and
10 affected metropolitan planning organizations in the manner
11 described in this section. If more than one M.P.O. has
12 authority within a metropolitan area or an area that is
13 designated as a nonattainment area, each M.P.O. shall consult
14 with other M.P.O.'s designated for such area and with the
15 state in the coordination of plans and programs required by
16 this section.

17
18 Each M.P.O. required under this section must be fully
19 operative no later than 6 months following its designation.

20 (2) VOTING MEMBERSHIP.--

21 (a) The voting membership of an M.P.O. shall consist
22 of not fewer than 5 or more than 19 apportioned members, the
23 exact number to be determined on an equitable
24 geographic-population ratio basis by the Governor, based on an
25 agreement among the affected units of general-purpose local
26 government as required by federal rules and regulations. The
27 Governor, in accordance with 23 U.S.C. s. 134, may also
28 provide for M.P.O. members who represent municipalities to
29 alternate with representatives from other municipalities
30 within the metropolitan planning area that do not have members
31 on the M.P.O. County commission members shall compose not less

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1 than one-third of the M.P.O. membership, except for an M.P.O.
2 with more than 15 members located in a county with a
3 five-member county commission or an M.P.O. with 19 members
4 located in a county with no more than 6 county commissioners,
5 in which case county commission members may compose less than
6 one-third percent of the M.P.O. membership, but all county
7 commissioners must be members. All voting members shall be
8 elected officials of general-purpose governments, except that
9 an M.P.O. may include, as part of its apportioned voting
10 members, a member of a statutorily authorized planning board,
11 an official of an agency that operates or administers a major
12 mode of transportation, or an official of the Florida Space
13 Authority. The county commission shall compose not less than
14 20 percent of the M.P.O. membership if an official of an
15 agency that operates or administers a major mode of
16 transportation has been appointed to an M.P.O.

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

28 (c) Any other provision of this section to the
29 contrary notwithstanding, a chartered county with over 1
30 million population may elect to reapportion the membership of
31 an M.P.O. whose jurisdiction is wholly within the county. The

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1 charter county may exercise the provisions of this paragraph
2 if:

3 1. The M.P.O. approves the reapportionment plan by a
4 three-fourths vote of its membership;

5 2. The M.P.O. and the charter county determine that
6 the reapportionment plan is needed to fulfill specific goals
7 and policies applicable to that metropolitan planning area;
8 and

9 3. The charter county determines the reapportionment
10 plan otherwise complies with all federal requirements
11 pertaining to M.P.O. membership.

12
13 Any charter county that elects to exercise the provisions of
14 this paragraph shall notify the Governor in writing.

15 (d) Any other provision of this section to the
16 contrary notwithstanding, any county chartered under s. 6(e),
17 Art. VIII of the State Constitution may elect to have its
18 county commission serve as the M.P.O., if the M.P.O.
19 jurisdiction is wholly contained within the county. Any
20 charter county that elects to exercise the provisions of this
21 paragraph shall so notify the Governor in writing. Upon
22 receipt of such notification, the Governor must designate the
23 county commission as the M.P.O. The Governor must appoint
24 four additional voting members to the M.P.O., one of whom must
25 be an elected official representing a municipality within the
26 county, one of whom must be an expressway authority member,
27 one of whom must be a person who does not hold elected public
28 office and who resides in the unincorporated portion of the
29 county, and one of whom must be a school board member.

30 (3) APPORTIONMENT.--

31 (a) The Governor shall, with the agreement of the

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1 affected units of general-purpose local government as required
2 by federal rules and regulations, apportion the membership on
3 the applicable M.P.O. among the various governmental entities
4 within the area and shall prescribe a method for appointing
5 alternate members who may vote at any M.P.O. meeting that an
6 alternate member attends in place of a regular member. An
7 appointed alternate member must be an elected official serving
8 the same governmental entity or a general-purpose local
9 government with jurisdiction within all or part of the area
10 that the regular member serves. The governmental entity so
11 designated shall appoint the appropriate number of members to
12 the M.P.O. from eligible officials. Representatives of the
13 department shall serve as nonvoting members of the M.P.O.
14 Nonvoting advisers may be appointed by the M.P.O. as deemed
15 necessary. The Governor shall review the composition of the
16 M.P.O. membership in conjunction with the decennial census as
17 prepared by the United States Department of Commerce, Bureau
18 of the Census, and reapportion it as necessary to comply with
19 subsection (2).

20 (b) Except for members who represent municipalities on
21 the basis of alternating with representatives from other
22 municipalities that do not have members on the M.P.O. as
23 provided in paragraph (2)(a), the members of an M.P.O. shall
24 serve 4-year terms. Members who represent municipalities on
25 the basis of alternating with representatives from other
26 municipalities that do not have members on the M.P.O. as
27 provided in paragraph (2)(a) may serve terms of up to 4 years
28 as further provided in the interlocal agreement described in
29 paragraph (1)(b). The membership of a member who is a public
30 official automatically terminates upon the member's leaving
31 his or her elective or appointive office for any reason, or

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1 may be terminated by a majority vote of the total membership
2 of a county or city governing entity represented by the
3 member. A vacancy shall be filled by the original appointing
4 entity. A member may be reappointed for one or more
5 additional 4-year terms.

6 (c) If a governmental entity fails to fill an assigned
7 appointment to an M.P.O. within 60 days after notification by
8 the Governor of its duty to appoint, that appointment shall be
9 made by the Governor from the eligible representatives of that
10 governmental entity.

11 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
12 responsibility of an M.P.O. is to manage a continuing,
13 cooperative, and comprehensive transportation planning process
14 that, based upon the prevailing principles provided in s.
15 334.046(1), results in the development of plans and programs
16 which are consistent, to the maximum extent feasible, with the
17 approved local government comprehensive plans of the units of
18 local government the boundaries of which are within the
19 metropolitan area of the M.P.O. An M.P.O. shall be the forum
20 for cooperative decisionmaking by officials of the affected
21 governmental entities in the development of the plans and
22 programs required by subsections (5), (6), (7), and (8).

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

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1 airports, intercity and high-speed rail lines, seaports, and
2 intermodal facilities, to the extent permitted by state or
3 federal law.

4 (a) Each M.P.O. shall, in cooperation with the
5 department, develop:

6 1. A long-range transportation plan pursuant to the
7 requirements of subsection (6);

8 2. An annually updated transportation improvement
9 program pursuant to the requirements of subsection (7); and

10 3. An annual unified planning work program pursuant to
11 the requirements of subsection (8).

12 (b) In developing the long-range transportation plan
13 and the transportation improvement program required under
14 paragraph (a), each M.P.O. shall provide for consideration of
15 projects and strategies that will:

16 1. Support the economic vitality of the metropolitan
17 area, especially by enabling global competitiveness,
18 productivity, and efficiency;

19 2. Increase the safety and security of the
20 transportation system for motorized and nonmotorized users;

21 3. Increase the accessibility and mobility options
22 available to people and for freight;

23 4. Protect and enhance the environment, promote energy
24 conservation, and improve quality of life;

25 5. Enhance the integration and connectivity of the
26 transportation system, across and between modes, for people
27 and freight;

28 6. Promote efficient system management and operation;
29 and

30 7. Emphasize the preservation of the existing
31 transportation system.

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1 (c) In order to provide recommendations to the
2 department and local governmental entities regarding
3 transportation plans and programs, each M.P.O. shall:
4 1. Prepare a congestion management system for the
5 metropolitan area and cooperate with the department in the
6 development of all other transportation management systems
7 required by state or federal law;
8 2. Assist the department in mapping transportation
9 planning boundaries required by state or federal law;
10 3. Assist the department in performing its duties
11 relating to access management, functional classification of
12 roads, and data collection;
13 4. Execute all agreements or certifications necessary
14 to comply with applicable state or federal law;
15 5. Represent all the jurisdictional areas within the
16 metropolitan area in the formulation of transportation plans
17 and programs required by this section; and
18 6. Perform all other duties required by state or
19 federal law.
20 (d) Each M.P.O. shall appoint a technical advisory
21 committee that includes planners; engineers; representatives
22 of local aviation authorities, port authorities, and public
23 transit authorities or representatives of aviation
24 departments, seaport departments, and public transit
25 departments of municipal or county governments, as applicable;
26 the school superintendent of each county within the
27 jurisdiction of the M.P.O. or the superintendent's designee;
28 and other appropriate representatives of affected local
29 governments. In addition to any other duties assigned to it by
30 the M.P.O. or by state or federal law, the technical advisory
31 committee is responsible for considering safe access to

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1 schools in its review of transportation project priorities,
2 long-range transportation plans, and transportation
3 improvement programs, and shall advise the M.P.O. on such
4 matters. In addition, the technical advisory committee shall
5 coordinate its actions with local school boards and other
6 local programs and organizations within the metropolitan area
7 which participate in school safety activities, such as locally
8 established community traffic safety teams. Local school
9 boards must provide the appropriate M.P.O. with information
10 concerning future school sites and in the coordination of
11 transportation service.

12 (e)1. Each M.P.O. shall appoint a citizens' advisory
13 committee, the members of which serve at the pleasure of the
14 M.P.O. The membership on the citizens' advisory committee must
15 reflect a broad cross section of local residents with an
16 interest in the development of an efficient, safe, and
17 cost-effective transportation system. Minorities, the elderly,
18 and the handicapped must be adequately represented.

19 2. Notwithstanding the provisions of subparagraph 1.,
20 an M.P.O. may, with the approval of the department and the
21 applicable federal governmental agency, adopt an alternative
22 program or mechanism to ensure citizen involvement in the
23 transportation planning process.

24 (f) The department shall allocate to each M.P.O., for
25 the purpose of accomplishing its transportation planning and
26 programming duties, an appropriate amount of federal
27 transportation planning funds.

28 (g) Each M.P.O. may employ personnel or may enter into
29 contracts with local or state agencies, private planning
30 firms, or private engineering firms to accomplish its
31 transportation planning and programming duties required by

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1 state or federal law.

2 (h) A chair's coordinating committee is created,
3 composed of the M.P.O.'s serving Hernando, Hillsborough,
4 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
5 committee must, at a minimum:

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

8 2. Review the impact of regionally significant land
9 use decisions on the region.

10 3. Review all proposed regionally significant
11 transportation projects in the respective transportation
12 improvement programs which affect more than one of the
13 M.P.O.'s represented on the committee.

14 4. Institute a conflict resolution process to address
15 any conflict that may arise in the planning and programming of
16 such regionally significant projects.

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

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

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1 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
2 develop a long-range transportation plan that addresses at
3 least a 20-year planning horizon. The plan must include both
4 long-range and short-range strategies and must comply with all
5 other state and federal requirements. The prevailing
6 principles to be considered in the long-range transportation
7 plan are: preserving the existing transportation
8 infrastructure; enhancing Florida's economic competitiveness;
9 and improving travel choices to ensure mobility. The
10 long-range transportation plan must be consistent, to the
11 maximum extent feasible, with future land use elements and the
12 goals, objectives, and policies of the approved local
13 government comprehensive plans of the units of local
14 government located within the jurisdiction of the M.P.O. The
15 approved long-range transportation plan must be considered by
16 local governments in the development of the transportation
17 elements in local government comprehensive plans and any
18 amendments thereto. The long-range transportation plan must,
19 at a minimum:

20 (a) Identify transportation facilities, including, but
21 not limited to, major roadways, airports, seaports,
22 spaceports, commuter rail systems, transit systems, and
23 intermodal or multimodal terminals that will function as an
24 integrated metropolitan transportation system. The long-range
25 transportation plan must give emphasis to those transportation
26 facilities that serve national, statewide, or regional
27 functions, and must consider the goals and objectives
28 identified in the Florida Transportation Plan as provided in
29 s. 339.155. If a project is located within the boundaries of
30 more than one M.P.O., the M.P.O.'s must coordinate plans
31 regarding the project in the long-range transportation plan.

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1 (b) Include a financial plan that demonstrates how the
2 plan can be implemented, indicating resources from public and
3 private sources which are reasonably expected to be available
4 to carry out the plan, and recommends any additional financing
5 strategies for needed projects and programs. The financial
6 plan may include, for illustrative purposes, additional
7 projects that would be included in the adopted long-range
8 transportation plan if reasonable additional resources beyond
9 those identified in the financial plan were available. For the
10 purpose of developing the long-range transportation plan, the
11 M.P.O. and the department shall cooperatively develop
12 estimates of funds that will be available to support the plan
13 implementation. Innovative financing techniques may be used to
14 fund needed projects and programs. Such techniques may
15 include the assessment of tolls, the use of value capture
16 financing, or the use of value pricing.

17 (c) Assess capital investment and other measures
18 necessary to:

19 1. Ensure the preservation of the existing
20 metropolitan transportation system including requirements for
21 the operation, resurfacing, restoration, and rehabilitation of
22 major roadways and requirements for the operation,
23 maintenance, modernization, and rehabilitation of public
24 transportation facilities; and

25 2. Make the most efficient use of existing
26 transportation facilities to relieve vehicular congestion and
27 maximize the mobility of people and goods.

28 (d) Indicate, as appropriate, proposed transportation
29 enhancement activities, including, but not limited to,
30 pedestrian and bicycle facilities, scenic easements,
31 landscaping, historic preservation, mitigation of water

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1 pollution due to highway runoff, and control of outdoor
2 advertising.

3 (e) In addition to the requirements of paragraphs
4 (a)-(d), in metropolitan areas that are classified as
5 nonattainment areas for ozone or carbon monoxide, the M.P.O.
6 must coordinate the development of the long-range
7 transportation plan with the State Implementation Plan
8 developed pursuant to the requirements of the federal Clean
9 Air Act.

10

11 In the development of its long-range transportation plan, each
12 M.P.O. must provide the public, affected public agencies,
13 representatives of transportation agency employees, freight
14 shippers, providers of freight transportation services,
15 private providers of transportation, representatives of users
16 of public transit, and other interested parties with a
17 reasonable opportunity to comment on the long-range
18 transportation plan. The long-range transportation plan must
19 be approved by the M.P.O.

20 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
21 shall, in cooperation with the state and affected public
22 transportation operators, develop a transportation improvement
23 program for the area within the jurisdiction of the M.P.O. In
24 the development of the transportation improvement program,
25 each M.P.O. must provide the public, affected public agencies,
26 representatives of transportation agency employees, freight
27 shippers, providers of freight transportation services,
28 private providers of transportation, representatives of users
29 of public transit, and other interested parties with a
30 reasonable opportunity to comment on the proposed
31 transportation improvement program.

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1 (a) Each M.P.O. is responsible for developing,
2 annually, a list of project priorities and a transportation
3 improvement program. The prevailing principles to be
4 considered by each M.P.O. when developing a list of project
5 priorities and a transportation improvement program are:
6 preserving the existing transportation infrastructure;
7 enhancing Florida's economic competitiveness; and improving
8 travel choices to ensure mobility. The transportation
9 improvement program will be used to initiate federally aided
10 transportation facilities and improvements as well as other
11 transportation facilities and improvements including transit,
12 rail, aviation, spaceport, and port facilities to be funded
13 from the State Transportation Trust Fund within its
14 metropolitan area in accordance with existing and subsequent
15 federal and state laws and rules and regulations related
16 thereto. The transportation improvement program shall be
17 consistent, to the maximum extent feasible, with the approved
18 local government comprehensive plans of the units of local
19 government whose boundaries are within the metropolitan area
20 of the M.P.O.

21 (b) Each M.P.O. annually shall prepare a list of
22 project priorities and shall submit the list to the
23 appropriate district of the department by October 1 of each
24 year; however, the department and a metropolitan planning
25 organization may, in writing, agree to vary this submittal
26 date. The list of project priorities must be formally reviewed
27 by the technical and citizens' advisory committees, and
28 approved by the M.P.O., before it is transmitted to the
29 district. The approved list of project priorities must be used
30 by the district in developing the district work program and
31 must be used by the M.P.O. in developing its transportation

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1 improvement program. The annual list of project priorities
2 must be based upon project selection criteria that, at a
3 minimum, consider the following:

4 1. The approved M.P.O. long-range transportation plan;
5 2. The Strategic Intermodal System Plan developed under
6 s. 339.64.

7 ~~3.2.~~ The results of the transportation management
8 systems; and

9 ~~4.3.~~ The M.P.O.'s public-involvement procedures.

10 (c) The transportation improvement program must, at a
11 minimum:

12 1. Include projects and project phases to be funded
13 with state or federal funds within the time period of the
14 transportation improvement program and which are recommended
15 for advancement during the next fiscal year and 4 subsequent
16 fiscal years. Such projects and project phases must be
17 consistent, to the maximum extent feasible, with the approved
18 local government comprehensive plans of the units of local
19 government located within the jurisdiction of the M.P.O. For
20 informational purposes, the transportation improvement program
21 shall also include a list of projects to be funded from local
22 or private revenues.

23 2. Include projects within the metropolitan area which
24 are proposed for funding under 23 U.S.C. s. 134 of the Federal
25 Transit Act and which are consistent with the long-range
26 transportation plan developed under subsection (6).

27 3. Provide a financial plan that demonstrates how the
28 transportation improvement program can be implemented;
29 indicates the resources, both public and private, that are
30 reasonably expected to be available to accomplish the program;
31 identifies any innovative financing techniques that may be

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1 used to fund needed projects and programs; and may include,
2 for illustrative purposes, additional projects that would be
3 included in the approved transportation improvement program if
4 reasonable additional resources beyond those identified in the
5 financial plan were available. Innovative financing techniques
6 may include the assessment of tolls, the use of value capture
7 financing, or the use of value pricing. The transportation
8 improvement program may include a project or project phase
9 only if full funding can reasonably be anticipated to be
10 available for the project or project phase within the time
11 period contemplated for completion of the project or project
12 phase.

13 4. Group projects and project phases of similar
14 urgency and anticipated staging into appropriate staging
15 periods.

16 5. Indicate how the transportation improvement program
17 relates to the long-range transportation plan developed under
18 subsection (6), including providing examples of specific
19 projects or project phases that further the goals and policies
20 of the long-range transportation plan.

21 6. Indicate whether any project or project phase is
22 inconsistent with an approved comprehensive plan of a unit of
23 local government located within the jurisdiction of the M.P.O.
24 If a project is inconsistent with an affected comprehensive
25 plan, the M.P.O. must provide justification for including the
26 project in the transportation improvement program.

27 7. Indicate how the improvements are consistent, to
28 the maximum extent feasible, with affected seaport, airport,
29 and spaceport master plans and with public transit development
30 plans of the units of local government located within the
31 jurisdiction of the M.P.O. If a project is located within the

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1 boundaries of more than one M.P.O., the M.P.O.'s must
2 coordinate plans regarding the project in the transportation
3 improvement program.

4 (d) Projects included in the transportation
5 improvement program and that have advanced to the design stage
6 of preliminary engineering may be removed from or rescheduled
7 in a subsequent transportation improvement program only by the
8 joint action of the M.P.O. and the department. Except when
9 recommended in writing by the district secretary for good
10 cause, any project removed from or rescheduled in a subsequent
11 transportation improvement program shall not be rescheduled by
12 the M.P.O. in that subsequent program earlier than the 5th
13 year of such program.

14 (e) During the development of the transportation
15 improvement program, the M.P.O. shall, in cooperation with the
16 department and any affected public transit operation, provide
17 citizens, affected public agencies, representatives of
18 transportation agency employees, freight shippers, providers
19 of freight transportation services, private providers of
20 transportation, representatives of users of public transit,
21 and other interested parties with reasonable notice of and an
22 opportunity to comment on the proposed program.

23 (f) The adopted annual transportation improvement
24 program for M.P.O.'s in nonattainment or maintenance areas
25 must be submitted to the district secretary and the Department
26 of Community Affairs at least 90 days before the submission of
27 the state transportation improvement program by the department
28 to the appropriate federal agencies. The annual transportation
29 improvement program for M.P.O.'s in attainment areas must be
30 submitted to the district secretary and the Department of
31 Community Affairs at least 45 days before the department

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1 submits the state transportation improvement program to the
2 appropriate federal agencies; however, the department, the
3 Department of Community Affairs, and a metropolitan planning
4 organization may, in writing, agree to vary this submittal
5 date. The Governor or the Governor's designee shall review
6 and approve each transportation improvement program and any
7 amendments thereto.

8 (g) The Department of Community Affairs shall review
9 the annual transportation improvement program of each M.P.O.
10 for consistency with the approved local government
11 comprehensive plans of the units of local government whose
12 boundaries are within the metropolitan area of each M.P.O. and
13 shall identify those projects that are inconsistent with such
14 comprehensive plans. The Department of Community Affairs shall
15 notify an M.P.O. of any transportation projects contained in
16 its transportation improvement program which are inconsistent
17 with the approved local government comprehensive plans of the
18 units of local government whose boundaries are within the
19 metropolitan area of the M.P.O.

20 (h) The M.P.O. shall annually publish or otherwise
21 make available for public review the annual listing of
22 projects for which federal funds have been obligated in the
23 preceding year. Project monitoring systems must be maintained
24 by those agencies responsible for obligating federal funds and
25 made accessible to the M.P.O.'s.

26 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
27 develop, in cooperation with the department and public
28 transportation providers, a unified planning work program that
29 lists all planning tasks to be undertaken during the program
30 year. The unified planning work program must provide a
31 complete description of each planning task and an estimated

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1 budget therefor and must comply with applicable state and
2 federal law.

3 (9) AGREEMENTS.--

4 (a) Each M.P.O. shall execute the following written
5 agreements, which shall be reviewed, and updated as necessary,
6 every 5 years:

7 1. An agreement with the department clearly
8 establishing the cooperative relationship essential to
9 accomplish the transportation planning requirements of state
10 and federal law.

11 2. An agreement with the metropolitan and regional
12 intergovernmental coordination and review agencies serving the
13 metropolitan areas, specifying the means by which activities
14 will be coordinated and how transportation planning and
15 programming will be part of the comprehensive planned
16 development of the area.

17 3. An agreement with operators of public
18 transportation systems, including transit systems, commuter
19 rail systems, airports, seaports, and spaceports, describing
20 the means by which activities will be coordinated and
21 specifying how public transit, commuter rail, aviation,
22 seaport, and aerospace planning and programming will be part
23 of the comprehensive planned development of the metropolitan
24 area.

25 (b) An M.P.O. may execute other agreements required by
26 state or federal law or as necessary to properly accomplish
27 its functions.

28 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
29 COUNCIL.--

30 (a) A Metropolitan Planning Organization Advisory
31 Council is created to augment, and not supplant, the role of

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1 the individual M.P.O.'s in the cooperative transportation
2 planning process described in this section.

3 (b) The council shall consist of one representative
4 from each M.P.O. and shall elect a chairperson annually from
5 its number. Each M.P.O. shall also elect an alternate
6 representative from each M.P.O. to vote in the absence of the
7 representative. Members of the council do not receive any
8 compensation for their services, but may be reimbursed from
9 funds made available to council members for travel and per
10 diem expenses incurred in the performance of their council
11 duties as provided in s. 112.061.

12 (c) The powers and duties of the Metropolitan Planning
13 Organization Advisory Council are to:

14 1. Enter into contracts with individuals, private
15 corporations, and public agencies.

16 2. Acquire, own, operate, maintain, sell, or lease
17 personal property essential for the conduct of business.

18 3. Accept funds, grants, assistance, gifts, or
19 bequests from private, local, state, or federal sources.

20 4. Establish bylaws and adopt rules pursuant to ss.
21 120.536(1) and 120.54 to implement provisions of law
22 conferring powers or duties upon it.

23 5. Assist M.P.O.'s in carrying out the urbanized area
24 transportation planning process by serving as the principal
25 forum for collective policy discussion pursuant to law.

26 6. Serve as a clearinghouse for review and comment by
27 M.P.O.'s on the Florida Transportation Plan and on other
28 issues required to comply with federal or state law in
29 carrying out the urbanized area transportation and systematic
30 planning processes instituted pursuant to s. 339.155.

31 7. Employ an executive director and such other staff

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1 as necessary to perform adequately the functions of the
 2 council, within budgetary limitations. The executive director
 3 and staff are exempt from part II of chapter 110 and serve at
 4 the direction and control of the council. The council is
 5 assigned to the Office of the Secretary of the Department of
 6 Transportation for fiscal and accountability purposes, but it
 7 shall otherwise function independently of the control and
 8 direction of the department.

9 8. Adopt an agency strategic plan that provides the
 10 priority directions the agency will take to carry out its
 11 mission within the context of the state comprehensive plan and
 12 any other statutory mandates and directions given to the
 13 agency.

14 (11) APPLICATION OF FEDERAL LAW.--Upon notification by
 15 an agency of the Federal Government that any provision of this
 16 section conflicts with federal laws or regulations, such
 17 federal laws or regulations will take precedence to the extent
 18 of the conflict until such conflict is resolved. The
 19 department or an M.P.O. may take any necessary action to
 20 comply with such federal laws and regulations or to continue
 21 to remain eligible to receive federal funds.

22
 23 (Redesignate subsequent sections.)

24
 25
 26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 2-15, delete those lines

29
 30 and insert:

31 An act relating to the transportation; amending

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1 s. 20.23, F.S.; authorizing the secretary of
2 the department to appoint an additional
3 assistant secretary and deputy assistant
4 secretaries or directors; revising the
5 organization of the department to specify areas
6 of program responsibility; authorizing the
7 secretary to reorganize offices within the
8 department in consultation with the Executive
9 Office of the Governor; amending s. 110.205,
10 F.S., relating to career service; conforming
11 provisions to changes made by the act; amending
12 177.031, F.S.; providing that encasement in
13 concrete is optional for survey markers made of
14 certain materials; amending s. 339.175, F.S.;
15 revising planning procedures of metropolitan
16 planning organizations; requiring development
17 of plans and programs that identify
18 transportation facilities that should function
19 as an integrated metropolitan planning system;
20 requiring that the approved list of project
21 priorities include projects on the Strategic
22 Intermodal System; amending s. 338.251, F.S.;

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