

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1032
 INTRODUCER: Senator Gruters
 SUBJECT: Transportation
 DATE: February 5, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.	_____	_____	ATD	_____
3.	_____	_____	AP	_____

I. Summary:

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

- Repeals the Florida Transportation Commission (FTC). Related to the FTC’s repeal, the bill:
 - Requires the Governor to directly appoint Secretary of Transportation.
 - Repeals the FTC development of performance and productivity standards for the Florida Department of Transportation (FDOT).
 - Revises the schedule regarding FDOT’s submission of the tentative work program to the Governor and Legislature.
 - Requires FDOT to conduct a statewide public hearing on FDOT’s tentative work program and issue a report evaluating the same.
 - Requires FDOT, instead of the FTC to determine the statewide, average administrative costs for expressway authorities.
 - Repeals the FTC’s review of FDOT’s Strategic Intermodal System Plan.
- Revises membership for the Center for Urban Transportation Research’s advisory board.
- Revises membership for 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 FDOT to convene MPOs of similar size to exchange best practices.
- Requires FDOT to provided training for new MPO governing board members.
- Creates the following provisions regarding MPO accountability and transparency:
 - Requires FDOT to review each MPO’s long-range transportation plan.
 - Requires 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 FDOT to validate each MPOs score and make needed adjustment.

- Provides that if an MPO that fails to meet its performance metrics, it will be placed under FDOT's control.
- Provides, subject to appropriation, that the MPO with the highest quality performance score will receive \$5 million for projects approved in its work program.
- 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 FDOT to submit a comprehensive review of its district boundaries.

The bill has an indeterminate fiscal impact on FDOT, MPOs, and the Department of Commerce. See Fiscal Impact Statement for details.

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:

Repeal of the Florida Transportation Commission (Section 1)

Present Situation

The Florida Transportation Commission (FTC) consists of nine members appointed by the Governor, subject to Senate confirmation.¹ Each member must possess business managerial experience in the private sector.² FTC members must be appointed to equitably represent all geographic areas of the state.³ However, FTC members must represent the state's transportation needs as a whole and may not subordinate the needs of the state to the needs of any particular area.⁴

The FTC is assigned to the Florida Department of Transportation (FDOT) for administrative and fiscal accountability purposes, but is otherwise independent of FDOT's control and direction.⁵ The Secretary of Transportation must provide the FTC such assistance, information, and documents as the FTC requests to enable the FTC to fulfill its duties and responsibilities.⁶ FDOT is also required to submit major transportation policy initiatives or revisions to the FTC for review.⁷

¹ Section 20.23(2)(a)1., F.S.

² Section 20.23(2)(a)2., F.S.

³*Id.*

⁴ Section 20.23(2)(a)3., F.S.

⁵ Section 20.23(2)(a)4., F.S.

⁶ Section 20.23(1)(c), F.S.

⁷ Section 20.23(3)(a), F.S.

The FTC must:

- Nominate three persons to the Governor to be Secretary of Transportation.⁸
- Recommend major transportation policies for the Governor's approval and assure that approved policies are properly executed.⁹
- Periodically review the status of the state transportation system and recommend improvements to the Governor and the Legislature.¹⁰
- Perform an in-depth evaluation of FDOT's budget request, tentative work program, and Florida Transportation Plan for compliance with applicable laws and FDOT policies.¹¹
- Monitor FDOT's financial status to assure that FDOT is responsibly managing revenue and bond proceeds.¹²
- Monitor FDOT's efficiency, productivity, and management using established performance and production standards.¹³
- Perform an in-depth evaluation of the factors causing disruption of project schedules in FDOT's adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce these disruptions.¹⁴
- Recommend to the Governor and the Legislature improvements to FDOT's organization.¹⁵
- Monitor the efficiency, productivity, and management of the:
 - Greater Miami Expressway Agency;
 - Tampa-Hillsborough County Expressway Authority;
 - Central Florida Expressway Authority;
 - Jacksonville Transportation Authority;
 - Mid-Bay Bridge Authority;
 - South Florida Regional Transportation Authority; and
 - Central Florida Regional Transportation Authority.¹⁶

The FTC or an FTC member may not enter into FDOT's or a monitored authority's day-to-day operations and is specifically prohibited from taking part in:

- The awarding of contracts.
- The selection of a consultant or contractor or the prequalification of any consultant or contractor.
- The selection of a route for a specific project.
- The specific location of a transportation facility.
- The acquisition of rights-of-way.
- The employment, promotion, demotion, suspension, transfer, or discharge of any FDOT personnel.
- The granting, denial, suspension, or revocation of any FDOT-issued license or permit.¹⁷

⁸ Section 20.23(1)(a), F.S.

⁹ Section 20.23(2)(b)1., F.S.

¹⁰ Section 20.23(2)(b)2., F.S.

¹¹ Section 20.23(2)(b)3., F.S.

¹² Section 20.23(2)(b)4., F.S.

¹³ Section 20.23(2)(b)5., F.S.

¹⁴ Section 20.23(2)(b)6., F.S.

¹⁵ Section 20.23(2)(b)8, F.S.

¹⁶ Section 20.23(2)(b)9., F.S.

¹⁷ Section 20.23(2)(c), F.S.

Effect of Proposed Changes

The bill repeals the Florida Transportation Commission.

Transportation Performance and Productivity Standards (Section 2)*Present Situation*

The FTC must develop and adopt quantitative and qualitative measures for evaluating FDOT's performance and productivity. These measures must assess FDOT's:

- Production;
- Finance and administration;
- Preservation of the current state system;
- Safety of the current state system;
- Capacity improvements: highways and all public transportation modes; and
- Disadvantaged business enterprise and minority business programs.¹⁸

The FTC must establish annual performance objectives and standards to evaluate FDOT's performance and productivity.¹⁹ Quarterly, the FTC must evaluate FDOT's performance and productivity, using the adopted performance measures.²⁰

After each annual evaluation, the FTC must submit its findings to the Governor and the Legislature. If the FTC finds that FDOT failed to satisfactorily perform, the FTC must recommend actions to improve FDOT's performance.²¹

Effect of Proposed Changes

The bill repeals FDOT's performance and productivity standards along with the FTC's development and evaluation of those standards.

Legislative Intent with Respect to FDOT Management Accountability and Monitoring Systems (Section 3)*Present Situation*

FDOT must implement accountability and monitoring systems to evaluate whether its goals are being accomplished efficiently and cost-effectively, and to ensure compliance with all laws, rules, policies, and procedures related to FDOT's operations. The FTC must monitor those aspects of FDOT's operations assigned to it.²²

Effect of Proposed Changes

The bill repeals the requirement that the FTC monitor certain aspects of FDOT's operations, conforming to the FTC's repeal.

¹⁸ Section 334.045(1), F.S.

¹⁹ Section 334.045(2), F.S.

²⁰ Section 334.045(3), F.S.

²¹ Section 334.045(4), F.S.

²² Section 334.048(1), F.S.

Center for Urban Transportation Research Advisory Board (Section 4)

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.²³

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 Opportunity²⁴ 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 USF's College of Engineering. The appointment of these members are reviewed and approved by the FTC and confirmed by the Board of Governors.²⁵

Effect of Proposed Changes

The bill amends CUTR's advisory board to consist of 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.
- Five members commended 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 for 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).²⁶ 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

²³ Section 334.065(1), F.S.

²⁴ In 2023, the Department of Economic Opportunity was renamed the Department of Commerce. *See* Ch. 2023-173, Law of Fla.

²⁵ Section 334.065(3), F.S.

²⁶ Section 334.066(1), F.S.

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, 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.
- 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.²⁷

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.²⁸

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. The bill also removes the FTC's board member and replaces him or her with an additional member appointed by UF's College of Engineering.

FDOT's Work Program (Section 6)

Present Situation

FDOT must annually file its legislative budget request setting forth its proposed revenues and expenditures for in the ensuing fiscal year. Prior to submitting its tentative work program, FDOT may amend its legislative budget request and its tentative work program to reflect the most recent revenue estimates and federal aid apportionments.²⁹

Each FDOT district's work program is cooperatively developed with the metropolitan planning organizations (MPOs)³⁰ and includes, to the maximum extent feasible, MPO project priorities which have been submitted to the FDOT district.³¹

²⁷ Section 334.066(2), F.S.

²⁸ Section 334.066(3), FS.

²⁹ Section 339.135(2)(a), F.S.

³⁰ For purposes of s. 339.175, F.S., the board of county commissioners serves as the MPO in those counties which are not located in an MPO. See s. 339.175(4)(c)1., F.S.

³¹ Section 339.175(4)(c)2, F.S.

Prior to submitting the district work program to FDOT's central office, each district holds a public hearing in at least one urbanized area in the district and makes a presentation to each MPO in the district to determine need to making any changes to projects in the district work program and to hear requests for new projects to be added to, or existing projects to be deleted from, the district work program. The district must provide the MPO with a written explanation for any project which is contained in the MPO's transportation improvement program, which is not included in the district work program. The MPO may request, to the appropriate district secretary, further consideration of any specific project not included or not adequately addressed in the district work program. The district secretary must acknowledge and review all such requests prior to submitting the district work program to the central office and must forward a copy of such requests to the Secretary and the FTC. The FTC must include such requests in its evaluation of the tentative work program.³²

At least 14 days before the beginning of the regular legislative session, FDOT must submit a preliminary copy of its tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the FTC, and the Department of Economic Opportunity (now the Department of Commerce).³³

Prior to the statewide public hearing, the Department of Economic Opportunity must transmit to the FTC a list of projects and project phases contained in the tentative work program which are identified inconsistent with approved local government comprehensive plans.³⁴

The FTC must conduct a statewide public hearing on FDOT's tentative work program,³⁵ where the FTC must:

- Conduct an in-depth evaluation of FDOT's tentative work program for compliance with applicable laws and FDOT policies; and
- Hear all questions, suggestions, or other comments offered by the public.³⁶

By no later than 14 days after the regular legislative session begins, the FTC must submit to the Executive Office of the Governor and the legislative appropriations committees a report evaluating FDOT's tentative work program for:

- Financial soundness;
- Stability;
- Production capacity;
- Accomplishments,
- Compliance with approved local government comprehensive plans;
- Objections and requests by MPOs;
- Policy changes and their effects;
- Identification of statewide or regional projects; and

³² Section 339.175(4)(d), F.S.

³³ Section 339.175(4)(f), F.S.

³⁴ *Id.*

³⁵ The FTC's statewide public hearing has traditionally been held the day before the beginning of the regular legislative session.

³⁶ Section 339.175(4)(g)1., F.S.

- Compliance with all other applicable laws.³⁷

Following the FTC's evaluation, FDOT must submit its tentative work program to the Executive Office of the Governor and the legislative appropriations committees no later than 14 days after the regular legislative session begins.³⁸

Effect of Proposed Changes

The bill provides that FDOT may, before its public hearing and evaluation, instead of prior to the submission of the tentative work program, amend its legislative budget request and tentative work program to reflect the most recent revenue estimates and the most recent federal apportionments.

The bill removes the FTC from the FDOT's work program review process and removes requirements that the FTC include certain information in its report.

The bill repeals the requirement that a preliminary copy of FDOT's tentative work program be provided to the Executive Office of the Governor, legislative appropriations committees, the FTC and Department of Economic Opportunity at least 14 days prior to the beginning of the regular legislative session.

The bill repeals the requirement that the Department of Economic Opportunity transmit to the FTC a list of projects and project phases in FDOT's tentative work program that are inconsistent with the approved local government comprehensive plans.

The bill requires FDOT, instead of the FTC, to conduct the statewide public hearing on FDOT's work program. FDOT must submit to the Governor and legislative appropriations committees its report on its work program no later than 14 days before the regular legislative session begins.

The bill repeals the requirement that following the FTC evaluation, FDOT must submit its tentative work program no later than 14 days after the regular legislative session begins. This appears to conform with the requirement that FDOT's tentative work program be provided 14 days before the beginning of the regular legislative session.

Metropolitan Planning Organizations (Section 7)

An MPO is the policy board created and designated to carry out the metropolitan transportation planning process.³⁹ MPOs are required to represent localities in all urbanized areas with populations over 50,000, as determined by the U.S. Census.⁴⁰ Currently, Florida has 27 MPOs, the largest number of MPOs in the nation.

³⁷ Section 339.175(4)(g)2., F.S.

³⁸ Section 339.175(4)(h), F.S.

³⁹ 23 C.F.R. § 450.104.

⁴⁰ Federal Transit Administration, *Metropolitan Planning Organization*, <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo> (last visited January 4, 2024).

Federal law and regulations give MPOs, in coordination with 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.⁴¹

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 pollution, and greenhouse gas emissions through metropolitan transportation planning processes.⁴²

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.⁴³

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.⁴⁴

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

⁴¹ 23 U.S.C., § 134(d)(1)

⁴² Section 339.175(1), F.S.

⁴³ *Id.*

⁴⁴ Section 339.175(2)(a)1., F.S.

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.⁴⁵

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.⁴⁶

Effect of Proposed Changes

The bill provides that after July 1, 2024, no additional MPOs may be designated in Florida except in urbanized areas⁴⁷ 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.⁴⁸

In developing its long-range transportation plan (LRTP)⁴⁹ and the transportation improvement program (TIP),⁵⁰ 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.

⁴⁵ Section 339.175(2)(a)2., F.S.

⁴⁶ Section 339.175(2)(a)3, F.S.

⁴⁷ This is as defined by the United States Bureau of the Census.

⁴⁸ Section 339.175(6), F.S.

⁴⁹ The long-range transportation plan is developed pursuant to s. 339.175(7), F.S.

⁵⁰ The transportation improvement program is developed pursuant to s. 339.175(8), F.S.

- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.
- Improve the resilience of transportation infrastructure.⁵¹

To more fully accomplish the MPOs purposes, MPOs must develop coordination mechanisms with one another to expand and improve transportation within the state.⁵²

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.

The bill requires that FDOT must to more fully accomplish the MPOs mandated purposes, and, 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 FDOT's discretion, training for new MPO governing board members must be provided by 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.⁵³

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.

⁵¹ Section 339.175(6)(b), F.S.

⁵² Section 339.175(6)(J)1., F.S.

⁵³ Section 339.175(6)(i), F.S.

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.⁵⁴

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.⁵⁵

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.⁵⁶

Effect of Proposed Changes

The bill revises provisions relating to MPO LRTP's by removing 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.

The bill adds that in addition to MPO approval, 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 FDOT to review each MPO's LRTP for productive flow and connectivity for people and freight within the MPO's metropolitan area. If DOT finds an MPO's LRTP to be

⁵⁴ Section 339.175(7), F.S.

⁵⁵ Section 339.175(7), F.S.

⁵⁶ Section 339.175(7), F.S., flush left.

unsatisfactory or incongruent with the metropolitan area, FDOT must return the plan to the MPO for revision.

FDOT must to create qualify 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 FDOT deems necessary. 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 FDOT district secretary and publish its score and supporting data on its website. FDOT must validate each MPO's score calculation and make any necessary adjustments.

Beginning December 2026 and every three years thereafter, if an MPO does not achieve a minimum acceptable quality performance score, it must be placed under the Secretary of Transportation's control. The Secretary of Transportation must appoint the district secretary or another person to assume the role of the MPO's executive director and chair of its governing board for a period not to exceed one year. During this year, the district secretary or other person must make recommendations to the MPO's governing board regarding:

- Any leadership, process, and management changes needed to improve the MPO's quality performance score.
- Whether the MPO's metropolitan area would be better served by consolidating the MPO with an MPO in a contiguous urbanized metropolitan area.

The bill provides that subject to legislative appropriation, beginning in 2026 and every three years thereafter, the MPO with the highest quality performance score will receive \$5 million from the State Transportation Trust Fund. Such funds must be expended at the MPO's discretion for a project approved in its work program list. Such MPO will also represent Florida in any federal MPO conference or membership organization.

Metropolitan Planning Organization Advisory Council (Section 7)

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.⁵⁷

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.

⁵⁷ Sections 339.175(11)(a) and (b), F.S.

- 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 FTC 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.⁵⁸
- 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.⁵⁹

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.⁶⁰

Effect of Proposed Changes

The bill repeals the MPOAC.

Expressway Authority Administrative Costs (Section 8)

Present Situation

The Greater Miami Expressway Agency is prohibited from having the amount of toll revenues it uses for administrative costs greater than 10 percent above the annual state average for administrative costs. The FTC determines the state average of administrative costs based on the administrative costs of all the state's expressway authorities.⁶¹

Effect of Proposed Changes

The bill requires FDOT, instead of the FTC, to calculate average administrative costs for expressway authorities.

Space Florida (Section 10)

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.⁶²

⁵⁸ 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.

⁵⁹ Section 339.175(11)(c), F.S.

⁶⁰ Section 339.175(11)(d), F.S.

⁶¹ Section 348.0306(2)(e)3., F.S.

⁶² 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.

Strategic Intermodal System Plan (Section 12)***Present Situation***

Florida's Strategic Intermodal System (SIS) is the state's highest priority for transportation capacity investments and a primary focus for implementing the Florida Transportation Plan, the state's long-range transportation vision and policy plan.⁶³ FDOT must develop a Strategic Intermodal System Plan, which must be consistent with the Florida Transportation Plan and be updated at least once every 5 years, subsequent to FDOT's update of the Florida Transportation Plan.⁶⁴

The FTC, as part of its work program review process, assesses FDOT and its transportation partners' progress in realizing the Strategic Intermodal System's goals. The FTC must submit a report to the Governor and Legislature no later than 14 days after the regular session begins, with recommendations, as necessary, to fully implement the Strategic Intermodal System.⁶⁵

Effect of Proposed Changes

The bill repeals the FTC's annual assessment of and report on FDOT's strategic intermodal system plan.

FDOT Districts (Section 13)***Present Situation***

Under Florida law, 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. 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 decisionmaking process, FDOT must provide for maximum decentralization to its districts.⁶⁶

Effect of Proposed Changes

The bill requires 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 FDOT district and make recommendations whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

⁶³ FDOT, *Florida's Strategic Intermodal System*, <https://www.fdot.gov/planning/systems/sis> (last visited January 29, 2024).

⁶⁴ Section 339.64(1), F.S.

⁶⁵ Section 339.64(2), F.S.

⁶⁶ Section 20.23(4)(a), F.S.

Conforming Changes (Sections 9 and 11)

The bill amends ss. 110.205 and 331.310, F.S., conforming cross-references.

Effective Date (Section 14)

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.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be indeterminate cost savings to state government associated with the FTC's repeal.

The Department of Commerce may see a reduction in workload since it will be no longer be required to review FDOT's tentative work program for consistency with local government comprehensive plans.

The bill may have an indeterminate negative fiscal impact to FDOT due to the requirement that it review its district boundaries, annually convene meetings of specified MPOs, providing training to new MPO board members, and 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.

Subject to appropriation, beginning in 2026 and every three years thereafter, the bill provides \$5 million from the State Transportation Trust Fund to the MPO with the highest performance score.

VI. Technical Deficiencies:

The bill's title does not specifically mention that the bill repeals the FTC and the MPOAC.

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.

Under Florida law, each federally-mandated MPO is considered separate from the state and any local government that is represented on the MPO governing board or that is a signatory to the interlocal agreement creating the MPO.⁶⁷ Similarly, MPOs have the powers and privileges provided for in s. 163.01, F.S.⁶⁸ The provision in the bill requiring that certain MPOs be placed under the control of the Secretary of Transportation may conflict with the intent of these statutory requirements.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 334.048, 334.065, 334.066, 339.135, 339.175, 348.0306, 110.205, 331.3051, 331.310, 339.64.

This bill repeals s. 334.045 of the Florida Statutes.

⁶⁷ Section 339.175(2)(b), F.S.

⁶⁸ Referred to as the *Florida Interlocal Cooperation Act of 1969*.

This bill creates an undesignated section of Florida Statutes.

IX. Additional Information:

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

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
