

By Senator Brandes

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1                   A bill to be entitled  
2       An act relating to metropolitan planning  
3       organizations; amending s. 339.175, F.S.; requiring  
4       the voting membership of a metropolitan planning  
5       organization (M.P.O.) that is designated before a  
6       specified date to consist of a certain number of  
7       apportioned members, subject to certain requirements;  
8       requiring the voting membership of an M.P.O.  
9       designated on or after a specified date as a result of  
10      a combination or merger of previously separate  
11      M.P.O.'s to consist of a certain number of members,  
12      subject to certain requirements; authorizing the  
13      Governor to allow M.P.O. members who represent  
14      municipalities to alternate with representatives from  
15      other municipalities within the metropolitan planning  
16      area which do not have members on the M.P.O.;  
17      providing requirements for voting members; authorizing  
18      an M.P.O. to include certain voting members;  
19      conforming a term; providing an effective date.

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

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

26       (3) VOTING MEMBERSHIP.—

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

24-01028-18

2018984\_\_

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

24-01028-18

2018984\_\_

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

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

24-01028-18

2018984\_\_

88 and conveyed.

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

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

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

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

102

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

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

24-01028-18

2018984\_\_

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

120 (4) APPORTIONMENT.—

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

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