

By Senator Sebesta

16-655B-06

1 A bill to be entitled
2 An act relating to metropolitan planning
3 organizations; amending s. 112.061, F.S.;
4 providing that a metropolitan planning
5 organization may establish rates for mileage
6 and per diem which exceed maximum travel
7 reimbursement rates for nonstate travelers;
8 requiring that the rates apply uniformly to all
9 travel by the metropolitan planning
10 organization; amending s. 121.021, F.S.;
11 revising definitions applicable to the Florida
12 Retirement System to include metropolitan
13 planning organizations; amending s. 121.051,
14 F.S.; providing that any metropolitan planning
15 organization in the state may elect to
16 participate in the Florida Retirement System;
17 amending s. 121.055, F.S.; providing that
18 participation in the Senior Management Service
19 Class is compulsory for the executive director
20 or staff director of each metropolitan planning
21 organization; amending s. 121.061, F.S.;
22 revising the contribution requirements to the
23 retirement and social security trust funds
24 under the Florida Retirement System to include
25 metropolitan planning organizations; amending
26 s. 121.081, F.S.; providing that past service
27 may be claimed as creditable service by
28 officers or employees of a metropolitan
29 planning organization; amending s. 339.175,
30 F.S.; providing that a metropolitan planning
31 organization is a separate and independent

1 legal entity; providing for designation of
2 certain officials; providing that certain
3 constitutional or charter officers do not
4 constitute elected officials of a
5 general-purpose local government and may not be
6 voting members of a metropolitan planning
7 organization; providing for the appointment of
8 alternate members; providing for the
9 appointment of nonvoting advisors; requiring a
10 metropolitan planning organization to have an
11 executive or staff director and other personnel
12 that it considers necessary; requiring a
13 metropolitan planning organization to provide
14 training for members of the governing board;
15 authorizing a metropolitan planning
16 organization to exercise certain powers;
17 requiring certain metropolitan planning
18 organizations in certain locations to provide
19 reports to the Legislature regarding the
20 development of regional transportation plans,
21 regional public involvement, and a regional
22 project-priority process; requiring that
23 certain transportation plans be approved by a
24 metropolitan planning organization on a super
25 majority recorded roll call vote or vote taken
26 by a show of hands of a majority plus one of
27 the membership present; providing an effective
28 date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Paragraphs (a) and (b) of subsection (14)
2 of section 112.061, Florida Statutes, are amended to read:

3 112.061 Per diem and travel expenses of public
4 officers, employees, and authorized persons.--

5 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,
6 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

7 (a) Rates that exceed the maximum travel reimbursement
8 rates for nonstate travelers specified in paragraph (6)(a) for
9 per diem, in paragraph (6)(b) for subsistence, and in
10 subparagraph (7)(d)1. for mileage may be established by:

11 1. The governing body of a county by the enactment of
12 an ordinance or resolution;

13 2. A county constitutional officer, pursuant to s.
14 1(d), Art. VIII of the State Constitution, by the
15 establishment of written policy;

16 3. The governing body of a district school board by
17 the adoption of rules; ~~or~~

18 4. The governing body of a special district, as
19 defined in s. 189.403(1), except those special districts that
20 are subject to s. 166.021(10), by the enactment of a
21 resolution; ~~or~~

22 5. Any metropolitan planning organization created
23 pursuant to s. 339.175, or any separate legal or
24 administrative entity created pursuant to s. 339.175 of which
25 a metropolitan planning organization is a member, by the
26 enactment of a resolution.

27 (b) Rates established pursuant to paragraph (a) must
28 apply uniformly to all travel by the county, county
29 constitutional officer and entity governed by that officer,
30 district school board, ~~or~~ special district, or metropolitan
31 planning organization.

1 Section 2. Subsections (42) and (52) of section
2 121.021, Florida Statutes, are amended to read:

3 121.021 Definitions.--The following words and phrases
4 as used in this chapter have the respective meanings set forth
5 unless a different meaning is plainly required by the context:

6 (42)(a) "Local agency employer" means the board of
7 county commissioners or other legislative governing body of a
8 county, however styled, including that of a consolidated or
9 metropolitan government; a clerk of the circuit court,
10 sheriff, property appraiser, tax collector, or supervisor of
11 elections, provided such officer is elected or has been
12 appointed to fill a vacancy in an elective office; a community
13 college board of trustees or district school board; or the
14 governing body of any city, metropolitan planning
15 organization, or special district of the state which
16 participates in the system for the benefit of certain of its
17 employees.

18 (b) The term "local agency employer" also includes the
19 governing body of any council, commission, authority, or other
20 governmental entity created or authorized by general or
21 special law, which participates in the Florida Retirement
22 System for the benefit of its employees, and which is
23 independent of any local agency employer as defined under
24 paragraph (a).

25 (52) "Regularly established position" is defined as
26 follows:

27 (a) In a state agency, the term means a position which
28 is authorized and established pursuant to law and is
29 compensated from a salaries appropriation pursuant to s.
30 216.011(1)(dd), or an established position which is authorized
31

1 pursuant to s. 216.262(1)(a) and (b) and is compensated from a
2 salaries account as provided by rule.

3 (b) In a local agency (district school board, county
4 agency, community college, city, metropolitan planning
5 organization, or special district), the term means a regularly
6 established position which will be in existence for a period
7 beyond 6 consecutive months, except as provided by rule.

8 Section 3. Paragraph (b) of subsection (2) of section
9 121.051, Florida Statutes, is amended to read:

10 121.051 Participation in the system.--

11 (2) OPTIONAL PARTICIPATION.--

12 (b)1. The governing body of any municipality, metropolitan planning organization, or special district in the
13 state may elect to participate in the system upon proper
14 application to the administrator and may cover all or any of
15 its units as approved by the Secretary of Health and Human
16 Services and the administrator. The department shall adopt
17 rules establishing provisions for the submission of documents
18 necessary for such application. Prior to being approved for
19 participation in the Florida Retirement System, the governing
20 body of any such municipality, metropolitan planning
21 organization, or special district that has a local retirement
22 system shall submit to the administrator a certified financial
23 statement showing the condition of the local retirement system
24 as of a date within 3 months prior to the proposed effective
25 date of membership in the Florida Retirement System. The
26 statement must be certified by a recognized accounting firm
27 that is independent of the local retirement system. All
28 required documents necessary for extending Florida Retirement
29 System coverage must be received by the department for
30 consideration at least 15 days prior to the proposed effective
31

1 date of coverage. If the municipality, metropolitan planning
2 organization, or special district does not comply with this
3 requirement, the department may require that the effective
4 date of coverage be changed.

5 2. Any city, metropolitan planning organization, or
6 special district that has an existing retirement system
7 covering the employees in the units that are to be brought
8 under the Florida Retirement System may participate only after
9 holding a referendum in which all employees in the affected
10 units have the right to participate. Only those employees
11 electing coverage under the Florida Retirement System by
12 affirmative vote in said referendum shall be eligible for
13 coverage under this chapter, and those not participating or
14 electing not to be covered by the Florida Retirement System
15 shall remain in their present systems and shall not be
16 eligible for coverage under this chapter. After the referendum
17 is held, all future employees shall be compulsory members of
18 the Florida Retirement System.

19 3. The governing body of any city, metropolitan
20 planning organization, or special district complying with
21 subparagraph 1. may elect to provide, or not provide, benefits
22 based on past service of officers and employees as described
23 in s. 121.081(1). However, if such employer elects to provide
24 past service benefits, such benefits must be provided for all
25 officers and employees of its covered group.

26 4. Once this election is made and approved it may not
27 be revoked, except pursuant to subparagraphs 5. and 6., and
28 all present officers and employees electing coverage under
29 this chapter and all future officers and employees shall be
30 compulsory members of the Florida Retirement System.

31

1 5. Subject to the conditions set forth in subparagraph
2 6., the governing body of any hospital licensed under chapter
3 395 which is governed by the board of a special district as
4 defined in s. 189.403(1) or by the board of trustees of a
5 public health trust created under s. 154.07, hereinafter
6 referred to as "hospital district," and which participates in
7 the system, may elect to cease participation in the system
8 with regard to future employees in accordance with the
9 following procedure:

10 a. No more than 30 days and at least 7 days before
11 adopting a resolution to partially withdraw from the Florida
12 Retirement System and establish an alternative retirement plan
13 for future employees, a public hearing must be held on the
14 proposed withdrawal and proposed alternative plan.

15 b. From 7 to 15 days before such hearing, notice of
16 intent to withdraw, specifying the time and place of the
17 hearing, must be provided in writing to employees of the
18 hospital district proposing partial withdrawal and must be
19 published in a newspaper of general circulation in the area
20 affected, as provided by ss. 50.011-50.031. Proof of
21 publication of such notice shall be submitted to the
22 Department of Management Services.

23 c. The governing body of any hospital district seeking
24 to partially withdraw from the system must, before such
25 hearing, have an actuarial report prepared and certified by an
26 enrolled actuary, as defined in s. 112.625(3), illustrating
27 the cost to the hospital district of providing, through the
28 retirement plan that the hospital district is to adopt,
29 benefits for new employees comparable to those provided under
30 the Florida Retirement System.

31

1 d. Upon meeting all applicable requirements of this
2 subparagraph, and subject to the conditions set forth in
3 subparagraph 6., partial withdrawal from the system and
4 adoption of the alternative retirement plan may be
5 accomplished by resolution duly adopted by the hospital
6 district board. The hospital district board must provide
7 written notice of such withdrawal to the division by mailing a
8 copy of the resolution to the division, postmarked no later
9 than December 15, 1995. The withdrawal shall take effect
10 January 1, 1996.

11 6. Following the adoption of a resolution under
12 sub-subparagraph 5.d., all employees of the withdrawing
13 hospital district who were participants in the Florida
14 Retirement System prior to January 1, 1996, shall remain as
15 participants in the system for as long as they are employees
16 of the hospital district, and all rights, duties, and
17 obligations between the hospital district, the system, and the
18 employees shall remain in full force and effect. Any employee
19 who is hired or appointed on or after January 1, 1996, may not
20 participate in the Florida Retirement System, and the
21 withdrawing hospital district shall have no obligation to the
22 system with respect to such employees.

23 Section 4. Paragraph (b) of subsection (1) of section
24 121.055, Florida Statutes, is amended to read:

25 121.055 Senior Management Service Class.--There is
26 hereby established a separate class of membership within the
27 Florida Retirement System to be known as the "Senior
28 Management Service Class," which shall become effective
29 February 1, 1987.

30 (1)

31

1 (b)1. Except as provided in subparagraph 2., effective
2 January 1, 1990, participation in the Senior Management
3 Service Class shall be compulsory for the president of each
4 community college, the manager of each participating city or
5 county, the executive director or staff director of each
6 metropolitan planning organization, and all appointed district
7 school superintendents. Effective January 1, 1994, additional
8 positions may be designated for inclusion in the Senior
9 Management Service Class of the Florida Retirement System,
10 provided that:

11 a. Positions to be included in the class shall be
12 designated by the local agency employer. Notice of intent to
13 designate positions for inclusion in the class shall be
14 published once a week for 2 consecutive weeks in a newspaper
15 of general circulation published in the county or counties
16 affected, as provided in chapter 50.

17 b. Up to 10 nonelective full-time positions may be
18 designated for each local agency employer reporting to the
19 Department of Management Services; for local agencies with 100
20 or more regularly established positions, additional
21 nonelective full-time positions may be designated, not to
22 exceed 1 percent of the regularly established positions within
23 the agency.

24 c. Each position added to the class must be a
25 managerial or policymaking position filled by an employee who
26 is not subject to continuing contract and serves at the
27 pleasure of the local agency employer without civil service
28 protection, and who:

29 (I) Heads an organizational unit; or
30
31

1 (II) Has responsibility to effect or recommend
2 personnel, budget, expenditure, or policy decisions in his or
3 her areas of responsibility.

4 2. In lieu of participation in the Senior Management
5 Service Class, members of the Senior Management Service Class
6 pursuant to the provisions of subparagraph 1. may withdraw
7 from the Florida Retirement System altogether. The decision to
8 withdraw from the Florida Retirement System shall be
9 irrevocable for as long as the employee holds such a position.
10 Any service creditable under the Senior Management Service
11 Class shall be retained after the member withdraws from the
12 Florida Retirement System; however, additional service credit
13 in the Senior Management Service Class shall not be earned
14 after such withdrawal. Such members shall not be eligible to
15 participate in the Senior Management Service Optional Annuity
16 Program.

17 3. Effective January 1, 2006, through June 30, 2006,
18 an employee who has withdrawn from the Florida Retirement
19 System under subparagraph 2. has one opportunity to elect to
20 participate in either the defined benefit program or the
21 Public Employee Optional Retirement Program of the Florida
22 Retirement System.

23 a. If the employee elects to participate in the Public
24 Employee Optional Retirement Program, membership shall be
25 prospective, and the applicable provisions of s. 121.4501(4)
26 shall govern the election.

27 b. If the employee elects to participate in the
28 defined benefit program of the Florida Retirement System, the
29 employee shall, upon payment to the system trust fund of the
30 amount calculated under sub-sub-subparagraph (I), receive
31

1 service credit for prior service based upon the time during
2 which the employee had withdrawn from the system.

3 (I) The cost for such credit shall be an amount
4 representing the actuarial accrued liability for the affected
5 period of service. The cost shall be calculated using the
6 discount rate and other relevant actuarial assumptions that
7 were used to value the Florida Retirement System defined
8 benefit plan liabilities in the most recent actuarial
9 valuation. The calculation shall include any service already
10 maintained under the defined benefit plan in addition to the
11 period of withdrawal. The actuarial accrued liability
12 attributable to any service already maintained under the
13 defined benefit plan shall be applied as a credit to the total
14 cost resulting from the calculation. The division shall ensure
15 that the transfer sum is prepared using a formula and
16 methodology certified by an actuary.

17 (II) The employee must transfer a sum representing the
18 net cost owed for the actuarial accrued liability in
19 sub-sub-subparagraph (I) immediately following the time of
20 such movement, determined assuming that attained service
21 equals the sum of service in the defined benefit program and
22 the period of withdrawal.

23 Section 5. Paragraphs (a) and (c) of subsection (2) of
24 section 121.061, Florida Statutes, are amended to read:

25 121.061 Funding.--

26 (2)(a) Should any employer other than a state employer
27 fail to make the retirement and social security contributions,
28 both member and employer contributions, required by this
29 chapter, then, upon request by the administrator, the
30 Department of Revenue or the Department of Financial Services,
31 as the case may be, shall deduct the amount owed by the

1 employer from any funds to be distributed by it to the county,
2 city, metropolitan planning organization, special district, or
3 consolidated form of government. The amounts so deducted shall
4 be transferred to the administrator for further distribution
5 to the trust funds in accordance with this chapter.

6 (c) The governing body of each county, city,
7 metropolitan planning organization, special district, or
8 consolidated form of government participating under this
9 chapter or the administrator, acting individually or jointly,
10 is hereby authorized to file and maintain an action in the
11 courts of the state to require any employer to remit any
12 retirement or social security member contributions or employer
13 matching payments due the retirement or social security trust
14 funds under the provisions of this chapter.

15 Section 6. Paragraphs (a), (b), and (e) of subsection
16 (1) of section 121.081, Florida Statutes, are amended to read:

17 121.081 Past service; prior service;
18 contributions.--Conditions under which past service or prior
19 service may be claimed and credited are:

20 (1)(a) Past service, as defined in s. 121.021(18), may
21 be claimed as creditable service by officers or employees of a
22 city, metropolitan planning organization, or special district
23 that become a covered group under this system. The governing
24 body of a covered group in compliance with s. 121.051(2)(b)
25 may elect to provide benefits with respect to past service
26 earned prior to January 1, 1975, in accordance with this
27 chapter, and the cost for such past service shall be
28 established by applying the following formula: The member
29 contribution for both regular and special risk members shall
30 be 4 percent of the gross annual salary for each year of past
31 service claimed, plus 4-percent employer matching

1 contribution, plus 4 percent interest thereon compounded
2 annually, figured on each year of past service, with interest
3 compounded from date of annual salary earned until July 1,
4 1975, and 6.5 percent interest compounded annually thereafter
5 until date of payment. Once the total cost for a member has
6 been figured to date, then after July 1, 1975, 6.5 percent
7 compounded interest shall be added each June 30 thereafter on
8 any unpaid balance until the cost of such past service
9 liability is paid in full. The following formula shall be
10 used in calculating past service earned prior to January 1,
11 1975: (Annual gross salary multiplied by 8 percent) multiplied
12 by the 4 percent or 6.5 percent compound interest table
13 factor, as may be applicable. The resulting product equals
14 cost to date for each particular year of past service.

15 (b) Past service earned after January 1, 1975, may be
16 claimed by officers or employees of a city, metropolitan
17 planning organization, or special district that becomes a
18 covered group under this system. The governing body of a
19 covered group may elect to provide benefits with respect to
20 past service earned after January 1, 1975, in accordance with
21 this chapter, and the cost for such past service shall be
22 established by applying the following formula: The employer
23 shall contribute an amount equal to the contribution rate in
24 effect at the time the service was earned, multiplied by the
25 employee's gross salary for each year of past service claimed,
26 plus 6.5 percent interest thereon, compounded annually,
27 figured on each year of past service, with interest compounded
28 from date of annual salary earned until date of payment.

29 (e) Past service, as defined in s. 121.021(18), may be
30 claimed as creditable service by a member of the Florida
31 Retirement System who formerly was an officer or employee of a

1 | city, metropolitan planning organization, or special district,
2 | notwithstanding the status or form of the retirement system,
3 | if any, of that city, metropolitan planning organization, or
4 | special district and irrespective of whether officers or
5 | employees of that city, metropolitan planning organization, or
6 | special district now or hereafter become a covered group under
7 | the Florida Retirement System. Such member may claim
8 | creditable service and be entitled to the benefits accruing to
9 | the regular class of members as provided for the past service
10 | claimed under this paragraph by paying into the retirement
11 | trust fund an amount equal to the total actuarial cost of
12 | providing the additional benefit resulting from such
13 | past-service credit, discounted by the applicable actuarial
14 | factors to date of retirement.

15 | Section 7. Paragraphs (e) and (f) are added to
16 | subsection (1) of section 339.175, Florida Statutes, and
17 | subsections (2), (3), (5), and (12) of that section are
18 | amended to read:

19 | 339.175 Metropolitan planning organization.--It is the
20 | intent of the Legislature to encourage and promote the safe
21 | and efficient management, operation, and development of
22 | surface transportation systems that will serve the mobility
23 | needs of people and freight within and through urbanized areas
24 | of this state while minimizing transportation-related fuel
25 | consumption and air pollution. To accomplish these objectives,
26 | metropolitan planning organizations, referred to in this
27 | section as M.P.O.'s, shall develop, in cooperation with the
28 | state and public transit operators, transportation plans and
29 | programs for metropolitan areas. The plans and programs for
30 | each metropolitan area must provide for the development and
31 | integrated management and operation of transportation systems

1 and facilities, including pedestrian walkways and bicycle
2 transportation facilities that will function as an intermodal
3 transportation system for the metropolitan area, based upon
4 the prevailing principles provided in s. 334.046(1). The
5 process for developing such plans and programs shall provide
6 for consideration of all modes of transportation and shall be
7 continuing, cooperative, and comprehensive, to the degree
8 appropriate, based on the complexity of the transportation
9 problems to be addressed. To ensure that the process is
10 integrated with the statewide planning process, M.P.O.'s shall
11 develop plans and programs that identify transportation
12 facilities that should function as an integrated metropolitan
13 transportation system, giving emphasis to facilities that
14 serve important national, state, and regional transportation
15 functions. For the purposes of this section, those facilities
16 include the facilities on the Strategic Intermodal System
17 designated under s. 339.63 and facilities for which projects
18 have been identified pursuant to s. 339.2819(4).

19 (1) DESIGNATION.--

20 (e) An M.P.O. is a public body corporate and politic.
21 The members of the governing board of the M.P.O. shall be the
22 members of the agency, but the members constitute the head of
23 a legal entity, separate, distinct, and independent from the
24 governing body of any county, municipality, or other entity
25 that is represented on the M.P.O. or a signatory to the
26 interlocal agreement creating the M.P.O. Upon execution of a
27 new interlocal agreement by the governmental entities
28 constituting the M.P.O. after redesignation or
29 reapportionment, the new M.P.O. is subject to all of the
30 responsibilities and liabilities imposed or incurred by the
31 existing agency.

1 (f) The governing board of the M.P.O. shall designate
2 a chair, a vice chair, and an agency clerk. The chair and vice
3 chair shall be selected from the members of the governing
4 board. The agency clerk may be a member of the governing board
5 of the M.P.O., an employee of the M.P.O., or other natural
6 person. The agency clerk shall prepare the minutes at meetings
7 and maintain agency records.

8
9 Each M.P.O. required under this section must be fully
10 operative no later than 6 months following its designation.

11 (2) VOTING MEMBERSHIP.--

12 (a) The voting membership of an M.P.O. shall consist
13 of not fewer than 5 or more than 19 apportioned members, the
14 exact number to be determined on an equitable
15 geographic-population ratio basis by the Governor, based on an
16 agreement among the affected units of general-purpose local
17 government as required by federal rules and regulations. The
18 Governor, in accordance with 23 U.S.C. s. 134, may also
19 provide for M.P.O. members who represent municipalities to
20 alternate with representatives from other municipalities
21 within the metropolitan planning area that do not have members
22 on the M.P.O. County commission members shall compose not less
23 than one-third of the M.P.O. membership, except for an M.P.O.
24 with more than 15 members located in a county with a
25 five-member county commission or an M.P.O. with 19 members
26 located in a county with no more than 6 county commissioners,
27 in which case county commission members may compose less than
28 one-third percent of the M.P.O. membership, but all county
29 commissioners must be members. All voting members shall be
30 elected officials of general-purpose local governments, except
31 that an M.P.O. may include, as part of its apportioned voting

1 members, a member of a statutorily authorized planning board,
2 an official of an agency that operates or administers a major
3 mode of transportation, or an official of the Florida Space
4 Authority. As used in this section, the term "elected
5 officials of a general-purpose local government" excludes
6 constitutional or charter officers, such as a sheriff, tax
7 collector, supervisor of elections, property appraiser, or
8 clerk of the court. County commissioners ~~The county commission~~
9 shall compose not less than 20 percent of the M.P.O.
10 membership if an official of an agency that operates or
11 administers a major mode of transportation has been appointed
12 to an M.P.O.

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

24 (c) Any other provision of this section to the
25 contrary notwithstanding, a chartered county with over 1
26 million population may elect to reapportion the membership of
27 an M.P.O. whose jurisdiction is wholly within the county. The
28 charter county may exercise the provisions of this paragraph
29 if:

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

1 2. The M.P.O. and the charter county determine that
2 the reapportionment plan is needed to fulfill specific goals
3 and policies applicable to that metropolitan planning area;
4 and

5 3. The charter county determines the reapportionment
6 plan otherwise complies with all federal requirements
7 pertaining to M.P.O. membership.

8
9 Any charter county that elects to exercise the provisions of
10 this paragraph shall notify the Governor in writing.

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

26 (3) APPORTIONMENT.--

27 (a) The Governor shall, with the agreement of the
28 affected units of general-purpose local government as required
29 by federal rules and regulations, apportion the membership on
30 the applicable M.P.O. among the various governmental entities
31 within the area. At the request of a majority of the affected

1 units of general-purpose local government comprising an
2 M.P.O., the Governor and a majority of the units of
3 general-purpose local governments serving on an M.P.O. and
4 shall cooperatively agree upon and prescribe the persons who
5 may serve as alternate members and a method for appointing
6 alternate members who may vote at any M.P.O. meeting that an
7 alternate member attends in place of a regular member. The
8 methodology used to appoint alternate members shall be set
9 forth in the interlocal agreement describing the membership of
10 the M.P.O. or in the operating procedures and bylaws of the
11 ~~M.P.O. An appointed alternate member must be an elected~~
12 ~~official serving the same governmental entity or a~~
13 ~~general purpose local government with jurisdiction within all~~
14 ~~or part of the area that the regular member serves.~~ The
15 governmental entity so designated shall appoint the
16 appropriate number of members to the M.P.O. from eligible
17 officials. Representatives of the department shall serve as
18 nonvoting members of the M.P.O. governing board. Nonvoting
19 advisors ~~advisers~~ may be appointed by the M.P.O. as deemed
20 necessary, provided that, to the maximum extent feasible, each
21 M.P.O. shall seek to appoint nonvoting representatives of
22 various multimodal forms of transportation not otherwise
23 represented by voting members of the M.P.O. An M.P.O. shall
24 appoint nonvoting advisors representing major military
25 installations upon the request of the major military
26 installation and subject to the agreement of the M.P.O. All
27 nonvoting advisors may attend and participate in meetings of
28 the governing board but may not vote and may not be members of
29 the governing board. The Governor shall review the composition
30 of the M.P.O. membership in conjunction with the decennial
31 census as prepared by the United States Department of

1 Commerce, Bureau of the Census, and reapportion it as
2 necessary to comply with subsection (2).

3 (b) Except for members who represent municipalities on
4 the basis of alternating with representatives from other
5 municipalities that do not have members on the M.P.O. as
6 provided in paragraph (2)(a), the members of an M.P.O. shall
7 serve 4-year terms. Members who represent municipalities on
8 the basis of alternating with representatives from other
9 municipalities that do not have members on the M.P.O. as
10 provided in paragraph (2)(a) may serve terms of up to 4 years
11 as further provided in the interlocal agreement described in
12 paragraph (1)(b). The membership of a member who is a public
13 official automatically terminates upon the member's leaving
14 his or her elective or appointive office for any reason, or
15 may be terminated by a majority vote of the total membership
16 of the governing board of the ~~a county or city governing~~
17 entity represented by the member. A vacancy shall be filled
18 by the original appointing entity. A member may be
19 reappointed for one or more additional 4-year terms.

20 (c) If a governmental entity fails to fill an assigned
21 appointment to an M.P.O. within 60 days after notification by
22 the Governor of its duty to appoint, that appointment shall be
23 made by the Governor from the eligible representatives of that
24 governmental entity.

25 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
26 privileges, and authority of an M.P.O. are those specified in
27 this section or incorporated in an interlocal agreement
28 authorized under s. 163.01. Each M.P.O. shall perform all
29 acts required by federal or state laws or rules, now and
30 subsequently applicable, which are necessary to qualify for
31 federal aid. It is the intent of this section that each M.P.O.

1 shall be involved in the planning and programming of
2 transportation facilities, including, but not limited to,
3 airports, intercity and high-speed rail lines, seaports, and
4 intermodal facilities, to the extent permitted by state or
5 federal law.

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

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

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

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

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

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

21 2. Increase the safety and security of the
22 transportation system for motorized and nonmotorized users;

23 3. Increase the accessibility and mobility options
24 available to people and for freight;

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

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

30 6. Promote efficient system management and operation;

31 and

1 7. Emphasize the preservation of the existing
2 transportation system.

3 (c) In order to provide recommendations to the
4 department and local governmental entities regarding
5 transportation plans and programs, each M.P.O. shall:

6 1. Prepare a congestion management system for the
7 metropolitan area and cooperate with the department in the
8 development of all other transportation management systems
9 required by state or federal law;

10 2. Assist the department in mapping transportation
11 planning boundaries required by state or federal law;

12 3. Assist the department in performing its duties
13 relating to access management, functional classification of
14 roads, and data collection;

15 4. Execute all agreements or certifications necessary
16 to comply with applicable state or federal law;

17 5. Represent all the jurisdictional areas within the
18 metropolitan area in the formulation of transportation plans
19 and programs required by this section; and

20 6. Perform all other duties required by state or
21 federal law.

22 (d) Each M.P.O. shall appoint a technical advisory
23 committee that includes planners; engineers; representatives
24 of local aviation authorities, port authorities, and public
25 transit authorities or representatives of aviation
26 departments, seaport departments, and public transit
27 departments of municipal or county governments, as applicable;
28 the school superintendent of each county within the
29 jurisdiction of the M.P.O. or the superintendent's designee;
30 and other appropriate representatives of affected local
31 governments. In addition to any other duties assigned to it by

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

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

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

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

30 (g) Each M.P.O. shall have an executive director or
31 staff director who reports directly to the governing board of

1 the M.P.O. on all matters regarding the administration and
2 operation of the M.P.O. and any additional personnel that it
3 considers necessary. The executive director and any additional
4 personnel may be employed by an M.P.O. or by another
5 governmental entity, such as a county, municipality, or
6 regional planning council, which has a staff-services
7 agreement signed and in effect between the M.P.O. and that
8 governmental entity. In addition, an M.P.O. may enter into
9 contracts with local or state governmental agencies, private
10 planning or engineering firms, or other private firms to
11 accomplish its transportation planning and programming duties
12 and administrative functions required by state or federal law.

13 (h) Each M.P.O. shall provide training opportunities
14 for local elected officials and those appointed to the
15 governing board of an M.P.O. to enhance their knowledge,
16 effectiveness, and participation in the transportation
17 planning process for the urbanized area. The training
18 opportunities may be conducted by an individual M.P.O. or
19 through statewide and federal training programs and
20 initiatives that are specifically designed to meet the needs
21 of board members of an M.P.O.

22 (i) Each M.P.O. has the powers set forth in this
23 section, including, without limitation, power to:

24 1. Grant, sell, hold, donate, dedicate, lease, or
25 otherwise convey title, easements, or use rights in real
26 property, including tax-reverted real property, to which title
27 is in the public agency or separate legal entity created by
28 interlocal agreement. Real property and interests in real
29 property granted or conveyed to an M.P.O. shall be for a
30 public purpose that may not necessarily be contemplated in the
31 interlocal agreement;

1 2. Appropriate funds and sell, give, or otherwise
2 supply any party designated to operate a joint or cooperative
3 undertaking with personnel, services, facilities, property,
4 franchises, or funds;

5 3. Receive grants-in-aid or other assistance funds
6 from the Federal Government or this state for use in carrying
7 out transportation-related purposes;

8 4. Have all of the privileges and immunities from
9 liability, as set forth in the constitution of this state, s.
10 768.28, and otherwise and to have exemptions from laws,
11 ordinances, and rules applicable to public agencies of the
12 state. An M.P.O. shall ascertain whether as a separate and
13 distinct body politic and corporate, it should purchase
14 separate public liability or workers' compensation insurance;

15 5. Have and provide pensions and relief, disability
16 insurance, workers' compensation, salary compensation, and
17 reimbursement for employees and other benefits that apply to
18 the activity of its officers or employees when performing
19 their respective functions;

20 6. Employ agencies or employees;

21 7. Acquire, construct, manage, maintain, or operate
22 buildings, works, or improvements;

23 8. Incur debts, liabilities, or obligations that do
24 not constitute the debts, liabilities, or obligations of any
25 of the parties to the agreement, unless specifically assumed
26 and indicated in writing by any of the parties to the
27 interlocal agreement creating the M.P.O.; and

28 9. Appoint a legal counsel or legal staff of its
29 choice. If the legal counsel is also an attorney for an
30 entity that is a member of the M.P.O., the governing board of
31

1 the M.P.O. and the governing body of the member entity shall
2 waive any potential for ethical conflict.

3
4 In addition to its other powers set forth in this section and
5 in s. 163.01, each M.P.O. has such powers as are provided for
6 by federal law or federal administrative rules.

7 ~~(g) Each M.P.O. may employ personnel or may enter into~~
8 ~~contracts with local or state agencies, private planning~~
9 ~~firms, or private engineering firms to accomplish its~~
10 ~~transportation planning and programming duties required by~~
11 ~~state or federal law.~~

12 ~~(j)(h)~~ A chair's coordinating committee is created,
13 composed of the M.P.O.'s serving Hernando, Hillsborough,
14 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
15 committee must, at a minimum:

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

18 2. Review the impact of regionally significant land
19 use decisions on the region.

20 3. Review all proposed regionally significant
21 transportation projects in the respective transportation
22 improvement programs which affect more than one of the
23 M.P.O.'s represented on the committee.

24 4. Institute a conflict resolution process to address
25 any conflict that may arise in the planning and programming of
26 such regionally significant projects.

27 ~~(k)(i)~~1. The Legislature finds that the state's rapid
28 growth in recent decades has caused many urbanized areas
29 subject to M.P.O. jurisdiction to become contiguous to each
30 other. As a result, various transportation projects may cross
31 from the jurisdiction of one M.P.O. into the jurisdiction of

1 another M.P.O. To more fully accomplish the purposes for which
2 M.P.O.'s have been mandated, M.P.O.'s shall develop
3 coordination mechanisms with one another to expand and improve
4 transportation within the state. The appropriate method of
5 coordination between M.P.O.'s shall vary depending upon the
6 project involved and given local and regional needs.
7 Consequently, it is appropriate to set forth a flexible
8 methodology that can be used by M.P.O.'s to coordinate with
9 other M.P.O.'s and appropriate political subdivisions as
10 circumstances demand.

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

1 support of the entity and payment of costs and expenses of the
2 entity; ~~provides provide~~ the manner in which funds may be paid
3 to and disbursed from the entity; and ~~provides provide~~ how
4 members of the entity will resolve disagreements regarding
5 interpretation of the interlocal agreement or disputes
6 relating to the operation of the entity. Such interlocal
7 agreement shall become effective upon its recordation in the
8 official public records of each county in which a member of
9 the entity created by the interlocal agreement has a voting
10 member. This paragraph does not require any M.P.O.'s to merge,
11 combine, or otherwise join together as a single M.P.O.

12 3. Each M.P.O. located within an urbanized area that
13 consists of more than one M.P.O., or located in an urbanized
14 area that is immediately adjacent to an M.P.O. serving a
15 different urbanized area, shall coordinate with other M.P.O.'s
16 in the urbanized area or in contiguous and adjacent M.P.O.'s
17 to develop a report that demonstrates how a coordinated
18 transportation planning process is being developed and the
19 results of the coordinated planning process. The report may
20 include the progress on implementing a coordinated long-range
21 transportation plan covering the combined metropolitan
22 planning area which serves as the basis for the transportation
23 improvement program of each M.P.O., separate and coordinated
24 long-range transportation plans for the affected M.P.O.'s, a
25 coordinated project-priority process, and a process for
26 regional public involvement. The report shall be submitted to
27 members of the M.P.O.'s local legislative delegation by
28 February of each even-numbered year and may be submitted as a
29 joint report by two or more M.P.O.'s or as separate
30 coordinated reports by individual M.P.O.'s.

31

1 (12) VOTING REQUIREMENTS.--Each long-range
2 transportation plan required pursuant to subsection (6), each
3 annually updated Transportation Improvement Program required
4 under subsection (7), and each amendment that affects projects
5 in the first 3 years of such plans and programs must be
6 approved by each M.P.O. on a super majority recorded roll call
7 vote or vote taken by a show of hands of a majority plus one
8 of the membership present.

9 Section 8. This act shall take effect upon becoming a
10 law.

11 *****

12 SENATE SUMMARY

13 Provides that a metropolitan planning organization may
14 establish rates for certain mileage and per diem.
15 Requires that the rates apply uniformly to all travel by
16 the M.P.O. Revises definitions. Provides that any M.P.O.
17 in the state may elect to participate in the Florida
18 Retirement System. Provides that participation in the
19 Senior Management Service Class shall be compulsory for
20 the executive director or staff director of each M.P.O.
21 Revises the contribution requirements to the retirement
22 and social security trust funds under the Florida
23 Retirement System to include any M.P.O. Provides that
24 past service may be claimed as creditable service by
25 officers or employees of an M.P.O. Provides that an
26 M.P.O. is a separate and independent legal entity.
27 Provides for designation of certain officials. Provides
28 that certain constitutional or charter officers do not
29 constitute elected officials of a general-purpose local
30 government. Provides for the appointment of alternate
31 members and nonvoting advisors. Requires an M.P.O. to
have an executive or staff director and other personnel
that it considers necessary. Requires an M.P.O. to
provide training for members of the governing board.
Authorizes an M.P.O. to exercise certain powers. Requires
certain M.P.O.'s to provide reports to the Legislature
regarding the development of regional transportation
plans, regional public involvement, and a regional
project-priority process. Requires that certain
transportation plans be approved by an M.P.O. on a super
majority recorded roll call vote or vote taken by a show
of hands of a majority plus one of the membership
present.