

By the Committee on Transportation; and Senator Gruters

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1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; deleting obsolete language; amending s. 334.065,
4 F.S.; revising the membership of the Center for Urban
5 Transportation Research advisory board; requiring
6 review and approval of certain recommendations to the
7 advisory board by the Florida Transportation
8 Commission and confirmation of such nominations by the
9 Board of Governors; amending s. 334.066, F.S.;
10 revising the membership of the Implementing Solutions
11 from Transportation Research and Evaluating Emerging
12 Technologies (I-STREET) Living Lab advisory board;
13 amending s. 339.175, F.S.; revising legislative
14 intent; prohibiting the designation of additional
15 metropolitan planning organizations (M.P.O.'s) after a
16 specified date except in certain urbanized areas;
17 deleting provisions relating to duties for a
18 designated M.P.O.; revising projects and strategies to
19 be considered in developing an M.P.O.'s long-range
20 transportation plan and transportation improvement
21 program; revising the M.P.O.'s required to submit to
22 the Governor and the Legislature, by a specified date,
23 a feasibility report regarding consolidation;
24 requiring the department to periodically convene
25 M.P.O.'s of similar size to exchange best practices;
26 authorizing such M.P.O.'s to develop committees or
27 working groups; requiring training for new M.P.O.
28 governing board members to be provided by the
29 department or, at the discretion of the department,

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30 another specified entity; deleting a provision
31 relating to M.P.O. coordination mechanisms; including
32 public-private partnerships as an authorized
33 innovative financing technique for needed projects and
34 programs; revising proposed transportation enhancement
35 activities that must be indicated by the long-range
36 transportation plan; providing that M.P.O. long-range
37 transportation plans must be approved by the
38 department, as well as the M.P.O.; requiring the
39 department to review certain aspects of each M.P.O.'s
40 long-range transportation plan and to return the plan
41 to the M.P.O. for revision if deemed unsatisfactory;
42 requiring the department to create quality performance
43 metrics and a scoring mechanism to evaluate each
44 M.P.O.'s service to its communities and to establish a
45 minimum acceptable quality performance score;
46 requiring each M.P.O. to report its quality
47 performance score annually to the district secretary
48 and to publish the score on its website, beginning on
49 a specified date; requiring the department to validate
50 each M.P.O.'s score calculation and make any necessary
51 adjustments; deleting provisions relating to the
52 Metropolitan Planning Organization Advisory Council;
53 amending ss. 331.3051 and 331.310, F.S.; conforming
54 cross-references and provisions to changes made by the
55 act; requiring the department to submit a report to
56 the Governor and Legislature by a specified date which
57 provides a comprehensive review of the boundaries of
58 department districts and makes certain

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59 recommendations; providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Paragraph (e) of subsection (1) of section
64 20.23, Florida Statutes, is amended to read:

65 20.23 Department of Transportation.—There is created a
66 Department of Transportation which shall be a decentralized
67 agency.

68 (1)

69 (e) The ~~Any~~ secretary appointed after July 5, 1989, and the
70 assistant secretaries are ~~shall be~~ exempt from the provisions of
71 part III of chapter 110 and shall receive compensation
72 commensurate with their qualifications and competitive with
73 compensation for comparable responsibility in the private
74 sector.

75 Section 2. Subsection (3) of section 334.065, Florida
76 Statutes, is amended to read:

77 334.065 Center for Urban Transportation Research.—

78 (3) An advisory board shall be created to periodically and
79 objectively review and advise the center concerning its research
80 program. Except for projects mandated by law, state-funded base
81 projects shall not be undertaken without approval of the
82 advisory board. The membership of the board shall be composed
83 ~~consist~~ of 10 ~~nine~~ experts in transportation-related areas, as
84 follows:

85 (a) One member appointed by the President of the Senate.

86 (b) One member appointed by the Speaker of the House of
87 Representatives.

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88 (c) The Secretary of Transportation or his or her designee.

89 (d) The Secretary of Commerce or his or her designee.

90 (e) A member of the Florida Transportation Commission.

91 (f) Five ~~including the secretaries of the Department of~~
92 ~~Transportation, the Department of Environmental Protection, and~~
93 ~~the Department of Economic Opportunity, or their designees, and~~
94 ~~a member of the Florida Transportation Commission. The~~
95 ~~nomination of the remaining members~~ recommended ~~of the board~~
96 ~~shall be made~~ to the President of the University of South
97 Florida by the College of Engineering at the University of South
98 Florida, ~~and~~ The appointment of these members must be reviewed
99 and approved by the Florida Transportation Commission and
100 confirmed by the Board of Governors.

101 Section 3. Paragraph (d) of subsection (3) of section
102 334.066, Florida Statutes, is amended to read:

103 334.066 Implementing Solutions from Transportation Research
104 and Evaluating Emerging Technologies Living Lab.—

105 (3) An advisory board shall be created to periodically
106 review and advise I-STREET concerning its research program. The
107 board shall consist of nine members with expertise in
108 transportation-related areas, as follows:

109 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his
110 or her designee.

111 Section 4. Present subsection (10) of section 339.175,
112 Florida Statutes, is redesignated as subsection (11), a new
113 subsection (10) is added to that section, and subsection (1),
114 paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of
115 subsection (6), subsection (7), and present subsection (11) are
116 amended, to read:

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117 339.175 Metropolitan planning organization.—

118 (1) INTENT PURPOSE.—It is the intent of the Legislature to

119 encourage and promote the safe and efficient management,

120 operation, and development of multimodal surface transportation

121 systems that will serve the mobility needs of people and freight

122 and foster economic growth and development within and through

123 urbanized areas of this state while balancing the conservation

124 of natural resources ~~minimizing transportation-related fuel~~

125 ~~consumption, air pollution, and greenhouse gas emissions through~~

126 ~~metropolitan transportation planning processes identified in~~

127 ~~this section~~. To accomplish these objectives, metropolitan

128 planning organizations, referred to in this section as M.P.O.'s,

129 shall develop, in cooperation with the state and public transit

130 operators, transportation plans and programs for metropolitan

131 areas. The plans and programs for each metropolitan area must

132 provide for the development and integrated management and

133 operation of transportation systems and facilities, including

134 pedestrian walkways and bicycle transportation facilities that

135 will function as an intermodal transportation system for the

136 metropolitan area, based upon the prevailing principles provided

137 in s. 334.046(1). The process for developing such plans and

138 programs shall provide for consideration of all modes of

139 transportation and shall be continuing, cooperative, and

140 comprehensive, to the degree appropriate, based on the

141 complexity of the transportation problems to be addressed. To

142 ensure that the process is integrated with the statewide

143 planning process, M.P.O.'s shall develop plans and programs that

144 identify transportation facilities that should function as an

145 integrated metropolitan transportation system, giving emphasis

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146 to facilities that serve important national, state, and regional
147 transportation functions. For the purposes of this section,
148 those facilities include the facilities on the Strategic
149 Intermodal System designated under s. 339.63 and facilities for
150 which projects have been identified pursuant to s. 339.2819(4).

151 (2) DESIGNATION.—

152 (a)1. An M.P.O. shall be designated for each urbanized area
153 of the state; however, this does not require that an individual
154 M.P.O. be designated for each such area. Such designation shall
155 be accomplished by agreement between the Governor and units of
156 general-purpose local government representing at least 75
157 percent of the population of the urbanized area; however, the
158 unit of general-purpose local government that represents the
159 central city or cities within the M.P.O. jurisdiction, as
160 defined by the United States Bureau of the Census, must be a
161 party to such agreement.

162 2. To the extent possible, only one M.P.O. shall be
163 designated for each urbanized area or group of contiguous
164 urbanized areas. More than one M.P.O. may be designated within
165 an existing urbanized area only if the Governor and the existing
166 M.P.O. determine that the size and complexity of the existing
167 urbanized area makes the designation of more than one M.P.O. for
168 the area appropriate. After July 1, 2024, no additional M.P.O.'s
169 may be designated in this state except in urbanized areas, as
170 defined by the United States Bureau of the Census, where the
171 urbanized area boundary is not contiguous to an urbanized area
172 designated before the 2020 census, in which case each M.P.O.
173 designated for the area must:

174 a. ~~Consult with every other M.P.O. designated for the~~

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175 ~~urbanized area and the state to coordinate plans and~~
176 ~~transportation improvement programs.~~

177 ~~b. Ensure, to the maximum extent practicable, the~~
178 ~~consistency of data used in the planning process, including data~~
179 ~~used in forecasting travel demand within the urbanized area.~~

180
181 Each M.P.O. required under this section must be fully operative
182 no later than 6 months following its designation.

183 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
184 privileges, and authority of an M.P.O. are those specified in
185 this section or incorporated in an interlocal agreement
186 authorized under s. 163.01. Each M.P.O. shall perform all acts
187 required by federal or state laws or rules, now and subsequently
188 applicable, which are necessary to qualify for federal aid. It
189 is the intent of this section that each M.P.O. be involved in
190 the planning and programming of transportation facilities,
191 including, but not limited to, airports, intercity and high-
192 speed rail lines, seaports, and intermodal facilities, to the
193 extent permitted by state or federal law. An M.P.O. may not
194 perform project production or delivery for capital improvement
195 projects on the State Highway System.

196 (b) In developing the long-range transportation plan and
197 the transportation improvement program required under paragraph
198 (a), each M.P.O. shall provide for consideration of projects and
199 strategies that will:

200 1. Support the economic vitality of the contiguous
201 urbanized metropolitan area, especially by enabling global
202 competitiveness, productivity, and efficiency.

203 2. Increase the safety and security of the transportation

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204 system for motorized and nonmotorized users.

205 3. Increase the accessibility and mobility options
206 available to people and for freight.

207 4. Protect and enhance the environment, conserve natural
208 resources ~~promote energy conservation~~, and improve quality of
209 life.

210 5. Enhance the integration and connectivity of the
211 transportation system, across and between modes and contiguous
212 urbanized metropolitan areas, for people and freight.

213 6. Promote efficient system management and operation.

214 7. Emphasize the preservation of the existing
215 transportation system.

216 8. Improve the resilience of transportation infrastructure.

217 9. Reduce traffic and congestion.

218 (i) By February 28, 2025 ~~December 31, 2023~~, the M.P.O.'s
219 serving Lee and Collier ~~Hillsborough, Pasco, and Pinellas~~
220 Counties must submit a feasibility report to the Governor, the
221 President of the Senate, and the Speaker of the House of
222 Representatives exploring the benefits, costs, and process of
223 consolidation into a single M.P.O. serving the contiguous
224 urbanized area, the goal of which would be to:

225 1. Coordinate transportation projects deemed to be
226 regionally significant.

227 2. Review the impact of regionally significant land use
228 decisions on the region.

229 3. Review all proposed regionally significant
230 transportation projects in their respective ~~the~~ transportation
231 improvement programs.

232 (j)1. To more fully accomplish the purposes for which

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233 M.P.O.'s have been mandated, the department shall, at least
234 annually, convene M.P.O.'s of similar size, based on the size of
235 population served, for the purpose of exchanging best practices.
236 M.P.O.'s may ~~shall~~ develop committees or working groups as
237 needed to accomplish such purpose. At the discretion of the
238 department, training for new M.P.O. governing board members must
239 be provided by the department, by an entity pursuant to a
240 contract with the department, by the Florida Center for Urban
241 Transportation Research, or by the Implementing Solutions from
242 Transportation Research and Evaluating Emerging Technologies (I-
243 STREET) Living Lab coordination mechanisms with one another to
244 ~~expand and improve transportation within the state. The~~
245 ~~appropriate method of coordination between M.P.O.'s shall vary~~
246 ~~depending upon the project involved and given local and regional~~
247 ~~needs. Consequently, it is appropriate to set forth a flexible~~
248 ~~methodology that can be used by M.P.O.'s to coordinate with~~
249 ~~other M.P.O.'s and appropriate political subdivisions as~~
250 ~~circumstances demand.~~

251 2. Any M.P.O. may join with any other M.P.O. or any
252 individual political subdivision to coordinate activities or to
253 achieve any federal or state transportation planning or
254 development goals or purposes consistent with federal or state
255 law. When an M.P.O. determines that it is appropriate to join
256 with another M.P.O. or any political subdivision to coordinate
257 activities, the M.P.O. or political subdivision shall enter into
258 an interlocal agreement pursuant to s. 163.01, which, at a
259 minimum, creates a separate legal or administrative entity to
260 coordinate the transportation planning or development activities
261 required to achieve the goal or purpose; provides the purpose

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262 for which the entity is created; provides the duration of the
263 agreement and the entity and specifies how the agreement may be
264 terminated, modified, or rescinded; describes the precise
265 organization of the entity, including who has voting rights on
266 the governing board, whether alternative voting members are
267 provided for, how voting members are appointed, and what the
268 relative voting strength is for each constituent M.P.O. or
269 political subdivision; provides the manner in which the parties
270 to the agreement will provide for the financial support of the
271 entity and payment of costs and expenses of the entity; provides
272 the manner in which funds may be paid to and disbursed from the
273 entity; and provides how members of the entity will resolve
274 disagreements regarding interpretation of the interlocal
275 agreement or disputes relating to the operation of the entity.
276 Such interlocal agreement shall become effective upon its
277 recordation in the official public records of each county in
278 which a member of the entity created by the interlocal agreement
279 has a voting member. Multiple M.P.O.'s may merge, combine, or
280 otherwise join together as a single M.P.O.

281 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
282 develop a long-range transportation plan that addresses at least
283 a 20-year planning horizon. The plan must include both long-
284 range and short-range strategies and must comply with all other
285 state and federal requirements. The prevailing principles to be
286 considered in the long-range transportation plan are: preserving
287 the existing transportation infrastructure; enhancing Florida's
288 economic competitiveness; and improving travel choices to ensure
289 mobility. The long-range transportation plan must be consistent,
290 to the maximum extent feasible, with future land use elements

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291 and the goals, objectives, and policies of the approved local
292 government comprehensive plans of the units of local government
293 located within the jurisdiction of the M.P.O. Each M.P.O. is
294 encouraged to consider strategies that integrate transportation
295 and land use planning to provide for sustainable development and
296 reduce greenhouse gas emissions. The approved long-range
297 transportation plan must be considered by local governments in
298 the development of the transportation elements in local
299 government comprehensive plans and any amendments thereto. The
300 long-range transportation plan must, at a minimum:

301 (a) Identify transportation facilities, including, but not
302 limited to, major roadways, airports, seaports, spaceports,
303 commuter rail systems, transit systems, and intermodal or
304 multimodal terminals that will function as an integrated
305 metropolitan transportation system. The long-range
306 transportation plan must give emphasis to those transportation
307 facilities that serve national, statewide, or regional
308 functions, and must consider the goals and objectives identified
309 in the Florida Transportation Plan as provided in s. 339.155. If
310 a project is located within the boundaries of more than one
311 M.P.O., the M.P.O.'s must coordinate plans regarding the project
312 in the long-range transportation plan. ~~Multiple M.P.O.'s within~~
313 ~~a contiguous urbanized area must coordinate the development of~~
314 ~~long-range transportation plans to be reviewed by the~~
315 ~~Metropolitan Planning Organization Advisory Council.~~

316 (b) Include a financial plan that demonstrates how the plan
317 can be implemented, indicating resources from public and private
318 sources which are reasonably expected to be available to carry
319 out the plan, and recommends any additional financing strategies

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320 for needed projects and programs. The financial plan may
321 include, for illustrative purposes, additional projects that
322 would be included in the adopted long-range transportation plan
323 if reasonable additional resources beyond those identified in
324 the financial plan were available. For the purpose of developing
325 the long-range transportation plan, the M.P.O. and the
326 department shall cooperatively develop estimates of funds that
327 will be available to support the plan implementation. Innovative
328 financing techniques may be used to fund needed projects and
329 programs. Such techniques may include the assessment of tolls,
330 public-private partnerships, the use of value capture financing,
331 or the use of value pricing. Multiple M.P.O.'s within a
332 contiguous urbanized area must ensure, to the maximum extent
333 possible, the consistency of data used in the planning process.

334 (c) Assess capital investment and other measures necessary
335 to:

- 336 1. Ensure the preservation of the existing metropolitan
337 transportation system including requirements for the operation,
338 resurfacing, restoration, and rehabilitation of major roadways
339 and requirements for the operation, maintenance, modernization,
340 and rehabilitation of public transportation facilities; and
- 341 2. Make the most efficient use of existing transportation
342 facilities to relieve vehicular congestion, improve safety, and
343 maximize the mobility of people and goods. Such efforts must
344 include, but are not limited to, consideration of infrastructure
345 and technological improvements necessary to accommodate advances
346 in vehicle technology, such as automated driving systems and
347 other developments.

348 (d) Indicate, as appropriate, proposed transportation

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349 enhancement activities, including, but not limited to,
350 pedestrian and bicycle facilities, trails or facilities that are
351 regionally significant or critical linkages for the Florida
352 Shared-Use Nonmotorized Trail Network, scenic easements,
353 landscaping, integration of advanced air mobility, and
354 integration of autonomous and electric vehicles, electric
355 bicycles, and motorized scooters used for freight, commuter, or
356 micromobility purposes ~~historic preservation, mitigation of~~
357 ~~water pollution due to highway runoff, and control of outdoor~~
358 ~~advertising.~~

359 (e) In addition to the requirements of paragraphs (a)-(d),
360 in metropolitan areas that are classified as nonattainment areas
361 for ozone or carbon monoxide, the M.P.O. must coordinate the
362 development of the long-range transportation plan with the State
363 Implementation Plan developed pursuant to the requirements of
364 the federal Clean Air Act.

365

366 In the development of its long-range transportation plan, each
367 M.P.O. must provide the public, affected public agencies,
368 representatives of transportation agency employees, freight
369 shippers, providers of freight transportation services, private
370 providers of transportation, representatives of users of public
371 transit, and other interested parties with a reasonable
372 opportunity to comment on the long-range transportation plan.
373 The long-range transportation plan must be approved by the
374 M.P.O. and by the department as provided in subsection (10).

375 (10) ACCOUNTABILITY.—

376 (a) The department shall review each M.P.O.'s long-range
377 transportation plan for productive flow and connectivity for

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378 people and freight within the M.P.O.'s metropolitan area. If the
379 department finds an M.P.O.'s long-range transportation plan to
380 be unsatisfactory or incongruent with the metropolitan area, the
381 department must return the plan to the M.P.O. for revision.

382 (b) The department shall create quality performance metrics
383 and a scoring mechanism by which to evaluate each M.P.O.'s
384 service to its communities, taking into consideration traffic
385 congestion, the utilization rate of multimodal transportation
386 facilities, resident satisfaction, efficiency of the
387 transportation system for people and freight, and other factors
388 the department deems necessary. The department shall establish a
389 minimum acceptable quality performance score.

390 (c) Beginning in 2025, and each year thereafter, each
391 M.P.O. shall report its score for each quality performance
392 metric by December 1 to the district secretary and shall publish
393 the score and supporting data on its website. The department
394 shall validate each M.P.O.'s score calculation and make
395 adjustments thereto if necessary.

396 ~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.~~

397 ~~(a) A Metropolitan Planning Organization Advisory Council~~
398 ~~is created to augment, and not supplant, the role of the~~
399 ~~individual M.P.O.'s in the cooperative transportation planning~~
400 ~~process described in this section.~~

401 ~~(b) The council shall consist of one representative from~~
402 ~~each M.P.O. and shall elect a chairperson annually from its~~
403 ~~number. Each M.P.O. shall also elect an alternate representative~~
404 ~~from each M.P.O. to vote in the absence of the representative.~~
405 ~~Members of the council do not receive any compensation for their~~
406 ~~services, but may be reimbursed from funds made available to~~

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407 ~~council members for travel and per diem expenses incurred in the~~
408 ~~performance of their council duties as provided in s. 112.061.~~

409 ~~(c) The powers and duties of the Metropolitan Planning~~
410 ~~Organization Advisory Council are to:~~

411 ~~1. Establish bylaws by action of its governing board~~
412 ~~providing procedural rules to guide its proceedings and~~
413 ~~consideration of matters before the council, or, alternatively,~~
414 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to implement~~
415 ~~provisions of law conferring powers or duties upon it.~~

416 ~~2. Assist M.P.O.'s in carrying out the urbanized area~~
417 ~~transportation planning process by serving as the principal~~
418 ~~forum for collective policy discussion pursuant to law.~~

419 ~~3. Serve as a clearinghouse for review and comment by~~
420 ~~M.P.O.'s on the Florida Transportation Plan and on other issues~~
421 ~~required to comply with federal or state law in carrying out the~~
422 ~~urbanized area transportation and systematic planning processes~~
423 ~~instituted pursuant to s. 339.155. The council must also report~~
424 ~~annually to the Florida Transportation Commission on the~~
425 ~~alignment of M.P.O. long-range transportation plans with the~~
426 ~~Florida Transportation Plan.~~

427 ~~4. Employ an executive director and such other staff as~~
428 ~~necessary to perform adequately the functions of the council,~~
429 ~~within budgetary limitations. The executive director and staff~~
430 ~~are exempt from part II of chapter 110 and serve at the~~
431 ~~direction and control of the council. The council is assigned to~~
432 ~~the Office of the Secretary of the Department of Transportation~~
433 ~~for fiscal and accountability purposes, but it shall otherwise~~
434 ~~function independently of the control and direction of the~~
435 ~~department.~~

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436 ~~5. Deliver training on federal and state program~~
437 ~~requirements and procedures to M.P.O. board members and M.P.O.~~
438 ~~staff.~~

439 ~~6. Adopt an agency strategic plan that prioritizes steps~~
440 ~~the agency will take to carry out its mission within the context~~
441 ~~of the state comprehensive plan and any other statutory mandates~~
442 ~~and directives.~~

443 ~~(d) The Metropolitan Planning Organization Advisory Council~~
444 ~~may enter into contracts in accordance with chapter 287 to~~
445 ~~support the activities described in paragraph (c). Lobbying and~~
446 ~~the acceptance of funds, grants, assistance, gifts, or bequests~~
447 ~~from private, local, state, or federal sources are prohibited.~~

448 Section 5. Subsection (14) of section 331.3051, Florida
449 Statutes, is amended to read:

450 331.3051 Duties of Space Florida.—Space Florida shall:

451 ~~(14) Partner with the Metropolitan Planning Organization~~
452 ~~Advisory Council to coordinate and specify how aerospace~~
453 ~~planning and programming will be part of the state's cooperative~~
454 ~~transportation planning process.~~

455 Section 6. Paragraph (e) of subsection (2) of section
456 331.310, Florida Statutes, is amended to read:

457 331.310 Powers and duties of the board of directors.—

458 (2) The board of directors shall:

459 (e) Prepare an annual report of operations as a supplement
460 to the annual report required under s. 331.3051(15) ~~s.~~
461 ~~331.3051(16)~~. The report must include, but not be limited to, a
462 balance sheet, an income statement, a statement of changes in
463 financial position, a reconciliation of changes in equity
464 accounts, a summary of significant accounting principles, the

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465 auditor's report, a summary of the status of existing and
466 proposed bonding projects, comments from management about the
467 year's business, and prospects for the next year.

468 Section 7. By October 31, 2024, the Department of
469 Transportation shall submit to the Governor, the President of
470 the Senate, and the Speaker of the House of Representatives a
471 report that provides a comprehensive review of the boundaries of
472 each of the department's districts and makes recommendations as
473 to whether any district's boundaries should be redrawn as a
474 result of population growth and increased urban density.

475 Section 8. This act shall take effect July 1, 2024.