

STORAGE NAME: h1437.ca

DATE: March 25, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 1437

RELATING TO: Metropolitan Planning Organizations/Membership

SPONSOR(S): Rep. Sobel

COMPANION BILL(S): SB 2256 (s), HB 1689 (c), SB 1920 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 10 NAYS 0
 - (2) COMMUNITY AFFAIRS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill authorizes a Metropolitan Planning Organization (M.P.O.) to submit an alternative membership reapportionment plan to the Governor for approval if the M.P.O. demonstrates that such a plan fulfills specific goals and policies of that metropolitan planning area. The membership reapportionment plans must comply with all federal requirements relating to M.P.O. membership.

The bill has no fiscal impact.

[Note: Please see part VI. Amendments or Committee Substitute Changes for the effect of an amendment adopted by the House Committee on Transportation.]

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The state transportation planning program is intended to coordinate and prepare a statewide transportation plan to ensure that any major transportation facility is so planned that it will function as an integral part of the overall plan for local, regional, and state transportation. Federal law requires states to have M.P.O.'s, and Florida has implemented these requirements by enacting s. 339.175, F.S. The M.P.O.'s are responsible for developing long-range transportation plans for the metropolitan area under the M.P.O.'s jurisdiction that anticipate needs over a 20-year horizon, and for developing transportation improvement programs that address needs over a three-to five-year horizon. The Department of Transportation uses these transportation improvement programs to develop its 5-year work program of state transportation projects.

M.P.O.'s are made up of local elected and appointed officials responsible for developing transportation plans, and for coordinating transportation planning in a metropolitan area containing 50,000 or more residents. An M.P.O. is designated for each urbanized area of the state by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area.

The voting membership of an M.P.O. consists of between 5 and 19 members, with the number determined on an "equitable geographic-population ratio" basis by the Governor. This is based on an agreement among the affected units of general-purpose local government. The Governor may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the designated urban area. County commission members make up from one-fifth to one-third of an M.P.O.'s membership. All voting members must be elected officials of general-purpose governments, except that an M.P.O. may include a member representing a statutorily authorized planning board and an official representing an agency that operates or administers a major mode of transportation as voting members.

Any county chartered under s. 6(e), Art. VIII of the State Constitution (Dade, Duval, Hillsborough and Monroe Counties) may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. To exercise this option, the charter county notifies the Governor and the county commission is designated by the Governor as the M.P.O. In addition, the Governor appoints four additional voting members to the charter county M.P.O.: one elected official from a municipality within the county; one expressway authority member; one person who does not hold elected public office and who resides in the unincorporated area; and one school board member.

By agreement of affected local governments, a method may be established for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. The appointed alternate member must also be an elected official from a local government within an M.P.O. area. Representatives of DOT serve as nonvoting members of the M.P.O. and nonvoting advisers may be appointed by the M.P.O. The Governor is required to review the composition of the M.P.O. membership at least every 5 years and reappoint it as necessary to comply with the requirements described above.

B. EFFECT OF PROPOSED CHANGES:

This bill authorizes an M.P.O. to submit an alternative membership reapportionment plan to the Governor for approval if the M.P.O. demonstrates that such a membership reapportionment plan fulfills specific goals and policies of that metropolitan planning area. This would give M.P.O.'s more flexibility to meet local requirements for coordinating transportation planning efforts.

These alternative membership reapportionment plans must comply with all federal requirements relating to M.P.O. membership. For example, federal law requires that in a metropolitan area designated as a transportation management area (an urbanized area over 200,000 in population), the metropolitan planning organization must include local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan area and appropriate state officials. The M.P.O. and the Governor are responsible for determining if the alternative membership plan meets all federal membership requirements.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 339.175, F.S.

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

It is not clear from the bill whether alternative M.P.O. membership proposals could be submitted to the Governor at any time or only during the regular reapportionment process that takes place every 5 years.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The House Committee on Transportation considered HB 1437 on March 22, 1999. The committee adopted an amendment which required that any reapportionment plan be approved by three-fourths vote of the M.P.O. before being submitted to the Governor. The bill as amended was reported favorably.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

Phillip B. Miller

Staff Director:

John R. Johnson

AS REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

Prepared by:

Dawn K. Roberts

Staff Director:

Joan Highsmith-Smith