

By the Committee on Transportation

596-1106-07

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 defining the term "metropolitan planning
8 organization" for purposes of the Florida
9 Retirement System Act; revising definitions to
10 include M.P.O.'s and positions in M.P.O.'s;
11 amending s. 121.051, F.S.; providing for
12 M.P.O.'s to participate in the Florida
13 Retirement System; amending s. 121.055, F.S.;
14 requiring certain M.P.O. staff positions to be
15 in the Senior Management Service Class;
16 amending s. 121.061, F.S.; providing for
17 enforcement of certain employer funding
18 contributions required under the Florida
19 Retirement System; authorizing deductions of
20 amounts owed from certain funds distributed to
21 an M.P.O.; authorizing the governing body of an
22 M.P.O. to file and maintain an action in court
23 to require an employer to remit retirement or
24 social security member contributions or
25 employer matching payments; amending s.
26 121.081, F.S.; providing for M.P.O. officers
27 and staff to claim credit for past service for
28 retirement benefits; amending s. 215.615, F.S.;
29 deleting a requirement that revenue bonds for
30 fixed guideway transportation systems be funded
31 from sources other than revenues of the

1 Department of Transportation; revising the
2 requirements for interlocal agreements with
3 respect to funding such projects; amending s.
4 339.175, F.S.; revising intent; providing the
5 method of creation and operation of M.P.O.'s
6 required to be designated pursuant to federal
7 law; specifying that an M.P.O. is separate from
8 the state or the governing body of a local
9 government that is represented on the governing
10 board of the M.P.O. or that is a signatory to
11 the interlocal agreement creating the M.P.O.;
12 providing specified powers and privileges to
13 the M.P.O.; providing for the designation and
14 duties of certain officials; revising
15 requirements for voting membership; defining
16 the term "elected officials of a
17 general-purpose local government" to exclude
18 certain constitutional officers for voting
19 membership purposes; providing for appointment
20 of alternates and advisers; providing that
21 members of an M.P.O. technical advisory
22 committee shall serve at the pleasure of the
23 M.P.O.; providing for appointment of an
24 executive or staff director and other
25 personnel; authorizing an M.P.O. to enter into
26 contracts with public or private entities to
27 accomplish its duties and functions; providing
28 for training of certain persons who serve on an
29 M.P.O. for certain purposes; requiring that
30 certain plans, programs, and amendments that
31 affect projects be approved by each M.P.O. on a

1 recorded roll call vote, or hand-counted vote,
2 of a majority of the membership present;
3 amending ss. 163.3177, 339.176, and 341.828,
4 F.S.; conforming cross-references; amending s.
5 339.2819, F.S.; revising the share of matching
6 funds for a public transportation project
7 provided from the Transportation Regional
8 Incentive Program; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Subsection (14) of section 112.061, Florida
13 Statutes, is amended to read:

14 112.061 Per diem and travel expenses of public
15 officers, employees, and authorized persons.--

16 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,
17 DISTRICT SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND
18 METROPOLITAN PLANNING ORGANIZATIONS.--

19 (a) The following entities may establish rates that
20 vary from the per diem rate provided in paragraph (6)(a), the
21 subsistence rates provided in paragraph (6)(b), or the mileage
22 rate provided in paragraph (7)(d) if those rates are not less
23 than the statutorily established rates that are in effect for
24 the 2005-2006 fiscal year:

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

27 2. A county constitutional officer, pursuant to s.
28 1(d), Art. VIII of the State Constitution, by the
29 establishment of written policy;

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

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

5 5. Any metropolitan planning organization created
6 pursuant to s. 339.175 or any separate legal or administrative
7 entity created pursuant to s. 339.175 of which a metropolitan
8 planning organization is a member, by the enactment of a
9 resolution.

10 (b) Rates established pursuant to paragraph (a) must
11 apply uniformly to all travel by the county, county
12 constitutional officer and entity governed by that officer,
13 district school board, ~~or~~ special district, or metropolitan
14 planning organization.

15 (c) Except as otherwise provided in this subsection,
16 counties, county constitutional officers and entities governed
17 by those officers, district school boards, ~~and~~ special
18 districts, and metropolitan planning organizations, other than
19 those subject to s. 166.021(10), remain subject to the
20 requirements of this section.

21 Section 2. Subsection (11), paragraph (a) of
22 subsection (42), and paragraph (b) of subsection (52) of
23 section 121.021, Florida Statutes, are amended, and subsection
24 (62) is added to that section, to read:

25 121.021 Definitions.--The following words and phrases
26 as used in this chapter have the respective meanings set forth
27 unless a different meaning is plainly required by the context:

28 (11) "Officer or employee" means any person receiving
29 salary payments for work performed in a regularly established
30 position and, if employed by a city, a metropolitan planning

31

1 organization, or special district, employed in a covered
2 group.

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

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

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

23 (62) "Metropolitan planning organization" means an
24 entity created by an interlocal agreement pursuant to s.
25 339.175 or any entity created under s. 339.175.

26 Section 3. Paragraph (b) of subsection (2) of section
27 121.051, Florida Statutes, is amended to read:

28 121.051 Participation in the system.--

29 (2) OPTIONAL PARTICIPATION.--

30 (b)1. The governing body of any municipality,
31 metropolitan planning organization, or special district in the

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

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

1 electing not to be covered by the Florida Retirement System
2 shall remain in their present systems and shall not be
3 eligible for coverage under this chapter. After the referendum
4 is held, all future employees shall be compulsory members of
5 the Florida Retirement System.

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

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

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

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

1 b. From 7 to 15 days before such hearing, notice of
2 intent to withdraw, specifying the time and place of the
3 hearing, must be provided in writing to employees of the
4 hospital district proposing partial withdrawal and must be
5 published in a newspaper of general circulation in the area
6 affected, as provided by ss. 50.011-50.031. Proof of
7 publication of such notice shall be submitted to the
8 Department of Management Services.

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

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

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

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

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

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

15 (1)

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

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

23 121.061 Funding.--

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

1 consolidated form of government. The amounts so deducted shall
2 be transferred to the administrator for further distribution
3 to the trust funds in accordance with this chapter.

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

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

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

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

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

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

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

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

13 | Section 7. Subsection (1) of section 215.615, Florida
14 | Statutes, is amended to read:

15 | 215.615 Fixed-guideway transportation systems
16 | funding.--

17 | (1) The issuance of revenue bonds by the Division of
18 | Bond Finance, on behalf of the Department of Transportation,
19 | pursuant to s. 11, Art. VII of the State Constitution, is
20 | authorized, pursuant to the State Bond Act, to finance or
21 | refinance fixed capital expenditures for fixed-guideway
22 | transportation systems, as defined in s. 341.031, including
23 | facilities appurtenant thereto, costs of issuance, and other
24 | amounts relating to such financing or refinancing. ~~Such~~
25 | ~~revenue bonds shall be matched on a 50-50 basis with funds~~
26 | ~~from sources other than revenues of the Department of~~
27 | ~~Transportation, in a manner acceptable to the Department of~~
28 | ~~Transportation.~~ The Division of Bond Finance is authorized to
29 | consider innovative financing techniques, ~~technologies~~ which
30 | may include, but are not limited to, innovative bidding and
31 |

1 structures of potential ~~financings findings~~ that may result in
2 negotiated transactions.

3 (a) The department and any participating commuter rail
4 authority or regional transportation authority established
5 under chapter 343, local governments, or local governments
6 collectively by interlocal agreement having jurisdiction of a
7 fixed-guideway transportation system may enter into an
8 interlocal agreement to promote the efficient and
9 cost-effective financing or refinancing of fixed-guideway
10 transportation system projects by revenue bonds issued
11 pursuant to this subsection. The terms of such interlocal
12 agreements shall include provisions for the Department of
13 Transportation to request the issuance of the bonds on behalf
14 of the parties; shall provide that the department's share may
15 be up to 50 percent of the eligible project cost, which may
16 include a share of annual ~~each party to the agreement is~~
17 ~~contractually liable for an equal share of funding an amount~~
18 ~~equal to the~~ debt service requirements of such bonds; and
19 shall include any other terms, provisions, or covenants
20 necessary to the making of and full performance under such
21 interlocal agreement. Repayments made to the department under
22 any interlocal agreement are not pledged to the repayment of
23 bonds issued hereunder, and failure of the local governmental
24 authority to make such payment shall not affect the obligation
25 of the department to pay debt service on the bonds.

26 (b) Revenue bonds issued pursuant to this subsection
27 shall not constitute a general obligation of, or a pledge of
28 the full faith and credit of, the State of Florida. Bonds
29 issued pursuant to this section shall be payable from funds
30 available pursuant to s. 206.46(3), subject to annual
31 appropriation. The amount of revenues available for debt

1 service shall never exceed a maximum of 2 percent of all state
2 revenues deposited into the State Transportation Trust Fund.

3 (c) The projects to be financed or refinanced with the
4 proceeds of the revenue bonds issued hereunder are designated
5 as state fixed capital outlay projects for purposes of s.
6 11(d), Art. VII of the State Constitution, and the specific
7 projects to be financed or refinanced shall be determined by
8 the Department of Transportation in accordance with state law
9 and appropriations from the State Transportation Trust Fund.
10 Each project to be financed with the proceeds of the bonds
11 issued pursuant to this subsection must first be approved by
12 the Legislature by an act of general law.

13 (d) Any complaint for validation of bonds issued
14 pursuant to this section shall be filed in the circuit court
15 of the county where the seat of state government is situated,
16 the notice required to be published by s. 75.06 shall be
17 published only in the county where the complaint is filed, and
18 the complaint and order of the circuit court shall be served
19 only on the state attorney of the circuit in which the action
20 is pending.

21 (e) The state does hereby covenant with holders of
22 such revenue bonds or other instruments of indebtedness issued
23 hereunder, that it will not repeal or impair or amend these
24 provisions in any manner that will materially and adversely
25 affect the rights of such holders as long as bonds authorized
26 by this subsection are outstanding.

27 (f) This subsection supersedes any inconsistent
28 provisions in existing law.

29
30 Notwithstanding this subsection, the lien of revenue bonds
31 issued pursuant to this subsection on moneys deposited into

1 | the State Transportation Trust Fund shall be subordinate to
2 | the lien on such moneys of bonds issued under ss. 215.605,
3 | 320.20, and 215.616, and any pledge of such moneys to pay
4 | operating and maintenance expenses under s. 206.46(5) and
5 | chapter 348, as may be amended.

6 | Section 8. Section 339.175, Florida Statutes, is
7 | amended to read:

8 | 339.175 Metropolitan planning organization.--

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

1 | problems to be addressed. To ensure that the process is
2 | integrated with the statewide planning process, M.P.O.'s shall
3 | develop plans and programs that identify transportation
4 | facilities that should function as an integrated metropolitan
5 | transportation system, giving emphasis to facilities that
6 | serve important national, state, and regional transportation
7 | functions. For the purposes of this section, those facilities
8 | include the facilities on the Strategic Intermodal System
9 | designated under s. 339.63 and facilities for which projects
10 | have been identified pursuant to s. 339.2819(4).

11 | ~~(2)(1)~~ DESIGNATION.--

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

22 | 2. More than one M.P.O. may be designated within an
23 | existing metropolitan planning area only if the Governor and
24 | the existing M.P.O. determine that the size and complexity of
25 | the existing metropolitan planning area makes the designation
26 | of more than one M.P.O. for the area appropriate.

27 | (b) Each M.P.O. designated in a manner prescribed by
28 | Title 23 U.S.C. shall be created and operated under the
29 | provisions of this section pursuant to an interlocal agreement
30 | entered into pursuant to s. 163.01. The signatories to the
31 | interlocal agreement shall be the department and the

1 governmental entities designated by the Governor for
2 membership on the M.P.O. Each M.P.O. shall be considered
3 separate from the state or the governing body of a local
4 government that is represented on the governing board of the
5 M.P.O. or that is a signatory to the interlocal agreement
6 creating the M.P.O. and shall have such powers and privileges
7 as are provided under s. 163.01. If there is a conflict
8 between this section and s. 163.01, this section prevails.

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

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

30 (e) The governing body of the M.P.O. shall designate,
31 at a minimum, a chair, vice chair, and agency clerk. The chair

1 and vice chair shall be selected from among the member
2 delegates comprising the governing board. The agency clerk
3 shall be charged with the responsibility of preparing meeting
4 minutes and maintaining agency records. The clerk shall be a
5 member of the M.P.O. governing board, an employee of the
6 M.P.O., or other natural person.

7
8 Each M.P.O. required under this section must be fully
9 operative no later than 6 months following its designation.

10 ~~(3)(2)~~ VOTING MEMBERSHIP.--

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

1 an official of an agency that operates or administers a major
2 mode of transportation, or an official of the Florida Space
3 Authority. As used in this section, the term "elected
4 officials of a general-purpose local government" shall exclude
5 constitutional officers, including sheriffs, tax collectors,
6 supervisors of elections, property appraisers, clerks of the
7 court, and similar types of officials. County commissioners
8 ~~The county commission~~ shall compose no fewer ~~not less~~ than 20
9 percent of the M.P.O. membership if an official of an agency
10 that operates or administers a major mode of transportation
11 has been appointed to an M.P.O.

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

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

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

31

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

1 Department of Commerce, Bureau of the Census, and reapportion
2 it as necessary to comply with subsection~~(3)(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~~(3)(a)(2)(a)~~, the members of an M.P.O.
7 shall serve 4-year terms. Members who represent municipalities
8 on 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~~(3)(a)(2)(a)~~ may serve terms of up to 4
11 years as further provided in the interlocal agreement
12 described in paragraph~~(2)(b)(1)(b)~~. The membership of a
13 member who is a public official automatically terminates upon
14 the member's leaving his or her elective or appointive office
15 for any reason, or may be terminated by a majority vote of the
16 total membership of the entity's governing board ~~a county or~~
17 ~~city governing entity~~ represented by the member. A vacancy
18 shall be filled by the original appointing entity. A member
19 may be 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)(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority
26 and responsibility of an M.P.O. is to manage a continuing,
27 cooperative, and comprehensive transportation planning process
28 that, based upon the prevailing principles provided in s.
29 334.046(1), results in the development of plans and programs
30 which are consistent, to the maximum extent feasible, with the
31 approved local government comprehensive plans of the units of

1 | local government the boundaries of which are within the
2 | metropolitan area of the M.P.O. An M.P.O. shall be the forum
3 | for cooperative decisionmaking by officials of the affected
4 | governmental entities in the development of the plans and
5 | programs required by subsections~~(5)~~, (6), (7), ~~and~~ (8), and
6 | (9).

7 | ~~(6)(5)~~ POWERS, DUTIES, AND RESPONSIBILITIES.--The
8 | powers, privileges, and authority of an M.P.O. are those
9 | specified in this section or incorporated in an interlocal
10 | agreement authorized under s. 163.01. Each M.P.O. shall
11 | perform all acts required by federal or state laws or rules,
12 | now and subsequently applicable, which are necessary to
13 | qualify for federal aid. It is the intent of this section that
14 | each M.P.O. shall be involved in the planning and programming
15 | of transportation facilities, including, but not limited to,
16 | airports, intercity and high-speed rail lines, seaports, and
17 | intermodal facilities, to the extent permitted by state or
18 | federal law.

19 | (a) Each M.P.O. shall, in cooperation with the
20 | department, develop:

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

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

26 | 3. An annual unified planning work program pursuant to
27 | the requirements of subsection~~(9)~~~~(8)~~.

28 | (b) In developing the long-range transportation plan
29 | and the transportation improvement program required under
30 | paragraph (a), each M.P.O. shall provide for consideration of
31 | projects and strategies that will:

- 1 1. Support the economic vitality of the metropolitan
2 area, especially by enabling global competitiveness,
3 productivity, and efficiency;
- 4 2. Increase the safety and security of the
5 transportation system for motorized and nonmotorized users;
- 6 3. Increase the accessibility and mobility options
7 available to people and for freight;
- 8 4. Protect and enhance the environment, promote energy
9 conservation, and improve quality of life;
- 10 5. Enhance the integration and connectivity of the
11 transportation system, across and between modes, for people
12 and freight;
- 13 6. Promote efficient system management and operation;
14 and
- 15 7. Emphasize the preservation of the existing
16 transportation system.
- 17 (c) In order to provide recommendations to the
18 department and local governmental entities regarding
19 transportation plans and programs, each M.P.O. shall:
- 20 1. Prepare a congestion management system for the
21 metropolitan area and cooperate with the department in the
22 development of all other transportation management systems
23 required by state or federal law;
- 24 2. Assist the department in mapping transportation
25 planning boundaries required by state or federal law;
- 26 3. Assist the department in performing its duties
27 relating to access management, functional classification of
28 roads, and data collection;
- 29 4. Execute all agreements or certifications necessary
30 to comply with applicable state or federal law;
- 31

1 5. Represent all the jurisdictional areas within the
2 metropolitan area in the formulation of transportation plans
3 and programs required by this section; and

4 6. Perform all other duties required by state or
5 federal law.

6 (d) Each M.P.O. shall appoint a technical advisory
7 committee, the members of which shall serve at the pleasure of
8 the M.P.O. The membership of the technical advisory committee
9 must include, whenever possible, ~~that includes~~ planners;

10 engineers; representatives of local aviation authorities, port
11 authorities, and public transit authorities or representatives
12 of aviation departments, seaport departments, and public
13 transit departments of municipal or county governments, as
14 applicable; the school superintendent of each county within
15 the jurisdiction of the M.P.O. or the superintendent's
16 designee; and other appropriate representatives of affected
17 local governments. In addition to any other duties assigned to
18 it by the M.P.O. or by state or federal law, the technical
19 advisory committee is responsible for considering safe access
20 to schools in its review of transportation project priorities,
21 long-range transportation plans, and transportation
22 improvement programs, and shall advise the M.P.O. on such
23 matters. In addition, the technical advisory committee shall
24 coordinate its actions with local school boards and other
25 local programs and organizations within the metropolitan area
26 which participate in school safety activities, such as locally
27 established community traffic safety teams. Local school
28 boards must provide the appropriate M.P.O. with information
29 concerning future school sites and in the coordination of
30 transportation service.
31

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

8 2. Notwithstanding the provisions of subparagraph 1.,
9 an M.P.O. may, with the approval of the department and the
10 applicable federal governmental agency, adopt an alternative
11 program or mechanism to ensure citizen involvement in the
12 transportation planning process.

13 (f) The department shall allocate to each M.P.O., for
14 the purpose of accomplishing its transportation planning and
15 programming duties, an appropriate amount of federal
16 transportation planning funds.

17 (g) Each M.P.O. shall have an executive or staff
18 director who reports directly to the M.P.O. governing board
19 for all matters regarding the administration and operation of
20 the M.P.O. and any additional personnel as deemed necessary.
21 The executive director and any additional personnel may be
22 employed either by an M.P.O. or by another governmental
23 entity, such as a county, city, or regional planning council,
24 that has a staff services agreement signed and in effect with
25 the M.P.O. Each M.P.O. may ~~employ personnel or may~~ enter into
26 contracts with local or state agencies, private planning
27 firms, ~~or~~ private engineering firms, or other public or
28 private entities to accomplish its transportation planning and
29 programming duties and administrative functions ~~required by~~
30 state or federal law.
31

1 (h) In order to enhance their knowledge,
2 effectiveness, and participation in the urbanized area
3 transportation planning process, each M.P.O. shall provide
4 training opportunities and training funds specifically for
5 local elected officials and others who serve on an M.P.O. The
6 training opportunities may be conducted by an individual
7 M.P.O. or through statewide and federal training programs and
8 initiatives that are specifically designed to meet the needs
9 of M.P.O. board members.

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

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

16 2. Review the impact of regionally significant land
17 use decisions on the region.

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

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

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

1 coordination mechanisms with one another to expand and improve
2 transportation within the state. The appropriate method of
3 coordination between M.P.O.'s shall vary depending upon the
4 project involved and given local and regional needs.

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

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

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

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

29 | (a) Identify transportation facilities, including, but
30 | not limited to, major roadways, airports, seaports,
31 | spaceports, commuter rail systems, transit systems, and

1 intermodal or multimodal terminals that will function as an
2 integrated metropolitan transportation system. The long-range
3 transportation plan must give emphasis to those transportation
4 facilities that serve national, statewide, or regional
5 functions, and must consider the goals and objectives
6 identified in the Florida Transportation Plan as provided in
7 s. 339.155. If a project is located within the boundaries of
8 more than one M.P.O., the M.P.O.'s must coordinate plans
9 regarding the project in the long-range transportation plan.

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

26 (c) Assess capital investment and other measures
27 necessary to:

28 1. Ensure the preservation of the existing
29 metropolitan transportation system including requirements for
30 the operation, resurfacing, restoration, and rehabilitation of
31 major roadways and requirements for the operation,

1 maintenance, modernization, and rehabilitation of public
2 transportation facilities; and

3 2. Make the most efficient use of existing
4 transportation facilities to relieve vehicular congestion and
5 maximize the mobility of people and goods.

6 (d) Indicate, as appropriate, proposed transportation
7 enhancement activities, including, but not limited to,
8 pedestrian and bicycle facilities, scenic easements,
9 landscaping, historic preservation, mitigation of water
10 pollution due to highway runoff, and control of outdoor
11 advertising.

12 (e) In addition to the requirements of paragraphs
13 (a)-(d), in metropolitan areas that are classified as
14 nonattainment areas for ozone or carbon monoxide, the M.P.O.
15 must coordinate the development of the long-range
16 transportation plan with the State Implementation Plan
17 developed pursuant to the requirements of the federal Clean
18 Air Act.

19
20 In the development of its long-range transportation plan, an
21 M.P.O. may refer to the products of any applicable regional
22 planning efforts and each M.P.O. must provide the public,
23 affected public agencies, representatives of transportation
24 agency employees, freight shippers, providers of freight
25 transportation services, private providers of transportation,
26 representatives of users of public transit, and other
27 interested parties with a reasonable opportunity to comment on
28 the long-range transportation plan. The long-range
29 transportation plan must be approved by the M.P.O.

30 ~~(8)(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each
31 M.P.O. shall, in cooperation with the state and affected

1 public transportation operators, develop a transportation
2 improvement program for the area within the jurisdiction of
3 the M.P.O. In the development of the transportation
4 improvement program, each M.P.O. must provide the public,
5 affected public agencies, representatives of transportation
6 agency employees, freight shippers, providers of freight
7 transportation services, private providers of transportation,
8 representatives of users of public transit, and other
9 interested parties with a reasonable opportunity to comment on
10 the proposed transportation improvement program.

11 (a) Each M.P.O. is responsible for developing,
12 annually, a list of project priorities and a transportation
13 improvement program. The prevailing principles to be
14 considered by each M.P.O. when developing a list of project
15 priorities and a transportation improvement program are:
16 preserving the existing transportation infrastructure;
17 enhancing Florida's economic competitiveness; and improving
18 travel choices to ensure mobility. The transportation
19 improvement program will be used to initiate federally aided
20 transportation facilities and improvements as well as other
21 transportation facilities and improvements including transit,
22 rail, aviation, spaceport, and port facilities to be funded
23 from the State Transportation Trust Fund within its
24 metropolitan area in accordance with existing and subsequent
25 federal and state laws and rules and regulations related
26 thereto. The transportation improvement program shall be
27 consistent, to the maximum extent feasible, with the approved
28 local government comprehensive plans of the units of local
29 government whose boundaries are within the metropolitan area
30 of the M.P.O. and include those projects programmed pursuant
31 to s. 339.2819(4).

1 (b) Each M.P.O. annually shall prepare a list of
2 project priorities and shall submit the list to the
3 appropriate district of the department by October 1 of each
4 year; however, the department and a metropolitan planning
5 organization may, in writing, agree to vary this submittal
6 date. The list of project priorities must be formally reviewed
7 by the technical and citizens' advisory committees, and
8 approved by the M.P.O., before it is transmitted to the
9 district. The approved list of project priorities must be used
10 by the district in developing the district work program and
11 must be used by the M.P.O. in developing its transportation
12 improvement program. The annual list of project priorities
13 must be based upon project selection criteria that, at a
14 minimum, consider the following:

- 15 1. The approved M.P.O. long-range transportation plan;
- 16 2. The Strategic Intermodal System Plan developed
17 under s. 339.64.
- 18 3. The priorities developed pursuant to s.
19 339.2819(4).
- 20 4. The results of the transportation management
21 systems; and
- 22 5. The M.P.O.'s public-involvement procedures.

23 (c) The transportation improvement program must, at a
24 minimum:

- 25 1. Include projects and project phases to be funded
26 with state or federal funds within the time period of the
27 transportation improvement program and which are recommended
28 for advancement during the next fiscal year and 4 subsequent
29 fiscal years. Such projects and project phases must be
30 consistent, to the maximum extent feasible, with the approved
31 local government comprehensive plans of the units of local

1 government located within the jurisdiction of the M.P.O. For
2 informational purposes, the transportation improvement program
3 shall also include a list of projects to be funded from local
4 or private revenues.

5 2. Include projects within the metropolitan area which
6 are proposed for funding under 23 U.S.C. s. 134 of the Federal
7 Transit Act and which are consistent with the long-range
8 transportation plan developed under subsection (7)~~(6)~~.

9 3. Provide a financial plan that demonstrates how the
10 transportation improvement program can be implemented;
11 indicates the resources, both public and private, that are
12 reasonably expected to be available to accomplish the program;
13 identifies any innovative financing techniques that may be
14 used to fund needed projects and programs; and may include,
15 for illustrative purposes, additional projects that would be
16 included in the approved transportation improvement program if
17 reasonable additional resources beyond those identified in the
18 financial plan were available. Innovative financing techniques
19 may include the assessment of tolls, the use of value capture
20 financing, or the use of value pricing. The transportation
21 improvement program may include a project or project phase
22 only if full funding can reasonably be anticipated to be
23 available for the project or project phase within the time
24 period contemplated for completion of the project or project
25 phase.

26 4. Group projects and project phases of similar
27 urgency and anticipated staging into appropriate staging
28 periods.

29 5. Indicate how the transportation improvement program
30 relates to the long-range transportation plan developed under
31 subsection (7)~~(6)~~, including providing examples of specific

1 projects or project phases that further the goals and policies
2 of the long-range transportation plan.

3 6. Indicate whether any project or project phase is
4 inconsistent with an approved comprehensive plan of a unit of
5 local government located within the jurisdiction of the M.P.O.
6 If a project is inconsistent with an affected comprehensive
7 plan, the M.P.O. must provide justification for including the
8 project in the transportation improvement program.

9 7. Indicate how the improvements are consistent, to
10 the maximum extent feasible, with affected seaport, airport,
11 and spaceport master plans and with public transit development
12 plans of the units of local government located within the
13 jurisdiction of the M.P.O. If a project is located within the
14 boundaries of more than one M.P.O., the M.P.O.'s must
15 coordinate plans regarding the project in the transportation
16 improvement program.

17 (d) Projects included in the transportation
18 improvement program and that have advanced to the design stage
19 of preliminary engineering may be removed from or rescheduled
20 in a subsequent transportation improvement program only by the
21 joint action of the M.P.O. and the department. Except when
22 recommended in writing by the district secretary for good
23 cause, any project removed from or rescheduled in a subsequent
24 transportation improvement program shall not be rescheduled by
25 the M.P.O. in that subsequent program earlier than the 5th
26 year of such program.

27 (e) During the development of the transportation
28 improvement program, the M.P.O. shall, in cooperation with the
29 department and any affected public transit operation, provide
30 citizens, affected public agencies, representatives of
31 transportation agency employees, freight shippers, providers

1 of freight transportation services, private providers of
2 transportation, representatives of users of public transit,
3 and other interested parties with reasonable notice of and an
4 opportunity to comment on the proposed program.

5 (f) The adopted annual transportation improvement
6 program for M.P.O.'s in nonattainment or maintenance areas
7 must be submitted to the district secretary and the Department
8 of Community Affairs at least 90 days before the submission of
9 the state transportation improvement program by the department
10 to the appropriate federal agencies. The annual transportation
11 improvement program for M.P.O.'s in attainment areas must be
12 submitted to the district secretary and the Department of
13 Community Affairs at least 45 days before the department
14 submits the state transportation improvement program to the
15 appropriate federal agencies; however, the department, the
16 Department of Community Affairs, and a metropolitan planning
17 organization may, in writing, agree to vary this submittal
18 date. The Governor or the Governor's designee shall review and
19 approve each transportation improvement program and any
20 amendments thereto.

21 (g) The Department of Community Affairs shall review
22 the annual transportation improvement program of each M.P.O.
23 for consistency with the approved local government
24 comprehensive plans of the units of local government whose
25 boundaries are within the metropolitan area of each M.P.O. and
26 shall identify those projects that are inconsistent with such
27 comprehensive plans. The Department of Community Affairs shall
28 notify an M.P.O. of any transportation projects contained in
29 its transportation improvement program which are inconsistent
30 with the approved local government comprehensive plans of the
31

1 units of local government whose boundaries are within the
2 metropolitan area of the M.P.O.

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

9 ~~(9)(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O.
10 shall develop, in cooperation with the department and public
11 transportation providers, a unified planning work program that
12 lists all planning tasks to be undertaken during the program
13 year. The unified planning work program must provide a
14 complete description of each planning task and an estimated
15 budget therefor and must comply with applicable state and
16 federal law.

17 ~~(10)(9)~~ AGREEMENTS.--

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

21 1. An agreement with the department clearly
22 establishing the cooperative relationship essential to
23 accomplish the transportation planning requirements of state
24 and federal law.

25 2. An agreement with the metropolitan and regional
26 intergovernmental coordination and review agencies serving the
27 metropolitan areas, specifying the means by which activities
28 will be coordinated and how transportation planning and
29 programming will be part of the comprehensive planned
30 development of the area.

31

1 3. An agreement with operators of public
2 transportation systems, including transit systems, commuter
3 rail systems, airports, seaports, and spaceports, describing
4 the means by which activities will be coordinated and
5 specifying how public transit, commuter rail, aviation,
6 seaport, and aerospace planning and programming will be part
7 of the comprehensive planned development of the metropolitan
8 area.

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

12 ~~(11)~~~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
13 COUNCIL.--

14 (a) A Metropolitan Planning Organization Advisory
15 Council is created to augment, and not supplant, the role of
16 the individual M.P.O.'s in the cooperative transportation
17 planning process described in this section.

18 (b) The council shall consist of one representative
19 from each M.P.O. and shall elect a chairperson annually from
20 its number. Each M.P.O. shall also elect an alternate
21 representative from each M.P.O. to vote in the absence of the
22 representative. Members of the council do not receive any
23 compensation for their services, but may be reimbursed from
24 funds made available to council members for travel and per
25 diem expenses incurred in the performance of their council
26 duties as provided in s. 112.061.

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

29 1. Enter into contracts with individuals, private
30 corporations, and public agencies.

31

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

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

5 4. Establish bylaws and adopt rules pursuant to ss.
6 120.536(1) and 120.54 to implement provisions of law
7 conferring powers or duties upon it.

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

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

16 7. Employ an executive director and such other staff
17 as necessary to perform adequately the functions of the
18 council, within budgetary limitations. The executive director
19 and staff are exempt from part II of chapter 110 and serve at
20 the direction and control of the council. The council is
21 assigned to the Office of the Secretary of the Department of
22 Transportation for fiscal and accountability purposes, but it
23 shall otherwise function independently of the control and
24 direction of the department.

25 8. Adopt an agency strategic plan that provides the
26 priority directions the agency will take to carry out its
27 mission within the context of the state comprehensive plan and
28 any other statutory mandates and directions given to the
29 agency.

30 ~~(12)~~~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon
31 notification by an agency of the Federal Government that any

1 provision of this section conflicts with federal laws or
2 regulations, such federal laws or regulations will take
3 precedence to the extent of the conflict until such conflict
4 is resolved. The department or an M.P.O. may take any
5 necessary action to comply with such federal laws and
6 regulations or to continue to remain eligible to receive
7 federal funds.

8 ~~(13)(12)~~ VOTING REQUIREMENTS.--Each long-range
9 transportation plan required pursuant to subsection~~(7)(6)~~,
10 each annually updated Transportation Improvement Program
11 required under subsection~~(8)(7)~~, and each amendment that
12 affects projects in the first 3 years of such plans and
13 programs must be approved by each M.P.O. on a recorded roll
14 call vote, or hand-counted vote, of a majority of the
15 membership present.

16 Section 9. Paragraph (a) of subsection (3) of section
17 163.3177, Florida Statutes, is amended to read:

18 163.3177 Required and optional elements of
19 comprehensive plan; studies and surveys.--

20 (3)(a) The comprehensive plan shall contain a capital
21 improvements element designed to consider the need for and the
22 location of public facilities in order to encourage the
23 efficient utilization of such facilities and set forth:

24 1. A component which outlines principles for
25 construction, extension, or increase in capacity of public
26 facilities, as well as a component which outlines principles
27 for correcting existing public facility deficiencies, which
28 are necessary to implement the comprehensive plan. The
29 components shall cover at least a 5-year period.

30 2. Estimated public facility costs, including a
31 delineation of when facilities will be needed, the general

1 location of the facilities, and projected revenue sources to
2 fund the facilities.

3 3. Standards to ensure the availability of public
4 facilities and the adequacy of those facilities including
5 acceptable levels of service.

6 4. Standards for the management of debt.

7 5. A schedule of capital improvements which includes
8 publicly funded projects, and which may include privately
9 funded projects for which the local government has no fiscal
10 responsibility, necessary to ensure that adopted
11 level-of-service standards are achieved and maintained. For
12 capital improvements that will be funded by the developer,
13 financial feasibility shall be demonstrated by being
14 guaranteed in an enforceable development agreement or
15 interlocal agreement pursuant to paragraph (10)(h), or other
16 enforceable agreement. These development agreements and
17 interlocal agreements shall be reflected in the schedule of
18 capital improvements if the capital improvement is necessary
19 to serve development within the 5-year schedule. If the local
20 government uses planned revenue sources that require referenda
21 or other actions to secure the revenue source, the plan must,
22 in the event the referenda are not passed or actions do not
23 secure the planned revenue source, identify other existing
24 revenue sources that will be used to fund the capital projects
25 or otherwise amend the plan to ensure financial feasibility.

26 6. The schedule must include transportation
27 improvements included in the applicable metropolitan planning
28 organization's transportation improvement program adopted
29 pursuant to s. 339.175(8)(7) to the extent that such
30 improvements are relied upon to ensure concurrency and
31 financial feasibility. The schedule must also be coordinated

1 with the applicable metropolitan planning organization's
2 long-range transportation plan adopted pursuant to s.
3 339.175~~(7)~~~~(6)~~.

4 Section 10. Section 339.176, Florida Statutes, is
5 amended to read:

6 339.176 Voting membership for M.P.O. with boundaries
7 including certain counties.--In addition to the voting
8 membership established by s. 339.175~~(3)~~~~(2)~~ and notwithstanding
9 any other provision of law to the contrary, the voting
10 membership of any Metropolitan Planning Organization whose
11 geographical boundaries include any county as defined in s.
12 125.011(1) must include an additional voting member appointed
13 by that city's governing body for each city with a population
14 of 50,000 or more residents.

15 Section 11. Subsection (1) of section 341.828, Florida
16 Statutes, is amended to read:

17 341.828 Permitting.--

18 (1) The authority, for the purposes of permitting, may
19 utilize one or more permitting processes provided for in
20 statute, including, but not limited to, the metropolitan
21 planning organization long-range transportation planning
22 process as defined in s. 339.175~~(6)~~~~and~~ (7) and (8), in
23 conjunction with the Department of Transportation's work
24 program process as defined in s. 339.135, or any permitting
25 process now in effect or that may be in effect at the time of
26 permitting and will provide the most timely and cost-effective
27 permitting process.

28 Section 12. Subsection (2) of section 339.2819,
29 Florida Statutes, is amended to read:

30 339.2819 Transportation Regional Incentive Program.--

31

