

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.

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

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 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  
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.~~  
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  
 88 exercise the provisions of this paragraph if:

89 1. The M.P.O. approves the reapportionment plan by a  
 90 three-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(c), 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  
 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.