

By Senator Perry

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1 A bill to be entitled
2 An act relating to metropolitan planning
3 organizations; amending s. 339.175, F.S.; revising
4 voting membership requirements for metropolitan
5 planning organizations according to population;
6 prohibiting an entire county commission from being
7 members of a governing board; revising the percentage
8 of membership which may be composed of county
9 commissioners; requiring metropolitan planning
10 organizations to adopt certain bylaws; revising
11 provisions relating to reappointment of members;
12 requiring metropolitan planning organizations to
13 comply with certain provisions by a specified date;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (3) and paragraph (b) of subsection
19 (4) of section 339.175, Florida Statutes, are amended to read:
20 339.175 Metropolitan planning organization.—

21 (3) VOTING MEMBERSHIP.—

22 (a)1. The voting membership of an M.P.O. designated in an
23 urbanized area with a population of 500,000 or fewer shall
24 consist of at least 5 but not more than 11 ~~25~~ apportioned
25 members, with the exact number determined on an equitable
26 geographic-population ratio basis, based on an agreement among
27 the affected units of general-purpose local government and the
28 Governor, as required by federal regulations.

29 2. The voting membership of an M.P.O. designated in an

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30 urbanized area with a population of more than 500,000 shall
31 consist of at least 5 but not more than 15 apportioned members,
32 with the exact number determined on an equitable geographic-
33 population ratio basis, based on an agreement among the affected
34 units of general-purpose local government and the Governor, as
35 required by federal regulations.

36 3. In accordance with 23 U.S.C. s. 134, the Governor may
37 also allow M.P.O. members who represent municipalities to
38 alternate with representatives from other municipalities within
39 the metropolitan planning area which do not have members on the
40 M.P.O. ~~With the exception of instances in which all of the~~
41 ~~county commissioners in a single county M.P.O. are members of~~
42 ~~the M.P.O. governing board,~~ County commissioners shall compose
43 at least one-third of the M.P.O. governing board membership;
44 however, the entire county commission may not be members of the
45 M.P.O. governing board. A multicounty M.P.O. may satisfy this
46 requirement by any combination of county commissioners from each
47 of the counties constituting the M.P.O. Voting members shall be
48 elected officials of general-purpose local governments, one of
49 whom may represent a group of general-purpose local governments
50 through an entity created by an M.P.O. for that purpose. An
51 M.P.O. may include, as part of its apportioned voting members, a
52 member of a statutorily authorized planning board, an official
53 of an agency that operates or administers a major mode of
54 transportation, or an official of Space Florida. ~~As used in this~~
55 ~~section, the term "elected officials of a general purpose local~~
56 ~~government" excludes constitutional officers, including~~
57 ~~sheriffs, tax collectors, supervisors of elections, property~~
58 ~~appraisers, clerks of the court, and similar types of officials.~~

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59 County commissioners shall compose not less than 30 ~~20~~ percent
60 of the M.P.O. membership if an official of an agency that
61 operates or administers a major mode of transportation has been
62 appointed to an M.P.O. Each M.P.O. shall adopt bylaws governing
63 the operation of the M.P.O., including voting privileges. An
64 M.P.O. may not adopt a weighted voting structure.

65
66 For purposes of this section, the term "elected officials of a
67 general-purpose local government" excludes constitutional
68 officers, including sheriffs, tax collectors, supervisors of
69 elections, property appraisers, clerks of the court, and similar
70 types of officials.

71 (b) In metropolitan areas in which authorities or other
72 agencies have been or may be created by law to perform
73 transportation functions and are or will be performing
74 transportation functions that are not under the jurisdiction of
75 a general-purpose local government represented on the M.P.O.,
76 such authorities or other agencies may be provided voting
77 membership on the M.P.O. In all other M.P.O.'s in which
78 transportation authorities or agencies are to be represented by
79 elected officials of ~~from~~ general-purpose local governments, the
80 M.P.O. shall establish a process by which the collective
81 interests of such authorities or other agencies are expressed
82 and conveyed.

83 (c) Any other provision of this section to the contrary
84 notwithstanding, a charter ~~chartered~~ county with a population of
85 over 1 million population may elect to reapportion the
86 membership of an M.P.O. if the M.P.O. whose jurisdiction is
87 wholly contained within the county. The charter county may

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88 exercise the provisions of this paragraph if:

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

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

94 3. The charter county determines the reapportionment plan
95 otherwise complies with all federal requirements pertaining to
96 M.P.O. membership.

97
98 ~~A Any~~ charter county that elects to exercise the provisions of
99 this paragraph shall notify the Governor in writing.

100 (d) Any other provision of this section to the contrary
101 notwithstanding, a any county as defined in s. 125.011(1)
102 ~~chartered under s. 6(e), Art. VIII of the State Constitution~~ may
103 elect to have its county commission serve as the M.P.O., if the
104 M.P.O. jurisdiction is wholly contained within the county. A Any
105 ~~charter~~ county that elects to exercise the provisions of this
106 paragraph shall ~~so~~ notify the Governor in writing. Upon receipt
107 of such notification, the Governor must designate the county
108 commission as the M.P.O. The Governor must appoint four
109 additional voting members to the M.P.O., one of whom must be an
110 elected official representing a municipality within the county,
111 one of whom must be an expressway authority member, one of whom
112 must be a person who does not hold elected public office and who
113 resides in the unincorporated portion of the county, and one of
114 whom must be a school board member.

115 (4) APPORTIONMENT.—

116 (b) Except for members who represent municipalities on the

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117 basis of alternating with representatives from other
118 municipalities that do not have members on the M.P.O. as
119 provided in paragraph (3) (a), the members of an M.P.O. shall
120 serve 4-year terms. Members who represent municipalities on the
121 basis of alternating with representatives from other
122 municipalities that do not have members on the M.P.O. as
123 provided in paragraph (3) (a) may serve terms of up to 4 years as
124 further provided in the interlocal agreement described in
125 paragraph (2) (b). The membership of a member who is a public
126 official automatically terminates upon the member's leaving his
127 or her elective or appointive office for any reason, or may be
128 terminated by a majority vote of the total membership of the
129 entity's governing board represented by the member. A vacancy
130 shall be filled by the original appointing entity. A member may
131 be reappointed for one ~~or more~~ additional 4-year term terms.

132 Section 2. Notwithstanding any other provision of law to
133 the contrary, by July 1, 2019, each metropolitan planning
134 organization shall update its membership, interlocal agreement,
135 governing documents, and any other relevant information to
136 comply with changes made by this act to s. 339.175, Florida
137 Statutes.

138 Section 3. This act shall take effect July 1, 2018.