

By the Committee on Transportation; and Senator Sebesta

596-1938-06

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 112.061, F.S.; authorizing metropolitan
4 planning organizations and certain separate
5 entities to establish per diem and travel
6 reimbursement rates; amending s. 121.021, F.S.;
7 revising the definition of "local agency
8 employer" to include metropolitan planning
9 organizations and certain separate entities for
10 purposes of the Florida Retirement System Act;
11 revising the definition of "regularly
12 established position" to include positions in
13 metropolitan planning organizations; amending
14 s. 121.051, F.S.; providing for metropolitan
15 planning organizations to participate in the
16 Florida Retirement System; amending s. 121.055,
17 F.S.; requiring certain metropolitan planning
18 organization and similar entity staff positions
19 to be in the Senior Management Service Class of
20 the Florida Retirement System; amending s.
21 121.061, F.S.; providing for enforcement of
22 certain employer funding contributions required
23 under the Florida Retirement System;
24 authorizing deductions of amounts owed from
25 certain funds distributed to a metropolitan
26 planning organization; authorizing the
27 governing body of a metropolitan planning
28 organization to file and maintain an action in
29 court to require an employer to remit
30 retirement or social security member
31 contributions or employer matching payments;

1 amending s. 121.081, F.S.; providing for
2 metropolitan planning organization officers and
3 staff to claim past service for retirement
4 benefits; amending s. 339.175, F.S.; specifying
5 that a metropolitan planning organization is a
6 separate legal entity independent of entities
7 represented on the M.P.O. and signatories to
8 the agreement creating the M.P.O.; providing
9 for transfer of responsibilities and
10 liabilities to the new M.P.O. upon execution of
11 a new interlocal agreement by the governmental
12 entities constituting the M.P.O.; providing for
13 selection of certain officers and an agency
14 clerk; revising requirements for voting
15 membership; specifying that certain
16 constitutional and charter officers are not
17 elected officials of a general-purpose local
18 government for voting membership purposes;
19 establishing a process for appointing alternate
20 members; revising provisions for nonvoting
21 advisers; revising provisions for employment of
22 staff by an M.P.O.; providing for training of
23 certain persons who serve on an M.P.O. for
24 certain purposes; providing additional powers
25 and duties of M.P.O.'s; revising voting
26 requirements for approval of certain plans and
27 programs and amendments thereto; requiring the
28 Florida Transportation Commission to conduct a
29 study of the progress made by M.P.O.'s to
30 establish improved coordinated transportation
31 planning processes; requiring a report;

1 detailing the issues the report must consider;
2 requiring that the report be submitted to the
3 Governor and the Legislature by a specified
4 date; amending s. 20.23, F.S.; providing that
5 the salary and benefits of the executive
6 director of the Florida Transportation
7 Commission shall be set in accordance with the
8 Senior Management Service; amending s. 332.007,
9 F.S.; authorizing the Department of
10 Transportation to provide funds for certain
11 general aviation projects under certain
12 circumstances; amending s. 332.007, F.S.,
13 relating to the administration and financing of
14 aviation and airport operational and
15 maintenance projects of publicly owned
16 airports; changing the expiration date of the
17 financial programs to the year 2012 from 2007;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (14) of section 112.061, Florida
23 Statutes, is amended to read:

24 112.061 Per diem and travel expenses of public
25 officers, employees, and authorized persons.--

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

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

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

3 2. A county constitutional officer, pursuant to s.
4 1(d), Art. VIII of the State Constitution, by the
5 establishment of written policy;

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

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

12 5. Any metropolitan planning organization created
13 pursuant to s. 339.175, or any separate legal or
14 administrative entity created pursuant to s. 339.175 of which
15 a metropolitan planning organization is a member, by enactment
16 of a resolution.

17 (b) Rates established pursuant to paragraph (a) must
18 apply uniformly to all travel by the county, county
19 constitutional officer and entity governed by that officer,
20 district school board, ~~or~~ special district, or metropolitan
21 planning organization.

22 (c) Except as otherwise provided in this subsection,
23 counties, county constitutional officers and entities governed
24 by those officers, district school boards, and special
25 districts, other than those subject to s. 166.021(10), remain
26 subject to the requirements of this section.

27 Section 2. Paragraph (a) of subsection (42) and
28 paragraph (b) of subsection (52) of section 121.021, Florida
29 Statutes, are amended to read:

30
31

1 121.021 Definitions.--The following words and phrases
2 as used in this chapter have the respective meanings set forth
3 unless a different meaning is plainly required by the context:

4 (42)(a) "Local agency employer" means the board of
5 county commissioners or other legislative governing body of a
6 county, however styled, including that of a consolidated or
7 metropolitan government; a clerk of the circuit court,
8 sheriff, property appraiser, tax collector, or supervisor of
9 elections, provided such officer is elected or has been
10 appointed to fill a vacancy in an elective office; a community
11 college board of trustees or district school board; or the
12 governing body of any city, metropolitan planning organization
13 created pursuant to s. 339.175, or any separate legal or
14 administrative entity created pursuant to s. 339.175, or
15 special district of the state which participates in the system
16 for the benefit of certain of its employees.

17 (52) "Regularly established position" is defined as
18 follows:

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

24 Section 3. Paragraph (b) of subsection (2) of section
25 121.051, Florida Statutes, is amended to read:

26 121.051 Participation in the system.--

27 (2) OPTIONAL PARTICIPATION.--

28 (b)1. The governing body of any municipality, or
29 metropolitan planning organization, or special district in the
30 state may elect to participate in the system upon proper
31 application to the administrator and may cover all or any of

1 | its units as approved by the Secretary of Health and Human
2 | Services and the administrator. The department shall adopt
3 | rules establishing provisions for the submission of documents
4 | necessary for such application. Prior to being approved for
5 | participation in the Florida Retirement System, the governing
6 | body of any such municipality, metropolitan planning
7 | organization, or special district that has a local retirement
8 | system shall submit to the administrator a certified financial
9 | statement showing the condition of the local retirement system
10 | as of a date within 3 months prior to the proposed effective
11 | date of membership in the Florida Retirement System. The
12 | statement must be certified by a recognized accounting firm
13 | that is independent of the local retirement system. All
14 | required documents necessary for extending Florida Retirement
15 | System coverage must be received by the department for
16 | consideration at least 15 days prior to the proposed effective
17 | date of coverage. If the municipality, metropolitan planning
18 | organization, or special district does not comply with this
19 | requirement, the department may require that the effective
20 | date of coverage be changed.

21 | 2. Any city, metropolitan planning organization, or
22 | special district that has an existing retirement system
23 | covering the employees in the units that are to be brought
24 | under the Florida Retirement System may participate only after
25 | holding a referendum in which all employees in the affected
26 | units have the right to participate. Only those employees
27 | electing coverage under the Florida Retirement System by
28 | affirmative vote in said referendum shall be eligible for
29 | coverage under this chapter, and those not participating or
30 | electing not to be covered by the Florida Retirement System
31 | shall remain in their present systems and shall not be

1 eligible for coverage under this chapter. After the referendum
2 is held, all future employees shall be compulsory members of
3 the Florida Retirement System.

4 3. The governing body of any city, metropolitan
5 planning organization, or special district complying with
6 subparagraph 1. may elect to provide, or not provide, benefits
7 based on past service of officers and employees as described
8 in s. 121.081(1). However, if such employer elects to provide
9 past service benefits, such benefits must be provided for all
10 officers and employees of its covered group.

11 4. Once this election is made and approved it may not
12 be revoked, except pursuant to subparagraphs 5. and 6., and
13 all present officers and employees electing coverage under
14 this chapter and all future officers and employees shall be
15 compulsory members of the Florida Retirement System.

16 5. Subject to the conditions set forth in subparagraph
17 6., the governing body of any hospital licensed under chapter
18 395 which is governed by the board of a special district as
19 defined in s. 189.403(1) or by the board of trustees of a
20 public health trust created under s. 154.07, hereinafter
21 referred to as "hospital district," and which participates in
22 the system, may elect to cease participation in the system
23 with regard to future employees in accordance with the
24 following procedure:

25 a. No more than 30 days and at least 7 days before
26 adopting a resolution to partially withdraw from the Florida
27 Retirement System and establish an alternative retirement plan
28 for future employees, a public hearing must be held on the
29 proposed withdrawal and proposed alternative plan.

30 b. From 7 to 15 days before such hearing, notice of
31 intent to withdraw, specifying the time and place of the

1 hearing, must be provided in writing to employees of the
2 hospital district proposing partial withdrawal and must be
3 published in a newspaper of general circulation in the area
4 affected, as provided by ss. 50.011-50.031. Proof of
5 publication of such notice shall be submitted to the
6 Department of Management Services.

7 c. The governing body of any hospital district seeking
8 to partially withdraw from the system must, before such
9 hearing, have an actuarial report prepared and certified by an
10 enrolled actuary, as defined in s. 112.625(3), illustrating
11 the cost to the hospital district of providing, through the
12 retirement plan that the hospital district is to adopt,
13 benefits for new employees comparable to those provided under
14 the Florida Retirement System.

15 d. Upon meeting all applicable requirements of this
16 subparagraph, and subject to the conditions set forth in
17 subparagraph 6., partial withdrawal from the system and
18 adoption of the alternative retirement plan may be
19 accomplished by resolution duly adopted by the hospital
20 district board. The hospital district board must provide
21 written notice of such withdrawal to the division by mailing a
22 copy of the resolution to the division, postmarked no later
23 than December 15, 1995. The withdrawal shall take effect
24 January 1, 1996.

25 6. Following the adoption of a resolution under
26 sub-subparagraph 5.d., all employees of the withdrawing
27 hospital district who were participants in the Florida
28 Retirement System prior to January 1, 1996, shall remain as
29 participants in the system for as long as they are employees
30 of the hospital district, and all rights, duties, and
31 obligations between the hospital district, the system, and the

1 employees shall remain in full force and effect. Any employee
2 who is hired or appointed on or after January 1, 1996, may not
3 participate in the Florida Retirement System, and the
4 withdrawing hospital district shall have no obligation to the
5 system with respect to such employees.

6 Section 4. Paragraph (1) is added to subsection (1) of
7 section 121.055, Florida Statutes, to read:

8 121.055 Senior Management Service Class.--There is
9 hereby established a separate class of membership within the
10 Florida Retirement System to be known as the "Senior
11 Management Service Class," which shall become effective
12 February 1, 1987.

13 (1)

14 (1) For each metropolitan planning organization that
15 has opted to become part of the Florida Retirement System,
16 participation in the Senior Management Service Class shall be
17 compulsory for the executive director or staff director of
18 that metropolitan planning organization or similar entity
19 created pursuant to s. 339.175.

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

22 121.061 Funding.--

23 (2)(a) Should any employer other than a state employer
24 fail to make the retirement and social security contributions,
25 both member and employer contributions, required by this
26 chapter, then, upon request by the administrator, the
27 Department of Revenue or the Department of Financial Services,
28 as the case may be, shall deduct the amount owed by the
29 employer from any funds to be distributed by it to the county,
30 city, metropolitan planning organization, special district, or
31 consolidated form of government. The amounts so deducted shall

1 | be transferred to the administrator for further distribution
2 | to the trust funds in accordance with this chapter.

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

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

14 | 121.081 Past service; prior service;
15 | contributions.--Conditions under which past service or prior
16 | service may be claimed and credited are:

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

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

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

26 (e) Past service, as defined in s. 121.021(18), may be
27 claimed as creditable service by a member of the Florida
28 Retirement System who formerly was an officer or employee of a
29 city, metropolitan planning organization, or special district,
30 notwithstanding the status or form of the retirement system,
31 if any, of that city, metropolitan planning organization, or

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

12 Section 7. Subsection (1), paragraphs (a) and (b) of
13 subsection (2), paragraphs (a) and (b) of subsection (3), and
14 subsections (5) and (12) of section 339.175, Florida Statutes,
15 are amended, to read:

16 339.175 Metropolitan planning organization.--It is the
17 intent of the Legislature to encourage and promote the safe
18 and efficient management, operation, and development of
19 surface transportation systems that will serve the mobility
20 needs of people and freight within and through urbanized areas
21 of this state while minimizing transportation-related fuel
22 consumption and air pollution. To accomplish these objectives,
23 metropolitan planning organizations, referred to in this
24 section as M.P.O.'s, shall develop, in cooperation with the
25 state and public transit operators, transportation plans and
26 programs for metropolitan areas. The plans and programs for
27 each metropolitan area must provide for the development and
28 integrated management and operation of transportation systems
29 and facilities, including pedestrian walkways and bicycle
30 transportation facilities that will function as an intermodal
31 transportation system for the metropolitan area, based upon

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

16 | (1) DESIGNATION.--

17 | (a)1. An M.P.O. shall be designated for each urbanized
18 | area of the state; however, this does not require that an
19 | individual M.P.O. be designated for each such area. The ~~Such~~
20 | designation shall be accomplished by agreement between the
21 | Governor and units of general-purpose local government
22 | representing at least 75 percent of the population of the
23 | urbanized area; however, the unit of general-purpose local
24 | government that represents the central city or cities within
25 | the M.P.O. jurisdiction, as defined by the United States
26 | Bureau of the Census, must be a party to the ~~such~~ agreement.

27 | 2. More than one M.P.O. may be designated within an
28 | existing metropolitan planning area only if the Governor and
29 | the existing M.P.O. determine that the size and complexity of
30 | the existing metropolitan planning area makes the designation
31 | of more than one M.P.O. for the area appropriate.

1 (b) Each M.P.O. required to be designated by Title 23
2 of the United States Code shall be created and operated under
3 the provisions of this section pursuant to an interlocal
4 agreement entered into pursuant to s. 163.01. The signatories
5 to the interlocal agreement shall be the department and the
6 governmental entities designated by the Governor for
7 membership on the M.P.O. Each M.P.O. is separate from the
8 state and the governing body of a local government which is
9 represented on the governing board of the M.P.O. or which is a
10 signatory to the interlocal agreement creating the M.P.O. The
11 M.P.O. has the powers and privileges that are provided to it
12 under s. 163.01. If there is a conflict between this section
13 and s. 163.01, this section prevails.

14 (c) The jurisdictional boundaries of an M.P.O. shall
15 be determined by agreement between the Governor and the
16 applicable M.P.O. The boundaries must include at least the
17 metropolitan planning area, which is the existing urbanized
18 area and the contiguous area expected to become urbanized
19 within a 20-year forecast period, and may encompass the entire
20 metropolitan statistical area or the consolidated metropolitan
21 statistical area.

22 (d) In the case of an urbanized area designated as a
23 nonattainment area for ozone or carbon monoxide under the
24 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
25 the metropolitan planning area in existence as of the date of
26 enactment of this paragraph shall be retained, except that the
27 boundaries may be adjusted by agreement of the Governor and
28 affected metropolitan planning organizations in the manner
29 described in this section. If more than one M.P.O. has
30 authority within a metropolitan area or an area that is
31 designated as a nonattainment area, each M.P.O. shall consult

1 with other M.P.O.'s designated for such area and with the
2 state in the coordination of plans and programs required by
3 this section.

4 (e) The governing body of the M.P.O. shall designate a
5 chair, a vice chair, and an agency clerk. The chair and vice
6 chair must be selected from among the delegates representing
7 the member organizations that comprise the governing board of
8 the M.P.O. The agency clerk is responsible for preparing
9 minutes of each meeting and maintaining the records of the
10 M.P.O. The clerk may be a member of the M.P.O. governing
11 board, an employee of the M.P.O., or any other natural person.

12
13 Each M.P.O. required under this section must be fully
14 operative no later than 6 months following its designation.

15 (2) VOTING MEMBERSHIP.--

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

1 one-third percent of the M.P.O. membership, but all county
2 commissioners must be members. All voting members shall be
3 elected officials of general-purpose local governments, except
4 that an M.P.O. may include, as part of its apportioned voting
5 members, a member of a statutorily authorized planning board,
6 an official of an agency that operates or administers a major
7 mode of transportation, or an official of the Florida Space
8 Authority. As used in this section, elected officials of a
9 general-purpose local government shall exclude constitutional
10 or charter officers, including sheriffs, tax collectors,
11 supervisors of elections, property appraisers, clerks of the
12 court, and similar types of officials. County commissioners
13 ~~The county commission~~ shall compose not less than 20 percent
14 of the M.P.O. membership if an official of an agency that
15 operates or administers a major mode of transportation has
16 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
21 general-purpose ~~general-purpose~~ local government represented
22 on the M.P.O., they shall be provided voting membership on the
23 M.P.O. In all other M.P.O.'s where transportation authorities
24 or agencies are to be represented by elected officials from
25 general-purpose ~~general-purpose~~ local governments, the M.P.O.
26 shall establish a process by which the collective interests of
27 such authorities or other agencies are expressed and conveyed.

28 (3) APPORTIONMENT.--

29 (a) The Governor shall, with the agreement of the
30 affected units of general-purpose local government as required
31 by federal rules and regulations, apportion the membership on

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

1 prepared by the United States Department of Commerce, Bureau
2 of the Census, and reapportion it as necessary to comply with
3 subsection (2).

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

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

1 intermodal facilities, to the extent permitted by state or
2 federal law.

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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. shall have an executive or staff
29 director, who reports directly to the M.P.O. governing board
30 for all matters regarding the administration and operation of
31 the M.P.O., and any additional personnel as deemed necessary.

1 The executive director and any additional personnel may be
2 employed either by an M.P.O. or by another governmental
3 entity, such as a county, city, or regional planning council,
4 which has a signed staff services agreement in effect with the
5 M.P.O. In addition, an M.P.O. ~~may employ personnel or~~ may
6 enter into contracts with local or state governmental
7 agencies, private planning or engineering firms, or other
8 private ~~engineering~~ firms to accomplish its transportation
9 planning and programming duties and administrative functions
10 required by state or federal law.

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

19 (i)(h) A chair's coordinating committee is created,
20 composed of the M.P.O.'s serving Hernando, Hillsborough,
21 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
22 committee must, at a minimum:

- 23 1. Coordinate transportation projects deemed to be
24 regionally significant by the committee.
- 25 2. Review the impact of regionally significant land
26 use decisions on the region.
- 27 3. Review all proposed regionally significant
28 transportation projects in the respective transportation
29 improvement programs which affect more than one of the
30 M.P.O.'s represented on the committee.

31

1 4. Institute a conflict resolution process to address
2 any conflict that may arise in the planning and programming of
3 such regionally significant projects.

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

19 2. Any M.P.O. may join with any other M.P.O. or any
20 individual political subdivision to coordinate activities or
21 to achieve any federal or state transportation planning or
22 development goals or purposes consistent with federal or state
23 law. When an M.P.O. determines that it is appropriate to join
24 with another M.P.O. or any political subdivision to coordinate
25 activities, the M.P.O. or political subdivision shall enter
26 into an interlocal agreement pursuant to s. 163.01, which, at
27 a minimum, creates a separate legal or administrative entity
28 to coordinate the transportation planning or development
29 activities required to achieve the goal or purpose; provides
30 ~~provide~~ the purpose for which the entity is created; provides
31 ~~provide~~ the duration of the agreement and the entity, and

1 specifies ~~specify~~ how the agreement may be terminated,
2 modified, or rescinded; describes ~~describe~~ the precise
3 organization of the entity, including who has voting rights on
4 the governing board, whether alternative voting members are
5 provided for, how voting members are appointed, and what the
6 relative voting strength is for each constituent M.P.O. or
7 political subdivision; provides ~~provide~~ the manner in which
8 the parties to the agreement will provide for the financial
9 support of the entity and payment of costs and expenses of the
10 entity; provides ~~provide~~ the manner in which funds may be paid
11 to and disbursed from the entity; and provides ~~provide~~ how
12 members of the entity will resolve disagreements regarding
13 interpretation of the interlocal agreement or disputes
14 relating to the operation of the entity. Such interlocal
15 agreement shall become effective upon its recordation in the
16 official public records of each county in which a member of
17 the entity created by the interlocal agreement has a voting
18 member. This paragraph does not require any M.P.O.'s to merge,
19 combine, or otherwise join together as a single M.P.O.

20 (12) VOTING REQUIREMENTS.--Each long-range
21 transportation plan required pursuant to subsection (6), each
22 annually updated Transportation Improvement Program required
23 under subsection (7), and each amendment that affects projects
24 in the first 3 years of such plans and programs must be
25 approved by each M.P.O. on a supermajority ~~recorded~~ roll call
26 vote or hand-counted vote of a majority plus one of the
27 membership present.

28 Section 8. The Florida Transportation Commission shall
29 conduct a study of the progress made by M.P.O.'s to establish
30 improved coordinated transportation planning processes. The
31 report must, at a minimum, address the efforts and progress of

1 each M.P.O. to include representatives of the various modes of
2 transportation into the metropolitan planning process; the
3 efforts and progress of M.P.O.'s located within urbanized
4 areas consisting of more than one M.P.O., or M.P.O.'s located
5 in urbanized areas that are contiguous to M.P.O.'s serving
6 different urbanized areas, to implement coordinated long-range
7 transportation plans covering the combined metropolitan
8 planning area; the extent to which these long-range plans
9 serve as the basis for the transportation improvement program
10 of each M.P.O.; and an assessment of the effectiveness of
11 processes to prioritize regionally-significant projects and
12 implement regional public involvement activities. The report
13 shall be submitted to the Governor, the President of the
14 Senate, and the Speaker of the House of Representatives no
15 later than January 15, 2007.

16 Section 9. Paragraph (h) of subsection (2) of section
17 20.23, Florida Statutes, is amended to read:

18 20.23 Department of Transportation.--There is created
19 a Department of Transportation which shall be a decentralized
20 agency.

21 (2)

22 (h) The commission shall appoint an executive director
23 and assistant executive director, who shall serve under the
24 direction, supervision, and control of the commission. The
25 executive director, with the consent of the commission, shall
26 employ such staff as are necessary to perform adequately the
27 functions of the commission, within budgetary limitations. All
28 employees of the commission are exempt from part II of chapter
29 110 and shall serve at the pleasure of the commission. The
30 salaries and benefits of all employees of the commission,
31 except for the executive director, shall be set in accordance

1 with the Selected Exempt Service; ~~provided,~~ however, ~~that the~~
2 salary and benefits of the executive director shall be set in
3 accordance with the Senior Management Service. The commission
4 shall have complete authority for fixing the salary of the
5 executive director and assistant executive director.

6 Section 10. Paragraph (c) of subsection (6) of section
7 332.007, Florida Statutes, is amended to read:

8 332.007 Administration and financing of aviation and
9 airport programs and projects; state plan.--

10 (6) Subject to the availability of appropriated funds,
11 the department may participate in the capital cost of eligible
12 public airport and aviation development projects in accordance
13 with the following rates, unless otherwise provided in the
14 General Appropriations Act or the substantive bill
15 implementing the General Appropriations Act:

16 (c) When federal funds are not available, the
17 department may fund up to 80 percent of master planning and
18 eligible aviation development projects at publicly owned,
19 publicly operated airports. If federal funds are available but
20 are insufficient to meet the maximum authorized federal share,
21 the department may fund up to 80 percent of the nonfederal
22 share of such projects. Such funding is limited to airports
23 that have no scheduled commercial service.

24 Section 11. Subsection (8) of section 332.007, Florida
25 Statutes, is amended to read:

26 332.007 Administration and financing of aviation and
27 airport programs and projects; state plan.--

28 (8) Notwithstanding any other provision of law to the
29 contrary, the department is authorized to provide operational
30 and maintenance assistance to publicly owned public-use
31 airports. Such assistance shall be to comply with enhanced

1 federal security requirements or to address related economic
2 impacts from the events of September 11, 2001. For projects in
3 the current adopted work program, or projects added using the
4 available budget of the department, airports may request the
5 department change the project purpose in accordance with this
6 provision notwithstanding the provisions of s. 339.135(7). For
7 purposes of this subsection, the department may fund up to 100
8 percent of eligible project costs that are not funded by the
9 Federal Government. Prior to releasing any funds under this
10 section, the department shall review and approve the
11 expenditure plans submitted by the airport. The department
12 shall inform the Legislature of any change that it approves
13 under this subsection. This subsection shall expire on June
14 30, 2012 ~~2007~~.

15 Section 12. This act shall take effect July 1, 2006.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1766

20 The CS removed a requirement for MPOs to report to the
21 Legislature efforts made toward regional coordination of
22 transportation planning. Instead, this report will be prepared
23 by the Florida Transportation Commission. The Executive
24 Director of the Florida Transportation Commission is
25 reclassified from Selected Exempt Service to Senior Management
26 Service for purposes of salary and benefits. The CS adjusts
27 the 50/50 state/local match of the non-federal share of
28 certain aviation development projects, allowing the FDOT to
29 fund up to 80% of the non-federal share. A program allowing
30 FDOT to fund aviation security projects, due to expire in
31 2007, is extended to 2012.