

By Senator Brandes

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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.; requiring
4 the voting membership of a metropolitan planning
5 organization (M.P.O.) that is designated before a
6 specified date to consist of a certain number of
7 apportioned members, subject to certain requirements;
8 requiring the voting membership of an M.P.O.
9 designated on or after a specified date as a result of
10 a combination or merger of previously separate
11 M.P.O.'s to consist of a certain number of members,
12 subject to certain requirements; authorizing the
13 Governor to allow M.P.O. members who represent
14 municipalities to alternate with representatives from
15 other municipalities within the metropolitan planning
16 area which do not have members on the M.P.O.;
17 providing requirements for voting members; authorizing
18 an M.P.O. to include certain voting members;
19 conforming a term; providing an effective date.

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

22
23 Section 1. Subsection (3) and paragraph (b) of subsection
24 (4) of section 339.175, Florida Statutes, are amended to read:
25 339.175 Metropolitan planning organization.—

26 (3) VOTING MEMBERSHIP.—

27 (a) The voting membership of an M.P.O. that is designated
28 before July 1, 2018, shall consist of at least 5 but not more
29 than 25 apportioned members, with the exact number determined on

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30 an equitable geographic-population ratio basis, based on an
31 agreement among the affected units of general-purpose local
32 government and the Governor, as required by federal regulations.
33 In accordance with 23 U.S.C. s. 134, the Governor may also allow
34 M.P.O. members who represent municipalities to alternate with
35 representatives from other municipalities within the
36 metropolitan planning area which do not have members on the
37 M.P.O. With the exception of instances in which all of the
38 county commissioners in a single-county M.P.O. are members of
39 the M.P.O. governing board, county commissioners shall compose
40 at least one-third of the M.P.O. governing board membership. A
41 multicounty M.P.O. may satisfy this requirement by any
42 combination of county commissioners from each of the counties
43 constituting the M.P.O. Voting members shall be elected
44 officials of general-purpose local governments, one of whom may
45 represent a group of general-purpose local governments through
46 an entity created by an M.P.O. for that purpose. An M.P.O. may
47 include, as part of its apportioned voting members, a member of
48 a statutorily authorized planning board, an official of an
49 agency that operates or administers a major mode of
50 transportation, or an official of Space Florida. As used in this
51 section, the term "elected officials of a general-purpose local
52 governments government" excludes constitutional officers,
53 including sheriffs, tax collectors, supervisors of elections,
54 property appraisers, clerks of the court, and similar types of
55 officials. County commissioners shall compose not less than 20
56 percent of the M.P.O. membership if an official of an agency
57 that operates or administers a major mode of transportation has
58 been appointed to an M.P.O.

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59 (b) The voting membership of an M.P.O. designated on or
60 after July 1, 2018, as a result of a combination or merger of
61 previously separate M.P.O.'s, shall consist of at least five
62 members, with the exact number determined on an equitable
63 geographic-population ratio basis, based on an agreement among
64 the affected units of general-purpose local government and the
65 Governor, as required by federal regulations. In accordance with
66 23 U.S.C. s. 134, the Governor may allow M.P.O. members who
67 represent municipalities to alternate with representatives from
68 other municipalities within the metropolitan planning area which
69 do not have members on the M.P.O. Voting members must be elected
70 officials of general-purpose local governments, one of whom may
71 represent a group of general-purpose local governments through
72 an entity created by an M.P.O. for that purpose. An M.P.O. may
73 include, as part of its apportioned voting members, a member of
74 a statutorily authorized planning board, an official of an
75 agency that operates or administers a major mode of
76 transportation, or an official of Space Florida.

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

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88 and conveyed.

89 (d)~~(e)~~ Any other provision of this section to the contrary
90 notwithstanding, a chartered county with over 1 million
91 population may elect to reapportion the membership of an M.P.O.
92 whose jurisdiction is wholly within the county. The charter
93 county may exercise the provisions of this paragraph if:

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

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

99 3. The charter county determines the reapportionment plan
100 otherwise complies with all federal requirements pertaining to
101 M.P.O. membership.

102

103 Any charter county that elects to exercise the provisions of
104 this paragraph shall notify the Governor in writing.

105 (e)~~(d)~~ Any other provision of this section to the contrary
106 notwithstanding, any county chartered under s. 6(e), Art. VIII
107 of the State Constitution may elect to have its county
108 commission serve as the M.P.O., if the M.P.O. jurisdiction is
109 wholly contained within the county. Any charter county that
110 elects to exercise the provisions of this paragraph shall so
111 notify the Governor in writing. Upon receipt of such
112 notification, the Governor must designate the county commission
113 as the M.P.O. The Governor must appoint four additional voting
114 members to the M.P.O., one of whom must be an elected official
115 representing a municipality within the county, one of whom must
116 be an expressway authority member, one of whom must be a person

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117 who does not hold elected public office and who resides in the
118 unincorporated portion of the county, and one of whom must be a
119 school board member.

120 (4) APPORTIONMENT.—

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

138 Section 2. This act shall take effect July 1, 2018.