

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1032

INTRODUCER: Transportation Committee and Senator Gruters

SUBJECT: Transportation

DATE: February 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1032 amends various provisions relating to transportation. Specifically, the bill:

- Deletes an obsolete effective date regarding the compensation of the Secretary of Transportation and his or her assistant secretaries.
- Revises the membership of the Center for Urban Transportation Research’s advisory board.
- Makes a technical change to the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab’s advisory board.
- Creates a moratorium on new metropolitan planning organizations (MPOs) adjacent to existing MPOs.
- Requires the Florida Department of Transportation (FDOT) to annually convene MPOs of similar size to exchange best practices.
- Requires the FDOT to provide training for new MPO governing board members.
- Creates the following provisions regarding MPO accountability and transparency:
  - Requires the FDOT to review each MPO's long-range transportation plan.
  - Requires the FDOT to create quality performance metrics to evaluate each MPO.
  - Requires each MPO to annually report its score for each quality performance metric and publish its score and supporting data on its website.
  - Requires the FDOT to validate each MPOs score and make needed adjustments.
- Requires the integration of new technologies into MPO long-range transportation plans.
- Requires the MPOs in Lee and Collier Counties to submit a feasibility study regarding their merger.

- Repeals the Metropolitan Planning Organization Advisory Council (MPOAC).
- Requires the FDOT to submit a comprehensive review of its district boundaries and whether any district boundaries should be redrawn as a result of population growth and increased urban density.

The bill has an indeterminate fiscal impact on the FDOT and MPOs. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

## **III. Effect of Proposed Changes:**

### **Secretary of Transportation Compensation (Section 1)**

#### *Present Situation*

The Florida Department of Transportation is headed by the Secretary of Transportation (Secretary).<sup>1</sup> The Secretary may appoint up to three assistant secretaries to perform duties as assigned by the Secretary.<sup>2</sup> Florida law provides that any Secretary appointed after July 5, 1989, and the assistant secretaries are exempt from the Career Service System,<sup>3</sup> and must be compensated commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector.<sup>4</sup>

#### *Effect of Proposed Changes*

The bill removes an obsolete July 5, 1989, effective date regarding the compensation of the Secretary of Transportation and his or her assistant secretaries.

### **Center for Urban Transportation Research Advisory Board (Section 2)**

#### *Present Situation*

The Center for Urban Transportation Research (CUTR) is established at the University of South Florida (USF). CUTR's responsibilities include conducting and facilitating research on issues related to Florida's urban transportation problems and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.<sup>5</sup>

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<sup>1</sup> Section 20.23(1)(a), F.S.

<sup>2</sup> Section 20.23(1)(c), F.S.

<sup>3</sup> Chapter 110, part III, F.S.

<sup>4</sup> Section 20.23(1)(e), F.S.

<sup>5</sup> Section 334.065(1), F.S.

CUTR's advisory board reviews and advises CUTR concerning its research program. Except for projects mandated by law, CUTR may not undertake state-funded projects without advisory board approval. CUTR's advisory board consists of nine transportation experts, including:

- The Secretary of Transportation or his or her designee.
- The Secretary of Environmental Protection or his or her designee.
- The Secretary of Economic Opportunity<sup>6</sup> or his or her designees.
- A member of the Florida Transportation Commission.
- The nomination of the remaining board members is made to USF's President by USF's College of Engineering. The appointment of these members are reviewed and approved by the FTC and confirmed by the Board of Governors.<sup>7</sup>

### *Effect of Proposed Changes*

The bill amends CUTR's advisory board to consist of 10 transportation experts including the following:

- A member appointed by the President of the Senate.
- A member appointed by the Speaker of the House of Representatives.
- The Secretary of Transportation or his or her designee.
- The Secretary of Commerce or his or her designee.
- A member of the Florida Transportation Commission.
- Five members recommended to the President of USF by USF's College of Engineering. These appointments must be reviewed, approved, and confirmed by the Board of Governors.

## **Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab Advisory Board (Section 5)**

### *Present Situation*

The Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab is established at the University of Florida (UF).<sup>8</sup> The I-STREET Living Lab must:

- Conduct and facilitate research on issues related to innovative transportation mobility and safety technology development and deployment in this state and serve as an information exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues.
- Be a continuing resource for the Legislature, the FDOT, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research.
- Promote intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.

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<sup>6</sup> In 2023, the Department of Economic Opportunity was renamed the Department of Commerce. *See* Ch. 2023-173, Law of Fla.

<sup>7</sup> Section 334.065(3), F.S.

<sup>8</sup> Section 334.066(1), F.S.

- Provide by July 1, 2024, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines its clearly defined goals and its efforts and progress on reaching those goals.<sup>9</sup>

I-STREET's advisory board periodically reviews and advises I-STREET concerning its research program. The board consists of the following members with transportation-related expertise:

- A member appointed by the President of the Senate.
- A member appointed by the Speaker of the House of Representatives.
- The Secretary of Transportation or his or her designee.
- The Secretary of Economic Opportunity or his or her designee.
- A member of the Florida Transportation Commission.
- Four members nominated by the UF's College of Engineering and approved by UF's president. The College of Engineering's nominees may include representatives of UF, other academic and research institutions, or private entities.<sup>10</sup>

### *Effect of Proposed Changes*

The bill amends I-STREET's advisory board changing the Secretary of Economic Opportunity to the Secretary of Commerce to reflect a change in the agency's name.

### **Metropolitan Planning Organizations (Section 4)**

An MPO is the policy board created and designated to carry out the metropolitan transportation planning process.<sup>11</sup> MPOs are required to represent localities in all urbanized areas with populations over 50,000, as determined by the U.S. Census.<sup>12</sup> Currently, Florida has 27 MPOs, the largest number of MPOs in the nation.

Federal law and regulations give MPOs, in coordination with the FDOT and others, significant transportation planning responsibility. Federal law requires MPOs to be designated for each urbanized area with a population of more than 50,000 individuals by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population, including the largest incorporated city; or in accordance with procedures established by applicable state or local law.<sup>13</sup>

### *MPO Purpose/Intent*

#### *Present Situation*

Florida law provides legislative intent to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through the state's urbanized while minimizing transportation-related fuel consumption, air

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<sup>9</sup> Section 334.066(2), F.S.

<sup>10</sup> Section 334.066(3), FS.

<sup>11</sup> 23 C.F.R. § 450.104.

<sup>12</sup> Federal Transit Administration, *Metropolitan Planning Organization*, <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo> (last visited February 8, 2024).

<sup>13</sup> 23 U.S.C., § 134(d)(1)

pollution, and greenhouse gas emissions through metropolitan transportation planning processes.<sup>14</sup>

To accomplish these objectives, MPOs must develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. These plans and programs must provide for the development and integrated management and operation of transportation systems and facilities that will function as an intermodal transportation system for the metropolitan area.<sup>15</sup>

### *Effect of Proposed Changes*

The bill amends legislative intent regarding MPOs to emphasize:

- Developing multimodal transportation systems, instead of surface transportation systems; and
- Serving the mobility needs of people and freight and fostering economic growth and development throughout the urbanized areas of this state while balancing conservation of natural resources.

### ***MPO Designation***

#### *Present Situation*

An MPO must be designated for each urbanized area of the state. However, an individual MPO is not required to be designated for each urbanized area. MPO designation is done by agreement between the Governor and the general-purpose local governments representing at least 75 percent of the urbanized area's population. However, the general-purpose local government representing the central city or cities within the MPO must be a party to the agreement.<sup>16</sup>

To the extent possible, only one MPO may be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated within an existing urbanized area only if the Governor and the existing MPO determine that the existing urbanized area's size and complexity makes designating more than one MPO for the area appropriate, in which case each MPO designated for the area must:

- Consult with every other MPO designated for the urbanized area and the state to coordinate plans and transportation improvement programs.
- Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.<sup>17</sup>

MPO boundaries are determined by agreement between the Governor and the MPO. The MPO's boundaries must include at least the metropolitan planning area, but may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.<sup>18</sup>

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<sup>14</sup> Section 339.175(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 339.175(2)(a)1., F.S.

<sup>17</sup> Section 339.175(2)(a)2., F.S.

<sup>18</sup> Section 339.175(2)(a)3, F.S.

*Effect of Proposed Changes*

The bill provides that after July 1, 2024, no additional MPOs may be designated in Florida except in urbanized areas<sup>19</sup> where the urbanized area is not contiguous to an urbanized area designated before the 2020 census.

The bill repeals the requirement that when there is more than one MPO in an urbanized area, the MPOs must consult with every other MPO in the urbanized area and the state to coordinate plans and transportation improvement programs and to ensure consistency in of data used in the planning process.

***MPO Powers, Duties, and Responsibilities****Present Situation*

Each MPO must perform all acts necessary to qualify for federal aid, and each MPO must be involved in transportation planning and programming to the extent permitted by state or federal law. However, an MPO may not perform project production or delivery for capital improvement projects on the State Highway System.<sup>20</sup>

In developing its long-range transportation plan (LRTP)<sup>21</sup> and the transportation improvement program (TIP),<sup>22</sup> each MPO must consider projects and strategies that will:

- Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
- Increase the safety and security of the transportation system for motorized and nonmotorized users.
- Increase the accessibility and mobility options available to people and for freight.
- Protect and enhance the environment, promote energy conservation, and improve quality of life.
- Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight.
- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.
- Improve the resilience of transportation infrastructure.<sup>23</sup>

To more fully accomplish the MPOs purposes, MPOs must develop coordination mechanisms with one another to expand and improve transportation within the state.<sup>24</sup>

*Effect of Proposed Changes*

The bill amends the considerations required by each MPO in developing its LRTP and TIP to include conserving natural resources, instead of promoting energy conservation. Additionally, MPOs must consider projects and strategies to reduce traffic and congestion.

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<sup>19</sup> This is as defined by the United States Bureau of the Census.

<sup>20</sup> Section 339.175(6), F.S.

<sup>21</sup> The long-range transportation plan is developed pursuant to s. 339.175(7), F.S.

<sup>22</sup> The transportation improvement program is developed pursuant to s. 339.175(8), F.S.

<sup>23</sup> Section 339.175(6)(b), F.S.

<sup>24</sup> Section 339.175(6)(J)1., F.S.

The bill requires that the FDOT to at least annually, convene MPOs of similar size, based on population served, to exchange best practices.

The bill authorizes MPOs to develop committees or working groups as needed to accomplish such purpose. At the FDOT's discretion, training for new MPO governing board members must be provided by the FDOT, an entity pursuant to a contract with FDOT, by CUTR, or by I-STREET Living Lab.

### ***MPO Consolidation***

#### *Present Situation*

By December 31, 2023, the MPOs serving Hillsborough, Pasco, and Pinellas Counties were required to submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, the goals of which would be to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.<sup>25</sup>

#### *Effect of Proposed Changes*

The bill requires, by February 28, 2025, the MPOs serving Lee and Collier Counties to submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with the same goals as listed above.

### ***MPO Long-Range Transportation Plans***

#### *Present Situation*

Each MPO must develop a long-range transportation plan (LRTP) addressing at least a 20-year planning horizon. The LRTP must include both long-range and short-range strategies. The prevailing principles to be considered in the LRTP are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.<sup>26</sup>

The LRTP must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the local government within the MPO. Each MPO is encouraged to consider strategies integrating transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. Local governments must consider LRTPs in developing transportation elements in local government comprehensive plans.<sup>27</sup>

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<sup>25</sup> Section 339.175(6)(i), F.S.

<sup>26</sup> Section 339.175(7), F.S.

<sup>27</sup> Section 339.175(7), F.S.

In developing its LRTP, each MPO must provide the public and other interested parties with a reasonable opportunity to comment. The MPO must approve its LRTP.<sup>28</sup>

#### *Effect of Proposed Changes*

The bill revises provisions relating to MPO LRTP's by removing the requirement that multiple MPOs within a contiguous urbanized area to coordinate the development of LRTPs to be reviewed by the MPOAC.

The bill includes public-private partnerships in the list of innovative financing techniques that MPOs may consider.

Regarding transportation enhancement activities, the bill includes the integration of advanced air mobility and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter or micromobility purposes. The bill removes historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising as potential transportation enhancement activities.

The bill adds that in addition to MPO approval, the FDOT must also approve each MPO's LRTP.

#### ***MPO Accountability***

##### *Present Situation*

Currently, there are no MPO-specific statutory accountability provisions.

##### *Effect of Proposed Changes*

The bill requires the FDOT to review each MPO's LRTP for productive flow and connectivity for people and freight within the MPO's metropolitan area. If the FDOT finds an MPO's LRTP to be unsatisfactory or incongruent with the metropolitan area, the FDOT must return the plan to the MPO for revision.

The FDOT must to create quality performance metrics and a scoring mechanism by which to evaluate each MPOs service to its communities, considering traffic congestion, the utilization rate of multimodal transportation facilities, resident satisfaction, the efficiency of the transportation system for people and freight, and other factors the FDOT deems necessary. The FDOT must establish a minimum acceptable quality performance score.

The bill provides that beginning in 2025, and each year thereafter, each MPO must report its score for each quality performance metric by December 1 to the appropriate the FDOT district secretary and publish its score and supporting data on its website. The FDOT must validate each MPO's score calculation and make any necessary adjustments.

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<sup>28</sup> Section 339.175(7), F.S., flush left.



## **Metropolitan Planning Organization Advisory Council (Section 4)**

### ***Present Situation***

The Metropolitan Planning Organization Advisory Council (MPOAC), consisting of one representative from each MPO was established, to augment, and not supplant, the individual MPO's role in the cooperative transportation planning process.<sup>29</sup>

The MPOAC's powers and duties are to:

- Establish bylaws providing procedural rules to guide its proceedings and consideration of matters before MPOAC, or, alternatively, adopt rules to implement provisions of law conferring powers or duties upon it.
- Assist MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion.
- Serve as a clearinghouse for review and comment by MPOs on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes. The MPOAC must annually report to the Florida Transportation Commission on the alignment of MPO LRTPs with the Florida Transportation Plan.
- Employ an executive director and such other staff as necessary to adequately perform adequately its functions.<sup>30</sup>
- Deliver training on federal and state program requirements and procedures to MPO board members and MPO staff.
- Adopt a strategic plan prioritizing steps it will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.<sup>31</sup>

The MPOAC may enter into contracts to support the activities described above. Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.<sup>32</sup>

### ***Effect of Proposed Changes***

The bill repeals the MPOAC.

## **Space Florida (Sections 5 and 6)**

### ***Present Situation***

Space Florida is required to partner with the MPOAC to coordinate and specify how aerospace planning and programming will be part of Florida's cooperative transportation planning process.<sup>33</sup>

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<sup>29</sup> Sections 339.175(11)(a) and (b), F.S.

<sup>30</sup> The MPOAC is assigned to the Office of the Secretary of Transportation for fiscal and accountability purposes, otherwise function independently of FDOT's control and direction.

<sup>31</sup> Section 339.175(11)(c), F.S.

<sup>32</sup> Section 339.175(11)(d), F.S.

<sup>33</sup> Section 331.310(14), F.S.

***Effect of Proposed Changes***

The bill repeals Space Florida's duty to partner with the MPOAC regarding how aerospace planning and programming will be part of Florida's transportation planning process.

The bill also conforms a cross-reference in s. 331.301, F.S.

**FDOT Districts (Section 7)*****Present Situation***

Under Florida law, the FDOT is a decentralized agency with its operations organized into seven geographic districts, each headed by a district secretary and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The FDOT's district headquarters are located in Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. In order to provide for efficient operations and to expedite the decision-making process, the FDOT must provide for maximum decentralization to its districts.<sup>34</sup>

***Effect of Proposed Changes***

The bill requires the FDOT to, by October 31, 2024, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each the FDOT district and make recommendations whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

**Effective Date (Section 8)**

The bill takes effect July 1, 2024.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

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<sup>34</sup> Section 20.23(4)(a), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact to the FDOT due to the requirements that it review its district boundaries, annually convene meetings of specified MPOs, provide training to new MPO board members, and undertake new responsibilities regarding MPO accountability and transparency.

MPOs may incur additional costs due in order to comply with accountability and transparency provisions created in the bill.

The MPOs in Collier and Lee Counties will incur costs associated with conducting a study regarding their possible merger.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The revision to the MPO designation statute may be inconsistent with existing federal and state law, by precluding designation of more than one MPO where an urbanized area boundary *is* contiguous to an urbanized area designated before the 2020 decennial census. *To the extent possible, both* federal and state law call for a single MPO designation for each urbanized area *or group of contiguous urbanized areas*. However, as indicated, more than one MPO may be designated within an existing urbanized area if the required agreement between the Governor and the relevant local governments is achieved. Because groups of contiguous urbanized areas are included in the designation provisions of both federal and state law, it appears that designation of more than one MPO is authorized for contiguous urbanized areas; that is, a *group of contiguous urbanized areas*, regardless of when designated, provided the required agreement is achieved.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 334.065, 334.066, 339.175, 348.0306, 331.3051, and 331.310.

This bill creates an undesignated section of Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 6, 2024:**

The committee substitute:

- Removes the repeal of the Florida Transportation Commission along with various provisions in the bill conforming to its repeal.
- Removes changes to the schedule for the FDOT to develop its tentative work program.
- Deletes an obsolete effective date regarding compensation of the Secretary of Transportation.
- Revises the membership of the Center for Urban Transportation Research’s advisory board.
- Makes a technical change to the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab advisory board.
- Removes a provision requiring the FDOT to assumption of control of MPOs under certain conditions.
- Removes a provision awarding \$5 million from the State Transportation Trust Fund to certain MPOs.

- B. **Amendments:**

None.