

AGENDA

Call to Order

Roll Call

New Business

1. Public Comments will be Taken at Each Item
2. *Review and Approval of the November 8, 2023 Meeting Minutes (Calandra Barraco)
3. +Review and Provide Input o the Draft Scope of Work for the CR 951 Extension Feasibility Study (Don Scott)
4. Review and Provide Input on the Lee, Charlotte/Punta Gorda and Sarasota Manatee Joint Regional Agreement (Don Scott)
5. Discussion on the Proposed Legislation to do a Study on Combining the Lee and Collier MPOs (Don Scott)
6. Review of the Preliminary Crash Statistics for 2023 (Don Scott)
7. Discuss Proposed Joint Agenda Items for the February Lee and Charlotte/Punta Gorda MPO Board Meeting (Don Scott)
8. Overview of the January 19, 2024 MPO Board Agenda (Don Scott)

Other Business

9. Public Comments on Items Not on the Agenda
10. Announcements
11. Information/Distribution Items

Adjournment

*** Action Items + May Require Action**

Public participation is solicited without regard to race, color, national origin, sex, age, disability, religion, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Calandra Barraco with the Lee County MPO at 239-330-2243 or by email at cbarraco@leempo.com at least seven (7) days prior to the meeting. If you are hearing or speech impaired call (800) 955-8770 Voice / (800) 955-8771 TDD. The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes they have been discriminated against because of race, color, national origin, sex, age, disability, religion, or familial status may file a complaint with the Lee County MPO Title VI Coordinator, Calandra Barraco, at 239-330-2243, or in writing at P.O. Box 150045, Cape Coral, Florida 33915-0045.

**METROPOLITAN PLANNING ORGANIZATION BOARD
EXECUTIVE COMMITTEE**

1:30 p.m., November 8, 2023
Cape Coral Public Works Building
815 Nicholas Parkway E., Cape Coral, FL
Green Room/A200



Meeting Minutes

The meeting was called to order at 1:30 p.m. by MPO Board Vice-Chair/Cape Coral Mayor John Gunter.

The roll was recorded by MPO staff. There was a quorum. Those MEC members in attendance included Commissioner Kevin Ruane (1:33 p.m.); City of Cape Coral Mayor John Gunter; City of Sanibel Vice-Mayor Michael Miller; City of Fort Myers Councilmember Fred Burson (1:41 p.m.); City of Bonita Springs Deputy Mayor Fred Forbes; Village of Estero Mayor Jon McLain; and Town of Fort Myers Beach Councilmember John R. King. Others in attendance included City of Cape Coral Police Department Officer; Laura Dodd with the City of Cape Coral; Victoria Peters and Wayne Gaither with FDOT (1:37 p.m.); and MPO staff Don Scott and Calandra Barraco. The Pledge of Allegiance was recited.

New Business

Agenda Item #1 - Public Comments Taken at Each Item

Vice-Chair Gunter noted public comments would be taken at each agenda item.

Agenda Item #2 - *Review and Approval of the October 11, 2023 Meeting Minutes

Councilmember John R. King made the motion to approve the October 11, 2023 Meeting Minutes. Mayor Jon McLain and Vice-Mayor Michael Miller simultaneously seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #3 - *Review and Approve the TIGER Project Data Collection Scope of Services

Mr. Don Scott presented this agenda item for the review and approval of the TIGER Project Data Collection Scope of Services that was attached to the agenda packet and [posted to the MPO website](#). He provided a Power Point presentation that can be viewed at the following link: [TIGER Scope](#) Vice-Chair Gunter asked if there was discussion on this item. Vice-Mayor Miller asked about the cameras. Mr. Scott explained the camera count system. There was no public comment on this item and no further discussion from the committee members.

Vice-Mayor Michael Miller made the motion to approve the TIGER Project Data Collection Scope of Services. Councilmember John R. King seconded the motion. There were no objections, and the motion passed unanimously.

At 1:33 p.m. MPO Chair/Commissioner Ruane arrived and MPO Vice-Chair/Mayor Gunter transferred the meeting to him just before Agenda Item #4.

Agenda Item #4 - +Review and Comment on the Updated MPO/LeeTran Transit Planning Interlocal Agreement

Mr. Scott presented this agenda item for the review of and comment on the updated MPO/LeeTran Transit Planning Interlocal Agreement that was attached to the agenda packet and [posted to the MPO website](#). Chair Ruane asked if there were any questions or comments. There were none.

Mayor Gunter made the motion to approve the MPO/LeeTran Transit Planning Interlocal Agreement. Vice-Mayor Michael Miller and Mayor Jon McLain simultaneously seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #5 - *Review and Approve Updates to the MPO Personnel Manual

Mr. Scott presented this agenda item for the review and approval of the updates to the MPO Personnel Manual that was attached to the agenda packet and [posted to the MPO website](#). Mr. Scott reviewed the changes that were made to the manual and asked if there were any questions or a motion for approval. Chair Ruane asked if there were any questions. There were none. He then asked for a motion.

Mayor Jon McLain made the motion to approve the updates to the MPO Personnel Manual. Councilmember John King seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #6 - Information on Transportation Legislation for this Session

Mr. Scott presented this agenda item to provide information on the current transportation legislation. He provided a Power Point presentation that can be viewed at the following link: [Proposed Legislation](#) Chair Ruane commented on bundling funds, permanent replacement for all traffic lights in Lee County, and reimbursement of funds expended after Hurricane Ian. Vice-Mayor Miller asked about the approval of the action plan. Chair Ruane explained the approval of funds and submittal of request to revise plan in order to request additional funds to cover shortfall.

Agenda Item #7 - Overview of the November 17, 2023 MPO Board Agenda

Mr. Scott provided an overview of the November 17, 2023 MPO Board Agenda items including approval of amendments to the Transportation Improvement Program and the Long Range Transportation Plan, and adoption of a passenger rail program priority for a Southwest Florida Intercity Rail Study. Chair Ruane asked if there were any questions. Councilmember Fred Burson asked about the funding source for the Challenger project. Mr. Scott replied that it was in the program as funded by the City of Fort Myers. Chair Ruane asked if there were additional questions. There were none.

Other Business

Agenda Item #8- Public Comments on Items Not on the Agenda

There were no public comments on items not on the agenda.

Agenda Item #9 – Announcements

Mr. Scott mentioned the possible 951 extension. Deputy Mayor Fred Forbes further explained the extension and related information. Mr. Scott provided additional history on the extension. The committee discussed a feasibility study, development in the area, expense of the extension, providing an option for travel east of I-75, connections with Alico and SR 82, improving mobility, needed right-of-way and utilities, toll facilities, examining the area east of I-75 for connections, environmental concerns, examples of successful toll roads in other areas, future projected growth in east Lee and Collier, possible connections from Alico to Greenbriar to Sunshine to SR 80, constructing in phases, ownership of road, M-CORES project, hurricane evacuation, plans for Corkscrew south, modeling to determine use, growth of Lee County, and stress on current roadway system. Chair Ruane asked what direction the committee had for Mr. Scott regarding the 951 extension. Mr. Scott suggested that he conduct some additional modeling, gather data, and frame a feasibility study for consideration at a

future meeting. Chair Ruane noted this was accepted by general consensus of the committee members present. Chair Ruane asked if there were additional announcements. Ms. Barraco noted there was no meeting scheduled for December, and the next MEC meeting was scheduled for January 4, 2024.

Agenda Item #10 - Information/Distribution Items

There were no information or distribution items.

The meeting was adjourned at 2:21 p.m.

An audio recording of the meeting can be accessed here: [MEC November 8, 2023](#)

* Action Items + May Require Action

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REVIEW AND PROVIDE INPUT ON THE DRAFT SCOPE OF WORK FOR THE CR 951 FEASIBILITY STUDY

RECOMMENDED ACTION: Review and provide input on the draft scope (**attached**) of work for the CR 951 feasibility study.

At the last meeting there was a discussion regarding the requests for a new north-south roadway east of the I-75. The Lee and Collier MPO's include the CR 951 extension alignment in both of their LRTP (Long Range Transportation Plan) Needs Plans from Immokalee Road in Collier connecting to Alico Road in Lee County. The alignment in the LRTP matches the alignment that was studied as part of a PD&E study that was conducted by both Counties about twenty years ago. There has been a recent push to restart that planned roadway, along with other discussed connections east of I-75, due to the tremendous growth of the region as well as the recent results from the I-75 Master Plan study and the timing of projected improvements.

Based on the discussion at the last meeting, **attached** is a draft scope of work for MEC review to study the feasibility of moving forward with a north south road east of I-75. This scope will include looking at what has changed since the original "preferred" alignment was identified, as well as other potential alignments and planning level cost estimate(s) for a determination of the next steps.

DRAFT: SCOPE OF WORK**Lee County MPO CR 951 Feasibility Study**

This document describes the Scope of Work that will be performed by Volkert, Inc. (Consultant) to develop the Lee County Metropolitan Planning Organization (MPO) County Road (CR) 951 Feasibility Study (Feasibility Study). The study limits are from Alico Road in the north in Lee County to Immokalee Road in the south in Collier County. The purpose of the Feasibility Study is to identify if there is a near term need for the CR 951 extension/other north south connections east of I-75 and if so, where could it possibly go, and what will be potential issues and opportunities that the Lee County MPO will encounter to move forward with a Project Development and Environment (PD&E) Study.

The development of the project will include the following tasks:

- TASK 1: Conduct kick-off meeting.
- TASK 2: Collect and summarize the findings of previous studies related to this project and the project study area.
- TASK 3: Conduct existing and future conditions assessment.
- TASK 4: Conduct stakeholder interviews and preliminary analysis to respond to questions from stakeholders.
- TASK 5: Develop planning level alternative corridors.
- TASK 6: Conduct agency coordination (e.g., Florida's Turnpike, Florida Department of Transportation, MPOs, and Counties).
- TASK 7: Develop opportunities and constraints.
- TASK 8: Present the Feasibility Study findings and recommendations.
- TASK 9: Produce the draft and final technical memorandum.

TASK 1: CONDUCT KICK-OFF MEETING

The Consultant will schedule and conduct a kick-off meeting with MPO staff within ten days of the Notice to Proceed that will be issued by the MPO. The kick-off meeting will be held virtually over a Microsoft Teams call or similar video conferencing platform. At the kick-off meeting, the Consultant and the MPO staff will review the scope of work, project schedule, previous plans that will be reviewed, data needs, project study area, stakeholder outreach, and required deliverables.

Deliverables:

- Project schedule
- List of stakeholders
- List of agencies and staff contacts
- List of outstanding data needs
- Base map of the study area

TASK 2: REVIEW OF PREVIOUS PLANNING STUDIES

The Consultant will work with Lee County MPO to identify previous plans to review. The Consultant will review previous plans to identify recommendations and relevant capital improvement projects that are planned and programmed. Emphasis will be placed on understanding the past recommendations that are relevant to the study area. The Consultant will summarize the results of the review in a technical memorandum that will become a chapter or section of the final Feasibility Study report.

Deliverable:

- Technical Memorandum summarizing review of previous planning studies

TASK 3: CONDUCT EXISTING AND FUTURE CONDITIONS ASSESSMENT

The Consultant will conduct an existing and future conditions assessment for the study area. This task will include a site visit of the study area to take photos, analysis of existing and future land uses and demographics, and a review of upcoming land development and transportation projects, as available. The Consultant will develop existing conditions maps and document the findings in a technical memorandum that will include maps and photographs taken from the site visit.

Deliverables:

- Technical Memorandum of the Existing and Future Conditions Assessment
- Maps (seven to eight)
 - Base Map
 - Existing Population
 - Future Population
 - Existing Jobs
 - Future Jobs
 - Existing Land Use
 - Future Land Use
 - Future Development (as available)

TASK 4: CONDUCT STAKEHOLDER INTERVIEWS

The Consultant will conduct up to 10 one-on-one stakeholder interviews in person and/or virtually, which will be based on the availability and preference of each stakeholder. The purpose of the interviews is to collect stakeholder input and concerns on the study and potential alignments, and to help define the key topics to discuss for an optional stakeholder workshop. The Consultant will produce a fact sheet about the project to provide to each stakeholder in advance of the one-on-one stakeholder interviews.

The Consultant will conduct high-level/order of magnitude analysis as necessary to respond to stakeholder questions and concerns. This task is expected to include some additional research and analysis to help facilitate discussions at the optional stakeholder workshop. The Consultant will then use the key concerns and preliminary analysis to develop alternative corridors and a series of potential strategies to mitigate each concern.

Deliverables:

- Up to 10 individual stakeholder interviews
- One page fact sheet
- Stakeholder interview questions
- Summary of stakeholder interviews

TASK 5: DEVELOP PLANNING LEVEL ALTERNATIVE CORRIDORS

The Consultant will use the previous planning research, the existing and future conditions assessment, and stakeholder input to develop up to five alternative corridors for a future CR 951 road extension/other north south connections east of I-75 that will be mapped. The methodology for developing and evaluating the alternative alignments will become part of the final report. The Feasibility Study will not result in a preferred alternative. Planning level cost estimates will be developed for the alternatives for comparison.

Deliverables:

- Technical Memorandum on Alternative Corridors
- Map of Alternative Corridors

TASK 6: AGENCY COORDINATION

The Consultant will work with Lee County MPO to identify the appropriate staff at local, regional, and state agencies to discuss the Feasibility Study. Agencies include the Florida Department of Transportation (FDOT), the Florida Turnpike, Collier County, Lee County, Collier MPO, and others identified by the Lee County MPO. The Consultant will be responsible for scheduling and coordinating up to three meetings with appropriate staff that can be held virtually and in-person. The Consultant will put together a meeting agenda to be reviewed by the Lee County MPO and meeting notes summarizing comments from staff and next steps.

Deliverables:

- Meeting Agendas (3)
- Up to three coordination meetings with agency staff
 - One hybrid, in-person and virtual (first meeting)
 - Two virtual
- Meeting notes

TASK 7: DEVELOP OPPORTUNITIES AND CONSTRAINTS

The Consultant will develop next step recommendations for the Lee County MPO. Anticipated recommendations include conducting a future Project Development and Environment (PD&E) Study for CR 951/other connections and a financial feasibility analysis.

TASK 8: PRESENT RESULTS

The Consultant will provide a project summary and PowerPoint presentation to MPO staff for review. This will be presented (up to 3 presentations) to the two MPO Boards and Committees.

Deliverables:

- PowerPoint Presentation
- Up to Three Presentations
 - MPO Committee Meetings (may be scheduled as a joint meeting)
 - Lee and Collier MPO Board Meetings (may be scheduled as a joint meeting)

TASK 9: DRAFT AND FINAL TECHNICAL MEMORANDUM

The Consultant will produce the draft and final technical memorandum that will combine the technical memorandums from the previous tasks. The final report will include an introduction, summary of previous planning studies, the existing and future conditions assessment, results from the stakeholder interviews and optional public workshop, alternative corridors and the methodology for selecting them, travel demand modeling results, maps, images, and recommendations for next steps.

Deliverables:

- Draft Report
- Final Report

REVIEW THE PROPOSED REGIONAL LEE/CHARLOTTE-PUNTA GORDA/SARASOTA-MANATEE MPO'S INTERLOCAL AGREEMENT

RECOMMENDED ACTION: Review and comment on the proposed Lee/Charlotte-Punta Gorda/Sarasota Manatee MPO's regional agreement (**attached**) that was developed due to the census boundary changes.

The recent census boundary changes from the Census Bureau impact the Boca Grande community by including that area within the Sarasota Manatee MPO planning area. As a result of this, the Lee MPO is required to have an agreement with the Sarasota Manatee MPO to cover the MPO planning requirements of this area. The Sarasota Manatee MPO has drafted the attached regional agreement to cover these requirements as well as their own regional requirements with the Charlotte-Punta Gorda MPO. Staff is seeking input on the agreement prior to the upcoming joint meetings (Charlotte-Punta Gorda MPO and the Sarasota Manatee MPO in January and the Lee MPO and Charlotte-Punta Gora MPO in February).

THIS INSTRUMENT RETURN TO:
David Hutchinson, Executive Director
Sarasota/Manatee Metropolitan
Planning Organization
7632 15th Street East
Sarasota, FL 34243

THIS INSTRUMENT PREPARED BY:
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**INTERLOCAL AGREEMENT FOR JOINT
REGIONAL TRANSPORTATION PLANNING AND
COORDINATION BETWEEN THE
SARASOTA/MANATEE METROPOLITAN
PLANNING ORGANIZATION, THE LEE COUNTY
METROPOLITAN PLANNING ORGANIZATION,
AND THE CHARLOTTE COUNTY-PUNTA GORDA
METROPOLITAN PLANNING ORGANIZATION**

This Interlocal Agreement is made and entered into this _____ day of _____, 2024, by and between the Sarasota/Manatee Metropolitan Planning Organization, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes (hereinafter: the “Sarasota/Manatee MPO”), the Lee County Metropolitan Planning Organization, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes (hereinafter: the “Lee County MPO”), and the Charlotte County-Punta Gorda Metropolitan Planning Organization, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes (hereinafter: the “Charlotte County-Punta Gorda MPO”).

RECITALS:

WHEREAS, 23 USC §134(d) and 49 USC §5303(d), require that Metropolitan Planning Organizations (MPOs) must be designated for each urbanized area with population of more than 50,000 persons as determined by the United States Bureau of the Census, and

WHEREAS, the Port Charlotte-North Port urbanized area was designated and described by the U.S. Bureau of the Census in 2012 and includes portions of Sarasota and Charlotte Counties; and

WHEREAS, the Bradenton-Sarasota-Venice urbanized area was designated and described by the U.S. Bureau of the Census in 2012 and includes portions of Lee, Charlotte, Sarasota, and Manatee Counties; and

WHEREAS, pursuant to 23 CFR §450.310 and Section 339.175(2), Florida Statutes, the Sarasota/Manatee MPO was created decades ago and currently has transportation planning jurisdiction over portions of the Bradenton-Sarasota-Venice urbanized area and also currently has planning jurisdiction over a portion of the Port Charlotte-North Port urbanized area; and

WHEREAS, the Sarasota/Manatee MPO currently operates pursuant to that certain Interlocal Agreement for the Creation of the Metropolitan Planning Organization recorded on November 3, 2014, in Official Records Book 2542, Page 7416, Public Records of Manatee County, Florida, and recorded on November 14, 2014, in Official Records Instrument 2014136157, Public Records of Sarasota County, Florida; and

WHEREAS, pursuant to 23 CFR §450.310 and Section 339.175(2), Florida Statutes, the Charlotte County-Punta Gorda MPO was created decades ago and currently has have transportation planning jurisdiction over portions of the Port Charlotte-North Port urbanized area and portions of the Bradenton-Sarasota-Venice urbanized area; and;

WHEREAS, the Charlotte County-Punta Gorda MPO currently operates pursuant to that certain Interlocal Agreement for the Creation of the Metropolitan Planning Organization recorded on January 5, 2018, in Official Records Book 4270, Page 1308, Public Records of Charlotte County, Florida; and

WHEREAS, pursuant to 23 CFR §450.310 and Section 339.175(2), Florida Statutes, the Lee County MPO was created decades ago to have transportation planning jurisdiction and currently has planning jurisdiction over a portion of the Bradenton-Sarasota-Venice urbanized area; and

WHEREAS, the Lee County MPO currently operates pursuant to that certain Interlocal Agreement for the Creation of the Metropolitan Planning Organization recorded on March 24, 2016, in Official Records Instrument 2016000061742, Public Records of Lee County, Florida; and

WHEREAS, 23 CFR §450.312(h)(1) provides that:

(h) Subject to paragraph (i) of this section, where the Governor(s) and MPO(s) have determined that the size and complexity of the MPA make it appropriate to have more than one MPO designated for an MPA, the MPOs within the same MPA shall, at a minimum:

(1) Establish written agreements that clearly identify coordination processes, the division of transportation planning responsibilities among and between the MPOs, and procedures for joint decisionmaking and the resolution of disagreements; and

WHEREAS, pursuant to 23 CFR §450.312 and agreement between the Governor of the State of Florida and the Lee County MPO, the boundaries of the metropolitan planning area for the Lee County MPO encompass a portion of the Bradenton-Sarasota-Venice urbanized area, plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan; and

WHEREAS, pursuant to 23 CFR §450.312 and agreement between the Governor of the State of Florida and the Charlotte County-Punta Gorda MPO, the boundaries of the metropolitan planning area for the Charlotte County-Punta Gorda MPO encompass a portion of the Bradenton-Sarasota-Venice urbanized area, plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan, and a portion of the Port Charlotte-North Port urbanized area, plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan; and

WHEREAS, pursuant to 23 CFR §450.312 and agreement between the Governor of the State of Florida and the Sarasota/Manatee MPO, the boundaries of the metropolitan planning area for the Sarasota/Manatee MPO encompass a portion of the Bradenton-Sarasota-Venice urbanized area, plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan, and a portion of the Port Charlotte-North Port

urbanized area, plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan; and

WHEREAS, 23 CFR §450.314(b) and (d) provides that:

§450.314 Metropolitan planning agreements.

* * *

(e) If more than one MPO has been designated to serve an urbanized area there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA. If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies. The metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.

(emphasis supplied); and

WHEREAS, Section 339.175(6)(j), Florida Statutes, provides that:

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—

* * *

(j)1. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between

M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. . . ; and

WHEREAS, Section 339.175(10)(a)2., Florida Statutes, provides that:

(10) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

* * *

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area; and

WHEREAS, the primary purpose of this Agreement is to implement 23 CFR §§450.312 and 450.314, to comply with Section 339.175(10)(a)2., Florida Statutes, and to implement Section 339.175(6)(j)1. and 2., Florida Statutes, by setting forth a process by which each of the three MPOs shall conduct the metropolitan planning process in their respective jurisdictional planning boundaries and by which the three MPOs will coordinate regarding their respective long-range transportation plan and transportation related matters needed to qualify for federal aid and to otherwise comply with federal and state law; and

WHEREAS, there is an existing agreement between Charlotte County-Punta Gorda MPO and Sarasota/Manatee MPO entitled as the Interlocal Agreement for Joint Regional Transportation Planning and Coordination between

the Sarasota/Manatee Metropolitan Planning Organization and the Charlotte County-Punta Gorda Metropolitan Planning Organization, recorded on January 25, 2018, in Official Records Book 2710, Page 7341, Public Records of Manatee County, Florida, and on January 29, 2018, in Official Records Book 4277, Page 679, Public Records of Charlotte County, Florida (the “Existing Interlocal Agreement”)' and

WHEREAS, Section 7 of the Existing Interlocal Agreement provides that:

Section 7. Term of Agreement. This Agreement shall have a term of ten (10) years commencing on the Effective Date of this Agreement. The Agreement shall terminate on December 31, 2028, but the Agreement may be renewed or extended by amendment to the Agreement. In 2023 and 2028, the parties hereto shall examine the terms of this Agreement, and the parties may agree to amend the provisions of this Agreement as may be appropriate. The failure to amend, reaffirm, or re-examine the terms of this Agreement shall not invalidate or otherwise terminate this Agreement; and

WHEREAS, the Sarasota/Manatee MPO and the Charlotte County-Punta Gorda MPO have both reviewed the Existing Interlocal Agreement have reviewed the Existing Interlocal Agreement and have determined that this new Agreement is a suitable replacement agreement; and

WHEREAS, therefore the Sarasota/Manatee MPO and the Charlotte County-Punta Gorda MPO have decided that it is in the public interest to terminate the Existing Interlocal Agreement and to adopt this instrument as a replacement ; and

WHEREAS, the Lee County MPO has reviewed this Agreement and finds that it is in the public interest to adopt this Agreement for the purpose of coordination of transportation planning in Bradenton-Sarasota-Venice urbanized area and with transportation planning efforts in the Port Charlotte-North Port urbanized area; and

WHEREAS, the economic health of the Southwest Florida region is greatly affected by availability and convenience of transportation services; and,

WHEREAS, there is a need to address transportation on a regional basis to meet growing travel demands and obtain federal and state funding in the current competitive funding process in Bradenton-Sarasota-Venice urbanized area and the Port Charlotte-North Port urbanized area, as well as the areas subject to the jurisdiction of the Sarasota/Manatee MPO, the Charlotte County-Punta MPO, and the Lee County MPO.

NOW, THEREFORE, in consideration of the covenants made by each party to the other and of the mutual benefits to be realized by the parties hereto, the sufficiency of consideration being agreed to by the parties hereto, and the parties desiring to be legally bound do agree as follows:

Section 1. Recitals; Definitions.

(a) Each and all of the above recitals is incorporated herein. The failure of any of the recitals to be true and correct shall not invalidate this Agreement.

(b) The terms as used in this Agreement shall be defined as follows, unless the usage and context clearly indicates to the contrary:

“Agreement” means this instrument, as amended from time to time.

“Charlotte County-Punta Gorda MPO” means the Charlotte County-Punta Gorda Metropolitan Planning Organization, currently created and operated pursuant to an interlocal agreement recorded on January 5, 2018, in Official Records Book 4270, Page 1308, Public Records of Charlotte County, Florida.

“Effective Date” of this Agreement, any amendment hereto, or any termination of this Agreement shall be the date on which the original instrument has been recorded in the Public Records of Charlotte, Manatee, Sarasota, and Lee Counties.

“Facilitator” means one who helps the Charlotte County-Punta Gorda MPO, the Sarasota/Manatee MPO, and/or the Lee County MPO, to design and follow a meeting agenda and assists the two MPOs to communicate more effectively throughout the dispute resolution process set forth in this Agreement. The facilitator has no authority to make or recommend a decision but may recommend alternatives as part of the facilitation process.

“FDOT” means the Florida Department of Transportation.

“Initiation Letter” means a letter from either the Charlotte County-Punta Gorda MPO, the Sarasota/Manatee MPO, or the Lee County MPO, to the other MPO, which formally identifies a dispute, asks the other MPO and other named parties to engage in the dispute resolution process pursuant to this Agreement to resolve the dispute, and at a minimum, attend the initial settlement meeting.

“LRTP” means Long Range Transportation Plan as provided for in 23 CFR §45.306 and Section 339.175(7), Florida Statutes, and as amended from time to time.

“MPA” or “metropolitan planning area” means the geographic area determined by agreement between the MPO(s) for the area and the Governor(s), which must at a minimum include the entire urbanized area and the contiguous area expected to become urbanized within [at least] a 20-year forecast period for the metropolitan transportation plan [the LRTP], and may include additional areas. See 23 CFR §450.104.

“MPO” means a metropolitan planning organization as provided for in 23 USC §134, 49 USC §5303, and Section 339.175, Florida Statutes.

“Named Party” means any jurisdiction, public or private organization, group or individual who is named in an Initiation Letter, which is admitted by the Charlotte County-Punta Gorda MPO, the Sarasota/Manatee MPO, and/or the Lee County MPO, to participate in the settlement of a dispute, and which also automatically includes the Charlotte County-Punta Gorda MPO, the Sarasota/Manatee MPO, and the Lee County MPO. Being a Named Party in the conflict resolution process shall not be construed to convey or limit standing in any judicial or administrative proceeding.

“Port Charlotte-North Port urbanized area” means the Port Charlotte-North Port urbanized area as described by the U.S. Bureau of the Census in 87 Federal Register 80114 (December 29, 2022), and as subsequently identified or revised by the U.S. Bureau of the Census.

“Representative” means an individual who is given guidance and

authority to act, to the extent possible, by either the Charlotte County-Punta Gorda MPO, the Sarasota/Manatee MPO, or the Lee County MPO, in a conflict or dispute resolution case pursuant to this Agreement.

“Response Letter” means a letter by which a Representative formally notifies the initiator and other named parties of the responding MPO’s position, and whether the MPO is willing to participate in the process and, at a minimum, attend at least one settlement meeting.

“RTE” means the FDOT’s Regional Trails Enhancement program also known as the “Regional Transportation Alternatives Program (RTAP)”.

“Bradenton-Sarasota-Venice urban area” means the Bradenton-Sarasota-Venice urbanized area as described by the U.S. Bureau of the Census in 87 Federal Register 80114 (December 29, 2022), and as subsequently identified or revised by the U.S. Bureau of the Census.

“Sarasota/Manatee MPO” means the Sarasota/Manatee Metropolitan Planning Organization currently created and operated pursuant to that certain Interlocal Agreement for the Creation of the Metropolitan Planning Organization recorded on November 3, 2014, in Official Records Book 2542, Page 7416, Public Records of Manatee County, Florida, and recorded on November 14, 2014, in Official Records Instrument 2014136157, Public Records of Sarasota County, Florida.

“Settlement Agreement” means an agreement tentatively approved by the Representatives authorized by the Named Parties. Final approval of the Agreements may take the form of memorandums of understanding, contracts, interlocal agreements, or other forms mutually agreed to by the Charlotte County-Punta Gorda MPO, the Lee County MPO, and/or the Sarasota/Manatee MPO, or as required by law. Not all of the Named Parties need to agree to a settlement.

“TIP” means transportation improvement plan as provided for in 23 USC §134(j) and Section 339.175(8), Florida Statutes, and as amended from time to time.

“TRIP” means the Transportation Regional Incentive Program as provided for in Section 339.2819, Florida Statutes, as amended from time to time.

“UPWP” means the Unified Planning Work Programs of each MPO signing this Agreement, as amended from time to time.

Section 2. Purpose.

(a) The purpose of this Agreement is to promote and establish an administrative forum for communication and coordination between the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO and to foster joint regional cooperation and conduct regarding transportation planning in accordance with the goals, policies, concepts, and requirements of 23 U.S.C. §134 and 49 U.S.C. §5303, all as amended by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, Dec. 18, 1991, 105 Stat. 1914), the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, June 9, 1998, 112 Stat. 107), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, Aug. 10, 2005, 119 Stat. 1839; Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, July 6, 2012, 126 Stat. 500, and Fixing America’s Surface Transportation Act (FAST Act), Public Law 114-94, December 4, 2015; 23 CFR §§450.306, and 450.312; and Section 339.175, Florida Statutes, and successor legislation and regulations. More specifically, this Agreement establishes the commitment by each party to this Agreement to develop joint regional transportation planning products and processes for the quad-county region of Manatee, Sarasota, Charlotte, and Lee Counties, subject to the jurisdiction of the Sarasota/Manatee MPO, the Charlotte County Punta Gorda MPO, and the Lee County MPO.

(b) Southwest Florida Transportation Planning Alliance.

(1) The purpose of this Agreement is also to create and provide a separate administrative entity to serve as a forum for transportation planning, coordination, and communication among the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, pursuant to

this Agreement to be known as the Southwest Florida Transportation Planning Alliance.

(A) Notwithstanding the existence of this forum consisting of the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO Governing Boards, no action affecting the Bradenton-Sarasota-Venice urban area shall be effective by the Southwest Florida Transportation Planning Alliance, unless approved separately by the Governing Boards of the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO.

(B) Notwithstanding the existence of this forum consisting of the Charlotte County-Punta Gorda MPO and the Sarasota/Manatee MPO Governing Boards, no action affecting the Port Charlotte-North Port urban area shall be effective by the Southwest Florida Transportation Planning Alliance, unless approved separately by the Governing Boards of the Charlotte County-Punta Gorda MPO and the Sarasota/Manatee MPO.

(2) Further, neither the Charlotte County-Punta Gorda MPO, the Lee County, and/or the Sarasota/Manatee MPO, need meet jointly as the Southwest Florida Transportation Planning Alliance to take action. The Southwest Florida Transportation Planning Alliance is merely a name assigned to an administrative forum which structure and coordination will be conducted in accordance with the requirements of this Agreement. No funds will be handled, incurred, obligated, or disbursed by the Southwest Florida Transportation Planning Alliance.

(3) The boundaries of the Southwest Florida Transportation Planning Alliance shall be the jurisdictional boundaries of the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, as amended from time to time. The members of the Southwest Florida Transportation Planning Alliance shall be the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO.

(4) Record Keeping. If the two or more MPOs meet jointly, the staff of the host MPO shall provide a recording secretary for any joint meetings of both MPOs. Record keeping and other clerical responsibilities shall be the duty of the MPO staff consistent with any MPO hosting a meeting. All minutes shall be distributed to all members of each MPO's Governing Board within not more than thirty (30) days after the holding of a meeting. Duplicate records of the official proceedings of the Southwest Florida Transportation Planning Alliance will be kept in the headquarters office of each MPO office. Records shall be maintained in accordance with the public records law, Chapter 119, Florida Statutes.

(5) Risk of Loss. The Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, each acknowledge that as a mere administrative forum, the Southwest Florida Transportation Planning Alliance cannot sue or be sued, nor bear any legal liability. Therefore, the parties to this Agreement agree that each MPO subject to this Agreement shall continue to maintain such insurance coverage as may be required to cover the additional risks associated with membership and participation in the Southwest Florida Transportation Planning Alliance forum. Members covered by a self-insurance program shall notify their respective covering-entities of this Agreement so that any added risk may be factored.

Section 3. Planning Products. The parties hereby agree to coordinate and collaborate in good faith and with due diligence to develop the following joint regional planning products:

(a) Joint Transportation Model Coordination; Joint LRTP Amendment.

(1) During the development and updates of each MPO's travel forecast model as part of each MPO's LRTPs, the Charlotte County MPO, the Lee County MPO, and the Sarasota/Manatee MPO, will each coordinate the development of each MPO's model's external stations. This effort, as deemed necessary, may include an exchange of necessary and current data and staff meetings.

(2) During the periodic development or updates of each MPO's LRTP, the Charlotte County MPO, the Lee County MPO, and the Sarasota/Manatee MPO, will each coordinate the development of each MPO's LRTP development and revision. Specifically, at a minimum prior to adoption of an amendment to the LRTP by an MPO which is a signatory to this Agreement, said MPO shall give notice to the other MPOs that are signatories to this Agreement of the proposed amendment with a copy of the amendment. Said notice shall be given at least 30 days prior to adoption. With regard to the adoption of a new LRTP by an MPO which is a signatory to this Agreement, said MPO shall give notice to the other MPOs that are signatories to this Agreement of the proposed new LRTP with a copy of the proposed new LRTP. Said notice shall be given at least 60 days prior to adoption. These efforts, as deemed necessary, may include an exchange of necessary and current data and staff meetings.

(b) Joint Regional Long Range Transportation Plan (LRTP) Component. The Charlotte County MPO, the Lee County MPO, and the Sarasota/Manatee MPO, will each identify and designate by mutual agreement of the three MPOs of the Joint Regional Multi-Modal Transportation System as a component of each MPO's LRTP. Specifically, this exercise will identify regionally significant corridors and facilities. This identified system will be studied and refined as necessary as part of each MPO's LRTP update and considered throughout the LRTP process and analysis. Each MPO's Long Range Transportation Plan will be consistent with this regional plan.

(c) Joint Regional Project Priorities. Based on the determination of the Joint Regional Multi-Modal Transportation System described above in paragraph 3(b), the Charlotte County MPO, the Lee County MPO, and the Sarasota/Manatee MPO, will each annually identify their respective priorities on the identified Regional Multi-Modal Transportation System and include said projects in the respective MPO's Transportation Improvement Programs (TIP). Each MPO's TIP and Project Priorities will be consistent with the identified Regional Project Priorities. This collaboration and the products developed will

reoccur annually during the term of this Agreement and will be a continuing obligation and commitment.

(d) Joint Regional Public Involvement Process Component. The Charlotte County MPO, the Lee County MPO, and the Sarasota/Manatee MPO, have each developed public participation plans as set forth in 23 CFR §450.316. Therefore, the parties agree that each MPO will utilize their own adopted public participation plan to obtain public input, and that each MPO may revise their public participation plan from time to time independent of action by the other MPOs in the Southwest Florida Transportation Planning Alliance.

(e) TRIP and RTE Collaboration.

(1) (A) In respect to the TRIP and RTE programs, the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, agree to rotate the number one (1) project priority between Charlotte, Lee, Manatee, and Sarasota County for each round of negotiation related to the TRIP and RTE programs, which project is to occur within the Bradenton-Sarasota-Venice urban area.

(B) In respect to the TRIP and RTE programs, the Charlotte County-Punta Gorda MPO and the Sarasota/Manatee MPO, agree to rotate the number one (1) project priority between Charlotte, Manatee, and Sarasota County for each round of negotiation related to the TRIP and RTE programs, which project is to occur within the Port Charlotte-North Port urban area.

(C) The rotation or taking of turns, as described in section 3.(e)(1)(A) as the number one priority project upon the Effective Date of this Agreement shall be Sarasota County first which is the current priority position for Sarasota County immediately prior to the Effective Date of this Agreement, Charlotte County second, Manatee County third, and Lee County fourth. Thereafter, the rotation order will then begin all over again.

(D) The rotation or taking of turns, as described in section 3.(e)(1)(B) as the number one priority project upon the Effective Date of this Agreement shall be Sarasota County first which is the current priority position

for Sarasota County immediately prior to the Effective Date of this Agreement, Charlotte County second, and Manatee County third. Thereafter, the rotation order will then begin all over again.

(2) The Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, each agree that the project funding requests will be submitted and ranked as reasonably practical in each negotiating round to equate to an equitable percentage of funding for both the TRIP and RTE programs between the parties of approximately 50% of the funds for the Sarasota/Manatee MPO, approximately 25% of the funds for the Lee County MPO, and approximately 25% of the funds for the Charlotte County-Punta Gorda MPO. The three MPOs further agree to submit projects for the TRIP and RTE programs which are reasonable in amount considering the total of available FDOT District funds for the programs in that round of solicitation so as to be consistent with the parties' intent to decide funding allocation of 50% to the Sarasota/Manatee MPO, 25% to the Lee County MPO, and 25% to the Charlotte County-Punta Gorda MPO.

(3) The Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO recognize, understand, and agree that the equity percentage of funding may fluctuate from year to year and round to round based upon FDOT's funding award decisions, but the overall intent and understanding is that between the four (4) counties there shall be a rotation or taking of turns as the number one priority for funding and awards equivalent to the equal percentages of 25% for each of the four (4) counties within the three MPOs.

Section 4. Staff Services and Costs. The Executive Directors and staffs of each MPO will be responsible for development of the joint regional products identified in this Agreement with review and final approval by each MPO Governing Board. In this regard, each MPO will cooperate to equitably assign and share in the needed staff resources to accomplish these regional efforts as specified in their respective UPWP. Similarly, non-MPO staff services and costs for the joint regional efforts and products identified in this Agreement will be

borne by each individual MPO as described in its UPWP with deference to the size and budgets of the respective MPOs. The parties agree, as may be necessary in order to carry out the terms and commitments of this Agreement, to cooperate in seeking Federal, State and local funding for the joint regional products to be developed.

Section 5. Planning Jurisdiction and Responsibilities.

(a) All MPO transportation planning relating to the UPWP, TIP, LRTP, requirements of this Agreement, or any matters assigned by Federal or Florida law, relating to portions of the Port Charlotte-North Port urban area located within Manatee or Sarasota Counties shall be within the exclusive jurisdiction and authority of the Sarasota/Manatee MPO. All MPO transportation planning relating to the UPWP, TIP, LRTP, requirements of this Agreement, or any matters assigned by Federal or Florida law, relating to portions of the Port Charlotte-North Port urban area located within Charlotte County shall be within the exclusive jurisdiction and authority of the Charlotte County-Punta Gorda MPO.

(b) All MPO transportation planning relating to the UPWP, TIP, LRTP, requirements of this Agreement, or any matters assigned by Federal or Florida law, relating to portions of the Bradenton-Sarasota-Venice urban area located within Manatee or Sarasota Counties shall be within the exclusive jurisdiction and authority of the Sarasota/Manatee MPO. All MPO transportation planning relating to the UPWP, TIP, LRTP, requirements of this Agreement, or any matters assigned by Federal or Florida law, relating to portions of the Bradenton-Sarasota-Venice urban area located within Charlotte County shall be within the exclusive jurisdiction and authority of the Charlotte County-Punta Gorda MPO. All MPO transportation planning relating to the UPWP, TIP, LRTP, requirements of this Agreement, or any matters assigned by Federal or Florida law, relating to portions of the Bradenton-Sarasota-Venice urban area located within Lee County shall be within the exclusive jurisdiction and authority of the Lee County MPO.

(c) Notwithstanding the foregoing, the Sarasota/Manatee MPO, the Lee County MPO, and the Charlotte County-Punta Gorda MPO, each pledge to consult with one another in promotion of the common goal of comprehensive transportation planning with regard to matters relating to the Bradenton-Sarasota-Venice urban area located within Charlotte County, Lee County, Sarasota County, and Manatee County.

(d) Notwithstanding the foregoing, the Sarasota/Manatee MPO and the Charlotte County-Punta Gorda MPO, each pledge to consult with one another in promotion of the common goal of comprehensive transportation planning with regard to matters relating to the Port Charlotte-North Port urban area located within Charlotte County and in Sarasota County.

Section 6. Conflict Resolution.

(a) Purpose and Intent.

(1) The Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO mutually commit to use the following described Conflict Resolution Process to resolve any conflicts related to issues covered in this Agreement. Notwithstanding the foregoing, the Charlotte County-Punta Gorda MPO, Lee County MPO, and Sarasota/Manatee MPO, do not waive their respective rights to seek declaratory judgments as provided in Chapter 86, Florida Statutes.

(2) It is the intent of the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, to promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within the urbanized areas of Manatee, Sarasota, Lee, and Charlotte Counties. To aide in the accomplishment of these objectives the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, hereby establish a conflict resolution process to address any conflict that may arise in the planning and programming of regionally significant transportation projects and programs. If a conflict or dispute is between two of the MPOs to this Agreement, the third non-conflicting MPO need not

participate in the conflict resolution procedure, unless it so opts to participate. It is the intent of the parties to this Agreement, as provided in Section 164.1041, Florida Statutes, that this Agreement sets forth an alternative dispute resolution process, and that the dispute resolution process in Chapter 164, Florida Statutes, shall not apply to disputes subject to this Agreement.

(3) Each MPO is responsible for the planning and programming of transportation facilities, including, but not limited to, major roadways, airports, seaports, transit systems and intermodal or multimodal terminals, within the MPO's jurisdictional area or county, that will function as an integrated regional metropolitan transportation system. This conflict resolution process set forth in this Agreement will primarily focus on regionally significant plans; programs and projects, as identified in this Agreement and as designed, approved, or amended from time to time, as provided in this Agreement.

(4) With regard to the conflict resolution process, each MPO shall retain the authority to limit its respective Representative's decision-making or negotiating authority to such action agreed to by a majority of its respective MPO Governing Board voting members present and voting at a MPO meeting at which a quorum is present. This conflict resolution process consists of two basic components; an Initiation/Response phase and a Settlement phase.

(b) Initiation /Response Phase of the Process.

(1) This process must be initiated through the issuance of an Initiation Letter, by either one of the Charlotte County-Punta Gorda MPO, the Lee County MPO, or the Sarasota/Manatee MPO, to the other affected MPO. Any public or private, individual or group can participate if requested and named by either of the affected MPOs. Other persons or legal entities may contribute at various points in a session by mutual agreement of the Representatives of the affected MPOs. Such an Initiation Letter shall identify the issues to be discussed, Named Parties to be involved in the conflict resolution process, the initiating MPO's Representative and others who will

attend a negotiating session, and a brief history of the dispute indicating why it is appropriate for this process.

(4) If required deadlines or any other reason necessitates a quicker resolution of the issue, the affected MPOs through their Representatives may mutually agree to expedite this process.

(5) If any conflict issue is not resolved through the expressed positions of the affected MPO Governing Boards, the affected MPOs will schedule a joint settlement meeting. Prior to the joint settlement meeting, the affected MPOs shall produce and distribute to all parties a report assessing the issues identified in the dispute.

(c) Settlement Phase.

(1) Settlement Meetings. At the joint settlement meeting, the affected MPOs will explain their positions, explore options, and seek a mutually acceptable agreement. A neutral facilitator may, upon mutual agreement by the affected MPOs, facilitate the settlement meeting. Any cost or expenses for facilitators, attorneys, other consultants, or expenses associated with such an agreement or with this conflict resolution process shall be shared equally by the MPOs participating in the conflict resolution process. At the joint settlement meeting, the affected MPOs shall consider guidelines for participation, identify the issues to be addressed, and present their concerns. The affected MPOs will then explore options for a solution and seek agreement. If the initial joint settlement meeting produces no agreement, the parties can proceed to additional joint settlement meetings or other settlement measures through mutual agreement.

(2) Settlement Agreements and Reports. The form of all settlements reached through this process shall be determined by the affected MPOs, and may include interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, or other forms as appropriate. Agreements signed by designated Representatives may be in the form of recommendations to the respective MPO Governing Boards and will be subject to their formal approval. The agreements may be included in

the MPO LRTP and/or TIP where appropriate. The settlement agreement is not subject to challenge, but the implementing actions maybe. After any settlement meeting(s), the MPOs shall develop a joint report to each respective Governing Board, which shall, at a minimum include:

- Identification of the issues discussed and copies of any agreements reached;
- A list of potentially affected or involved jurisdictions, organizations, groups, or individuals;
- A time frame for starting and ending informal negotiations, additional settlement meetings, or joint meetings of elected bodies, as agreed to by both MPOs;
- A written fee allocation agreement to cover any costs of agreed upon conflict resolution procedures, if agreed upon or applicable; and
- A description of responsibilities and schedules for implementing and enforcing agreements reached. The report shall include any statements that any named or affected party wishes to include.

(e) Designate Representative. Unless determined to the contrary by a particular MPO's Governing Board, the designated Representative for that MPO shall be the MPO's Executive Director. A particular MPO may designate a different Representative by giving notice as provided for herein of the appointment of a different Representative.

Section 7. Term of Agreement. This Agreement shall have a term of ten (10) years commencing on the Effective Date of this Agreement. The Agreement shall terminate on December 31, 2034, but the Agreement may be renewed or extended by amendment to the Agreement. In 2029 and 2034, the parties hereto shall examine the terms of this Agreement, and the parties may agree to amend the provisions of this Agreement as may be appropriate. The failure to amend, reaffirm, or re-examine the terms of this Agreement shall not invalidate or otherwise terminate this Agreement.

Section 8. Amendment or Modification.

(a) This general terms of this Agreement applicable to all three MPOs or the specific terms of this Agreement applicable to the Bradenton-Sarasota-Vencie urban area, may only be modified with the approval of the Governing Boards of the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, each by adopting the amendment hereto.

(b) The specific terms of this Agreement applicable to the Prot Charlotte-North Port urban area may only be modified with the approval of both Governing Boards of the Charlotte County-Punta Gorda MPO and the Sarasota/Manatee MPO, each by adopting the amendment hereto.

(c) No amendment shall be effective until an executed original amendment signed by the Chair of the affected MPOs, which amend is recorded in the Public Records of each county as required by Section 163.01(11), Florida Statutes.

Section 9. Termination. This Agreement shall continue in force, unless terminated with or without cause by any MPO that is a signatory to this Agreement by providing thirty (30) days written notice to the other MPOs. This Agreement may also be terminated by agreement of all of the MPOs in writing. Upon notice given by one MPO to the other MPO, or upon an agreement by the MPOs to terminate this Agreement, a written termination of this Agreement shall be recorded in the Public Records of the counties described in Section 163.01(11), Florida Statutes. No termination shall be effective until the written termination of this Agreement shall be recorded in the Public Records of the appropriate counties.

Section 10. Liability.

(a) The parties agree that nothing created or contained in this Agreement shall be construed, interpreted or inferred to establish any joint liability amongst or between the parties by the actions or omissions of its individual governing board members, officials, employees or agents, in their official or personal capacities acting pursuant to the terms of this Agreement.

(b) As provided by Section 768.28(19), Florida Statutes (2023), the Charlotte County-Punta Gorda MPO, the Lee County MPO, and the Sarasota/Manatee MPO, each further agree that no provision of this Agreement shall require one party to indemnify or insure another party to this Agreement for the other party's negligence or to assume any liability for the other party's negligence. Neither the Sarasota/Manatee MPO, the Lee County MPO, nor Charlotte County-Punta Gorda MPO, each by entry into this Agreement waives any defense of sovereign immunity, or increases the limits of its liability. Any liability of one MPO to the another MPO for damages arising from an act or omission under this Agreement shall not exceed \$25,000. Each MPO shall bear its own attorneys' and paralegal fees for any action for damages or to enforce this Agreement either at law or in equity.

Section 11. No Joint Employment. The parties agree that this Agreement is not intended, nor does it create any joint employment agreement status between the Charlotte County-Punta Gorda MPO, the Lee County MPO, and/or the Sarasota/Manatee MPO, or the employees of one MPO to the employees of another MPO. And further, it is agreed that each employee of the respective parties shall remain under the sole direction, control and employment of only that employer.

Section 12. Notice.

(a) A notice or communication, under this Agreement hereunder by one MPO to another MPO shall be sufficiently given or delivered if dispatched by hand delivery, by nationally recognized overnight courier (*i.e.* – Federal Express, United Parcel Services, *etc.*), or by U.S. certified mail, postage prepaid, return receipt requested. A receipt for giving notice by certified U.S. Mail or nationally recognized overnight courier must be obtained and maintained by the MPO giving notice. Notice is sufficient if given and addressed to the following:

To the Sarasota/Manatee MPO:

Executive Director
Sarasota/Manatee MPO
8100 15th Street East

Sarasota, Florida 34243

With Copy To:

ATTN: Sarasota/Manatee MPO General Counsel
Weiss, Serota, Helfman, Cole & Bierman, P.L.
200 East Broward Blvd. – Suite 200
Ft. Lauderdale, FL 33301

To the Charlotte County-Punta Gorda MPO:

Executive Director
Charlotte County-Punta Gorda MPO
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte FL 33948

To the Lee County MPO:

Executive Director
Lee County MPO
815 Nicholas Parkway East
Cape Coral, FL 33990

(b) Notices; Addresses; Time. Any party to this Agreement may unilaterally change its addressee or address by giving written notice thereof to the other party but the change is not effective until the change notice is actually received by the other party. For all other noticed matters, notice given by U.S. certified mail, return receipt requested, properly addressed and with postage fully prepaid, is deemed given when deposited in the United States mails within the continental United States, if the notice is thereafter delivered in due course at the address to which properly sent. For all other noticed matters, notice given by nationally recognized overnight courier service prepaid, properly addressed is deemed given when deposited with the courier within the continental United States, if the notice is thereafter delivered in due course at the address to which properly sent. Notice given by manual hand delivery is deemed given only when actually received by the recipient.

(c) Relay of Official Notices and Communications. If either MPO receives any notice from a governmental body or governmental officer that pertains

to this Agreement (including but not limited to those notices from FDOT, the Federal Transit Administration, or the Federal Highway Administration), or receives any notice of litigation or threatened litigation affecting this Agreement or matters subject to this Agreement, the receiving party shall promptly send it (or a copy of it) to the other party to this Agreement by giving notice.

Section 13. Termination of Certain Agreements. This Agreement terminates the Interlocal Agreement for Joint Regional Transportation Planning and Coordination between the Sarasota/Manatee Metropolitan Planning Organization and the Charlotte County-Punta Gorda Metropolitan Planning Organization, recorded on January 25, 2018, in Official Records Book 2710, Page 7341, Public Records of Manatee County, Florida, and on January 29, 2018, in Official Records Book 4277, Page 679, Public Records of Charlotte County, Florida. This Agreement is intended to replace the aforementioned instrument.

Section 14. Effective Date of Agreement or Amendment. As required by Section 163.01(11), Florida Statutes, this Agreement shall not become effective until the executed original Agreement is filed with the Clerks of the Circuit Court of Lee, Charlotte, Manatee, and Sarasota Counties. The Sarasota/Manatee MPO shall coordinate the execution and recording of this Agreement in the public records of the four counties.

Section 15. Execution by Use of Counterpart Signature Pages. This Agreement may be executed by each MPO by use of separate counterpart signatures pages.

IN WITNESS WHEREOF, the foregoing parties through their authorized officers has set their respective hands and seals as follows:

**INTERLOCAL AGREEMENT FOR JOINT REGIONAL TRANSPORTATION
PLANNING AND COORDINATION BETWEEN THE SARASOTA/MANATEE
METROPOLITAN PLANNING ORGANIZATION, THE LEE COUNTY
METROPOLITAN PLANNING ORGANIZATION, AND THE CHARLOTTE
COUNTY-PUNTA GORDA METROPOLITAN PLANNING ORGANIZATION**

SARASOTA/MANATEE
METROPOLITAN PLANNING
ORGANIZATION, a legal entity
created by interlocal agreement
and existing pursuant to Section
339.175, Florida Statutes

By: _____
Gene Brown, Chair

ATTEST:

David Hutchinson, Agency Clerk

Date: _____, 2024

STATE OF FLORIDA)
COUNTY OF MANATEE)

The foregoing instrument was acknowledged before me this ___ day of _____, by Gene Brown, as Chair of the Sarasota/Manatee Metropolitan Planning Organization, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes. He is personally known to me or has produced _____ as identification.

Notary Public – State of Florida
At Large – My Commission Expires:

INTERLOCAL AGREEMENT FOR JOINT REGIONAL TRANSPORTATION PLANNING AND COORDINATION BETWEEN THE SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION, THE LEE COUNTY METROPOLITAN PLANNING ORGANIZATION, AND THE CHARLOTTE COUNTY-PUNTA GORDA METROPOLITAN PLANNING ORGANIZATION

LEE COUNTY METROPOLITAN PLANNING ORGANIZATION, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes

By: _____, Chair

ATTEST:

Agency Clerk

Date: _____, 2024

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 2024, by _____, as Chairman of the Lee County Metropolitan Planning Organization, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes, on behalf of the organization. _____ is personally known to me or has produced _____ as identification.

Notary Public – State of Florida
At Large – My Commission Expires:

**INTERLOCAL AGREEMENT FOR JOINT REGIONAL TRANSPORTATION
PLANNING AND COORDINATION BETWEEN THE SARASOTA/MANATEE
METROPOLITAN PLANNING ORGANIZATION, THE LEE COUNTY
METROPOLITAN PLANNING ORGANIZATION, AND THE CHARLOTTE
COUNTY-PUNTA GORDA METROPOLITAN PLANNING ORGANIZATION**

CHARLOTTE COUNTY-PUNTA
GORDA METROPOLITAN
PLANNING ORGANIZATION, a
legal entity created by interlocal
agreement and existing pursuant
to Section 339.175, Florida
Statutes

By: _____
Christopher G. Constance,
Chair

ATTEST:

_____,
Agency Clerk

Date: _____, 2024

STATE OF FLORIDA)
COUNTY OF CHARLOTTE)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 2024, by _____, as Chairman of the Charlotte County-Punta Gorda Metropolitan Planning Organization, a legal entity created by interlocal agreement and existing pursuant to Section 339.175, Florida Statutes, on behalf of the organization. He is personally known to me or has produced _____ as identification.

Notary Public – State of Florida
At Large – My Commission Expires:

INFORMATION ON THE LEGISLATION SUBMITTED TO STUDY THE COMBINING OF THE LEE AND COLLIER MPO'S

DISCUSSION ITEM:

Since the last meeting where we discussed transportation related legislation, State Senator Joe Gruters has submitted the **attached** legislation that calls for a study looking at combining the Lee and Collier MPOs. The language for this part of the bill is the same as what was used last year to study the combining of the Hillsborough, Pinellas, and Pasco MPOs. That study was recently submitted to the Governor and the Legislature for their review (a link to the study is located here: https://leempo.com/wp-content/uploads/download-manager-files/leempo-files/boards-and-committees/MPO%20Executive%20Committee%20%28MEC%29/20240110/MEC05b.Regional%20Report%20to%20Legislature_fully%20executed_upload.pdf). Currently, there is not a companion bill in the House for this legislation that also includes getting rid of the MPOAC and the Florida Transportation Commission. This bill also includes requirements where FDOT determines performance measures for MPOs and if the performance measures that they establish are not met, the FDOT District Secretary takes over control of the MPO and serves as the Director (or designee) for one year. During that year of oversight, FDOT also determines who serves as the Chair of the MPO Governing Board.

By Senator Gruters

22-01098-24

20241032__

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; deleting provisions related to appointment,
4 powers, and duties of the Florida Transportation
5 Commission; repealing s. 334.045, F.S., relating to
6 transportation performance and productivity standards;
7 amending s. 334.048, F.S.; conforming provisions to
8 changes made by the act; amending s. 334.065, F.S.;
9 revising the membership of the Center for Urban
10 Transportation Research advisory board; requiring
11 review, approval, and confirmation by the Board of
12 Governors of certain nominations to the advisory
13 board; amending s. 334.066, F.S.; revising the
14 membership of the Implementing Solutions from
15 Transportation Research and Evaluating Emerging
16 Technologies (I-STREET) Living Lab advisory board;
17 amending s. 339.135, F.S.; revising provisions
18 relating to the evaluation of the Department of
19 Transportation's tentative work program; requiring the
20 department to conduct the statewide public hearing
21 thereon; conforming provisions to changes made by the
22 act; amending s. 339.175, F.S.; revising legislative
23 intent; prohibiting the designation of additional
24 metropolitan planning organizations (M.P.O.'s) after a
25 specified date, with an exception for certain
26 urbanized areas; revising projects and strategies to
27 be considered in developing an M.P.O.'s long-range
28 transportation plan and transportation improvement
29 program; requiring certain M.P.O.'s to submit to the

22-01098-24

20241032__

30 Governor and the Legislature, by a specified date, a
31 feasibility report regarding consolidation; conforming
32 provisions to changes made by the act; requiring the
33 department to convene M.P.O.'s of similar size to
34 exchange best practices; authorizing such M.P.O.'s to
35 develop committees or working groups; requiring
36 training for new M.P.O. governing board members to be
37 provided by the department or one of the other
38 specified entities; deleting provisions relating to
39 M.P.O. coordination mechanisms; deleting provisions
40 requiring the Metropolitan Planning Organization
41 Advisory Council to review certain long-range
42 transportation plans; including public-private
43 partnerships in authorized financing techniques;
44 revising proposed transportation enhancement
45 activities that must be indicated by the long-range
46 transportation plan; requiring the department to
47 review certain aspects of each M.P.O.'s long-range
48 transportation plan and to return such plan to the
49 M.P.O. for revision if deemed unsatisfactory;
50 requiring the department to create quality performance
51 metrics and a scoring mechanism to evaluate each
52 M.P.O.'s service to its communities and establish a
53 minimum acceptable quality performance score;
54 requiring each M.P.O. to report its quality
55 performance score annually to the district secretary
56 and to publish the score on its website, beginning on
57 a specified date; requiring the department to validate
58 each M.P.O.'s score calculation and make necessary

22-01098-24

20241032__

59 adjustments; requiring M.P.O.'s that do not achieve
60 the minimum acceptable quality performance score
61 within a certain timeframe to be placed under the
62 control of the Secretary of Transportation; requiring
63 the secretary to appoint the district secretary or
64 another person to assume the role of executive
65 director of such M.P.O.'s for a specified period of
66 time; requiring the district secretary or other person
67 to make certain recommendations; providing specified
68 funding to the M.P.O. with the highest quality
69 performance score, beginning in a specified year and
70 periodically thereafter, subject to the appropriation
71 of funds by the Legislature; providing requirements
72 for the expenditure of such funds; requiring such
73 M.P.O. to represent the state in any federal
74 conference or membership organization; deleting
75 provisions relating to the Metropolitan Planning
76 Organization Advisory Council; amending s. 348.0306,
77 F.S.; conforming provisions to changes made by the
78 act; amending ss. 110.205, 331.3051, 331.310, and
79 339.64, F.S.; conforming cross-references and
80 provisions to changes made by the act; requiring the
81 department to submit a report to the Governor and
82 Legislature by a specified date which provides a
83 comprehensive review of the boundaries of department
84 districts and makes certain recommendations; providing
85 an effective date.

86
87 Be It Enacted by the Legislature of the State of Florida:

22-01098-24

20241032__

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89 Section 1. Subsections (1) and (2) and paragraph (a) of
90 subsection (3) of section 20.23, Florida Statutes, are amended
91 to read:

92 20.23 Department of Transportation.—There is created a
93 Department of Transportation which shall be a decentralized
94 agency.

95 (1) (a) The head of the Department of Transportation is the
96 Secretary of Transportation. The secretary shall be appointed by
97 the Governor ~~from among three persons nominated by the Florida~~
98 ~~Transportation Commission~~ and shall be subject to confirmation
99 by the Senate. The secretary shall serve at the pleasure of the
100 Governor.

101 (b) The secretary shall be a proven, effective
102 administrator who by a combination of education and experience
103 shall clearly possess a broad knowledge of the administrative,
104 financial, and technical aspects of the development, operation,
105 and regulation of transportation systems and facilities or
106 comparable systems and facilities.

107 (c) ~~The secretary shall provide to the Florida~~
108 ~~Transportation Commission or its staff, such assistance,~~
109 ~~information, and documents as are requested by the commission or~~
110 ~~its staff to enable the commission to fulfill its duties and~~
111 ~~responsibilities.~~

112 ~~(d)~~ The secretary may appoint up to three assistant
113 secretaries who shall be directly responsible to the secretary
114 and who shall perform such duties as are assigned by the
115 secretary. The secretary shall designate to an assistant
116 secretary the duties related to enhancing economic prosperity,

22-01098-24

20241032__

117 including, but not limited to, the responsibility of liaison
118 with the head of economic development in the Executive Office of
119 the Governor. Such assistant secretary shall be directly
120 responsible for providing the Executive Office of the Governor
121 with investment opportunities and transportation projects that
122 expand the state's role as a global hub for trade and investment
123 and enhance the supply chain system in the state to process,
124 assemble, and ship goods to markets throughout the eastern
125 United States, Canada, the Caribbean, and Latin America. The
126 secretary may delegate to any assistant secretary the authority
127 to act in the absence of the secretary.

128 ~~(d)~~ (e) ~~The Any secretary appointed after July 5, 1989, and~~
129 ~~the assistant secretaries~~ are ~~shall be~~ exempt from ~~the~~
130 ~~provisions of part III of chapter 110 and shall receive~~
131 ~~compensation commensurate with their qualifications and~~
132 ~~competitive with compensation for comparable responsibility in~~
133 ~~the private sector.~~

134 ~~(2)(a)1. The Florida Transportation Commission is hereby~~
135 ~~created and shall consist of nine members appointed by the~~
136 ~~Governor subject to confirmation by the Senate. Members of the~~
137 ~~commission shall serve terms of 4 years each.~~

138 ~~2. Members shall be appointed in such a manner as to~~
139 ~~equitably represent all geographic areas of the state. Each~~
140 ~~member must be a registered voter and a citizen of the state.~~
141 ~~Each member of the commission must also possess business~~
142 ~~managerial experience in the private sector.~~

143 ~~3. A member of the commission shall represent the~~
144 ~~transportation needs of the state as a whole and may not~~
145 ~~subordinate the needs of the state to those of any particular~~

22-01098-24

20241032__

146 ~~area of the state.~~

147 ~~4. The commission is assigned to the Office of the~~
148 ~~Secretary of the Department of Transportation for administrative~~
149 ~~and fiscal accountability purposes, but it shall otherwise~~
150 ~~function independently of the control and direction of the~~
151 ~~department.~~

152 ~~(b) The commission shall:~~

153 ~~1. Recommend major transportation policies for the~~
154 ~~Governor's approval and assure that approved policies and any~~
155 ~~revisions are properly executed.~~

156 ~~2. Periodically review the status of the state~~
157 ~~transportation system, including highway, transit, rail,~~
158 ~~seaport, intermodal development, and aviation components of the~~
159 ~~system, and recommend improvements to the Governor and the~~
160 ~~Legislature.~~

161 ~~3. Perform an in-depth evaluation of the annual department~~
162 ~~budget request, the Florida Transportation Plan, and the~~
163 ~~tentative work program for compliance with all applicable laws~~
164 ~~and established departmental policies. Except as specifically~~
165 ~~provided in s. 339.135(4)(c)2., (d), and (f), the commission may~~
166 ~~not consider individual construction projects but shall consider~~
167 ~~methods of accomplishing the goals of the department in the most~~
168 ~~effective, efficient, and businesslike manner.~~

169 ~~4. Monitor the financial status of the department on a~~
170 ~~regular basis to assure that the department is managing revenue~~
171 ~~and bond proceeds responsibly and in accordance with law and~~
172 ~~established policy.~~

173 ~~5. Monitor on at least a quarterly basis the efficiency,~~
174 ~~productivity, and management of the department using performance~~

22-01098-24

20241032__

175 ~~and production standards developed by the commission pursuant to~~
176 ~~s. 334.045.~~

177 ~~6. Perform an in-depth evaluation of the factors causing~~
178 ~~disruption of project schedules in the adopted work program and~~
179 ~~recommend to the Governor and the Legislature methods to~~
180 ~~eliminate or reduce the disruptive effects of these factors.~~

181 ~~7. Recommend to the Governor and the Legislature~~
182 ~~improvements to the department's organization in order to~~
183 ~~streamline and optimize the efficiency of the department. In~~
184 ~~reviewing the department's organization, the commission shall~~
185 ~~determine if the current district organizational structure is~~
186 ~~responsive to this state's changing economic and demographic~~
187 ~~development patterns. The report by the commission must be~~
188 ~~delivered to the Governor and the Legislature by December 15~~
189 ~~each year, as appropriate. The commission may retain experts as~~
190 ~~necessary to carry out this subparagraph, and the department~~
191 ~~shall pay the expenses of the experts.~~

192 ~~8. Monitor the efficiency, productivity, and management of~~
193 ~~the agencies and authorities created under chapters 348 and 349;~~
194 ~~the Mid-Bay Bridge Authority re-created pursuant to chapter~~
195 ~~2000-411, Laws of Florida; and any authority formed under~~
196 ~~chapter 343. The commission shall also conduct periodic reviews~~
197 ~~of each agency's and authority's operations and budget,~~
198 ~~acquisition of property, management of revenue and bond~~
199 ~~proceeds, and compliance with applicable laws and generally~~
200 ~~accepted accounting principles.~~

201 ~~(c) The commission or a member thereof may not enter into~~
202 ~~the day-to-day operation of the department or a monitored~~
203 ~~authority and is specifically prohibited from taking part in:~~

22-01098-24

20241032__

204 ~~1. The awarding of contracts.~~

205 ~~2. The selection of a consultant or contractor or the~~
206 ~~prequalification of any individual consultant or contractor.~~
207 ~~However, the commission may recommend to the secretary standards~~
208 ~~and policies governing the procedure for selection and~~
209 ~~prequalification of consultants and contractors.~~

210 ~~3. The selection of a route for a specific project.~~

211 ~~4. The specific location of a transportation facility.~~

212 ~~5. The acquisition of rights-of-way.~~

213 ~~6. The employment, promotion, demotion, suspension,~~
214 ~~transfer, or discharge of any department personnel.~~

215 ~~7. The granting, denial, suspension, or revocation of any~~
216 ~~license or permit issued by the department.~~

217 ~~(d)1. The chair of the commission shall be selected by the~~
218 ~~commission members and shall serve a 1-year term.~~

219 ~~2. The commission shall hold a minimum of 4 regular~~
220 ~~meetings annually, and other meetings may be called by the chair~~
221 ~~upon giving at least 1 week's notice to all members and the~~
222 ~~public pursuant to chapter 120. Other meetings may also be held~~
223 ~~upon the written request of at least four other members of the~~
224 ~~commission, with at least 1 week's notice of such meeting being~~
225 ~~given to all members and the public by the chair pursuant to~~
226 ~~chapter 120. Emergency meetings may be held without notice upon~~
227 ~~the request of all members of the commission. At each meeting of~~
228 ~~the commission, the secretary or his or her designee shall~~
229 ~~submit a report of major actions taken by him or her as the~~
230 ~~official representative of the department.~~

231 ~~3. A majority of the membership of the commission~~
232 ~~constitutes a quorum at any meeting of the commission. An action~~

22-01098-24

20241032__

233 ~~of the commission is not binding unless the action is taken~~
234 ~~pursuant to an affirmative vote of a majority of the members~~
235 ~~present, but not fewer than four members of the commission at a~~
236 ~~meeting held pursuant to subparagraph 2., and the vote is~~
237 ~~recorded in the minutes of that meeting.~~

238 ~~4. The chair shall cause to be made a complete record of~~
239 ~~the proceedings of the commission, which record shall be open~~
240 ~~for public inspection.~~

241 ~~(e) The meetings of the commission shall be held in the~~
242 ~~central office of the department in Tallahassee unless the chair~~
243 ~~determines that special circumstances warrant meeting at another~~
244 ~~location.~~

245 ~~(f) Members of the commission are entitled to per diem and~~
246 ~~travel expenses pursuant to s. 112.061.~~

247 ~~(g) A member of the commission may not have any interest,~~
248 ~~direct or indirect, in any contract, franchise, privilege, or~~
249 ~~other benefit granted or awarded by the department during the~~
250 ~~term of his or her appointment and for 2 years after the~~
251 ~~termination of such appointment.~~

252 ~~(h) The commission shall appoint an executive director and~~
253 ~~assistant executive director, who shall serve under the~~
254 ~~direction, supervision, and control of the commission. The~~
255 ~~executive director, with the consent of the commission, shall~~
256 ~~employ such staff as are necessary to perform adequately the~~
257 ~~functions of the commission, within budgetary limitations. All~~
258 ~~employees of the commission are exempt from part II of chapter~~
259 ~~110 and shall serve at the pleasure of the commission. The~~
260 ~~salaries and benefits of all employees of the commission shall~~
261 ~~be set in accordance with the Selected Exempt Service; provided,~~

22-01098-24

20241032__

262 ~~however, that the commission shall have complete authority for~~
263 ~~fixing the salary of the executive director and assistant~~
264 ~~executive director.~~

265 ~~(i) The commission shall develop a budget pursuant to~~
266 ~~chapter 216. The budget is not subject to change by the~~
267 ~~department, but such budget shall be submitted to the Governor~~
268 ~~along with the budget of the department.~~

269 ~~(2)(3)(a) The central office shall establish departmental~~
270 ~~policies, rules, procedures, and standards and shall monitor the~~
271 ~~implementation of such policies, rules, procedures, and~~
272 ~~standards in order to ensure uniform compliance and quality~~
273 ~~performance by the districts and central office units that~~
274 ~~implement transportation programs. Major transportation policy~~
275 ~~initiatives or revisions shall be submitted to the commission~~
276 ~~for review.~~

277 Section 2. Section 334.045, Florida Statutes, is repealed.

278 Section 3. Subsection (1) of section 334.048, Florida
279 Statutes, is amended to read:

280 334.048 Legislative intent with respect to department
281 management accountability and monitoring systems.—The department
282 shall implement the following accountability and monitoring
283 systems to evaluate whether the department's goals are being
284 accomplished efficiently and cost-effectively, and ensure
285 compliance with all laws, rules, policies, and procedures
286 related to the department's operations:

287 ~~(1) The Transportation Commission shall monitor those~~
288 ~~aspects of the department's operations as assigned in s. 20.23.~~

289
290 Such systems are herein established to quickly identify and

22-01098-24

20241032__

291 resolve problems, to hold responsible parties accountable, and
292 to ensure that all costs to the taxpayer are recovered.

293 Section 4. Subsection (3) of section 334.065, Florida
294 Statutes, is amended to read:

295 334.065 Center for Urban Transportation Research.—

296 (3) An advisory board shall be created to periodically and
297 objectively review and advise the center concerning its research
298 program. Except for projects mandated by law, state-funded base
299 projects shall not be undertaken without approval of the
300 advisory board. The membership of the board shall consist of
301 nine experts in transportation-related areas, as follows:

302 (a) A member appointed by the President of the Senate.

303 (b) A member appointed by the Speaker of the House of
304 Representatives.

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

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

307 ~~including the secretaries of the Department of Transportation,~~
308 ~~the Department of Environmental Protection, and the Department~~
309 ~~of Economic Opportunity, or their designees, and a member of the~~
310 ~~Florida Transportation Commission. The nomination of the~~
311 ~~remaining~~

312 (e) Five members commended of the board shall be made to
313 the President of the University of South Florida by the College
314 of Engineering at the University of South Florida., and The
315 appointment of these members must be reviewed, and approved, by
316 ~~the Florida Transportation Commission~~ and confirmed by the Board
317 of Governors.

318 Section 5. Paragraphs (d), (e), and (f) of subsection (3)
319 of section 334.066, Florida Statutes, are amended to read:

22-01098-24

20241032__

320 334.066 Implementing Solutions from Transportation Research
321 and Evaluating Emerging Technologies Living Lab.-

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

326 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his
327 or her designee.

328 (e) ~~A member of the Florida Transportation Commission.~~

329 ~~(f)~~ Five ~~Four~~ members nominated by the University of
330 Florida's College of Engineering and approved by the
331 university's president. The College of Engineering's nominees
332 may include representatives of the University of Florida, other
333 academic and research institutions, or private entities.

334 Section 6. Paragraph (a) of subsection (2) and paragraphs
335 (c), (d), (f), (g), and (h) of subsection (4) of section
336 339.135, Florida Statutes, are amended to read:

337 339.135 Work program; legislative budget request;
338 definitions; preparation, adoption, execution, and amendment.-

339 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST
340 FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.-

341 (a) The department shall file the legislative budget
342 request in the manner required by chapter 216, setting forth the
343 department's proposed revenues and expenditures for operational
344 and fixed capital outlay needs to accomplish the objectives of
345 the department in the ensuing fiscal year. The right-of-way,
346 construction, preliminary engineering, maintenance, and all
347 grants and aids programs of the department shall be set forth
348 only in program totals. The legislative budget request must

22-01098-24

20241032__

349 include a balanced 36-month forecast of cash and expenditures
350 and a 5-year finance plan. The legislative budget request shall
351 be amended to conform to the tentative work program. Before
352 ~~Prior to~~ the public hearing and evaluation ~~submission~~ of the
353 tentative work program pursuant to paragraph (4) (d) ~~(4) (f)~~, the
354 department may amend its legislative budget request and the
355 tentative work program for the most recent estimating conference
356 estimate of revenues and the most recent federal aid
357 apportionments.

358 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

359 (c)1. For purposes of this section, the board of county
360 commissioners shall serve as the metropolitan planning
361 organization in those counties which are not located in a
362 metropolitan planning organization and shall be involved in the
363 development of the district work program to the same extent as a
364 metropolitan planning organization.

365 2. The district work program shall be developed
366 cooperatively from the outset with the various metropolitan
367 planning organizations of the state and include, to the maximum
368 extent feasible, the project priorities of metropolitan planning
369 organizations which have been submitted to the district by
370 August 1 of each year pursuant to s. 339.175(8) (b); however, the
371 department and a metropolitan planning organization may, in
372 writing, cooperatively agree to vary this submittal date. To
373 assist the metropolitan planning organizations in developing
374 their lists of project priorities, the district shall disclose
375 to each metropolitan planning organization any anticipated
376 changes in the allocation or programming of state and federal
377 funds which may affect the inclusion of metropolitan planning

22-01098-24

20241032__

378 organization project priorities in the district work program.

379 3. Before submittal of the district work program to the
380 central office, the district shall provide the affected
381 metropolitan planning organization with written justification
382 for any project proposed to be rescheduled or deleted from the
383 district work program which project is part of the metropolitan
384 planning organization's transportation improvement program and
385 is contained in the last 4 years of the previous adopted work
386 program. By no later than 14 days after submittal of the
387 district work program to the central office, the affected
388 metropolitan planning organization may file an objection to such
389 rescheduling or deletion. When an objection is filed with the
390 secretary, the rescheduling or deletion may not be included in
391 the district work program unless the inclusion of such
392 rescheduling or deletion is specifically approved by the
393 secretary. ~~The Florida Transportation Commission shall include~~
394 ~~such objections in its evaluation of the tentative work program~~
395 ~~only when the secretary has approved the rescheduling or~~
396 ~~deletion.~~

397 (d) Before ~~Prior to~~ the submission of the district work
398 program to the central office, each district office shall hold a
399 public hearing in at least one urbanized area in the district
400 and shall make a presentation at a meeting of each metropolitan
401 planning organization in the district to determine the necessity
402 of making any changes to projects included or to be included in
403 the district work program and to hear requests for new projects
404 to be added to, or existing projects to be deleted from, the
405 district work program. However, the district and metropolitan
406 planning organization shall minimize changes to, deletions from,

22-01098-24

20241032__

407 or adjustments to projects or project phases contained in the 4
408 common years of the previous adopted work program and the
409 district work program. The district shall provide the
410 metropolitan planning organization with a written explanation
411 for any project which is contained in the metropolitan planning
412 organization's transportation improvement program and which is
413 not included in the district work program. The metropolitan
414 planning organization may request in writing to the appropriate
415 district secretary further consideration of any specific project
416 not included or not adequately addressed in the district work
417 program. The district secretary shall acknowledge and review all
418 such requests before ~~prior to~~ the submission of the district
419 work program to the central office and shall forward a copy of
420 such requests to the secretary ~~and the Florida Transportation~~
421 ~~Commission. The commission shall include such requests in its~~
422 ~~evaluation of the tentative work program.~~

423 (f) ~~The central office shall submit a preliminary copy of~~
424 ~~the tentative work program to the Executive Office of the~~
425 ~~Governor, the legislative appropriations committees, the Florida~~
426 ~~Transportation Commission, and the Department of Economic~~
427 ~~Opportunity at least 14 days prior to the convening of the~~
428 ~~regular legislative session. Prior to the statewide public~~
429 ~~hearing required by paragraph (g), the Department of Economic~~
430 ~~Opportunity shall transmit to the Florida Transportation~~
431 ~~Commission a list of those projects and project phases contained~~
432 ~~in the tentative work program which are identified as being~~
433 ~~inconsistent with approved local government comprehensive plans.~~
434 ~~For urbanized areas of metropolitan planning organizations, the~~
435 ~~list may not contain any project or project phase that is~~

22-01098-24

20241032__

436 ~~scheduled in a transportation improvement program unless such~~
 437 ~~inconsistency has been previously reported to the affected~~
 438 ~~metropolitan planning organization.~~

439 ~~(g)1.~~ The department ~~Florida Transportation Commission~~
 440 shall conduct a statewide public hearing on the tentative work
 441 program and shall advertise the time, place, and purpose of the
 442 hearing in the Florida Administrative Register at least 7 days
 443 before ~~prior to~~ the hearing. As part of the statewide public
 444 hearing, the department ~~commission~~ shall, at a minimum, do both
 445 of the following:

446 1.a. ~~Conduct an in-depth evaluation of the tentative work~~
 447 ~~program for compliance with applicable laws and departmental~~
 448 ~~policies.~~ ~~†~~ ~~and~~

449 2.b. ~~Hear all questions, suggestions, or other comments~~
 450 ~~offered by the public.~~

451 ~~(g)2.~~ ~~By~~ No later than 14 days before ~~after~~ the regular
 452 legislative session begins, the department ~~commission~~ shall
 453 submit the tentative work program to the Executive Office of the
 454 Governor and the legislative appropriations committees, along
 455 with a report that evaluates the tentative work program for all
 456 of the following:

457 1.a. ~~Financial soundness.~~ ~~†~~

458 2.b. ~~Stability.~~ ~~†~~

459 3.c. ~~Production capacity.~~ ~~†~~

460 4.d. ~~Accomplishments, including compliance with program~~
 461 ~~objectives in s. 334.046.~~ ~~†~~

462 5.e. ~~Compliance with approved local government~~
 463 ~~comprehensive plans.~~ ~~†~~

464 6.f. ~~Objections and requests by metropolitan planning~~

22-01098-24

20241032__

465 organizations.~~†~~

466 ~~7.g.~~ Policy changes and effects thereof.~~†~~

467 ~~8.h.~~ Identification of statewide or regional projects.~~†~~ and

468 ~~9.i.~~ Compliance with all other applicable laws.

469 ~~(h) Following evaluation by the Florida Transportation~~
 470 ~~Commission, the department shall submit the tentative work~~
 471 ~~program to the Executive Office of the Governor and the~~
 472 ~~legislative appropriations committees no later than 14 days~~
 473 ~~after the regular legislative session begins.~~

474 Section 7. Present subsection (10) of section 339.175,
 475 Florida Statutes, is redesignated as subsection (11), subsection
 476 (1), paragraph (a) of subsection (2), paragraphs (b), (i), and
 477 (j) of subsection (6), subsection (7), and present subsection
 478 (11) are amended, and a new subsection (10) is added to that
 479 section, to read:

480 339.175 Metropolitan planning organization.—

481 (1) INTENT PURPOSE.—It is the intent of the Legislature to
 482 encourage and promote the safe and efficient management,
 483 operation, and development of multimodal surface transportation
 484 systems that will serve the mobility needs of people and freight
 485 and foster economic growth and development within and through
 486 urbanized areas of this state while balancing conservation of
 487 natural resources ~~minimizing transportation-related fuel~~
 488 ~~consumption, air pollution, and greenhouse gas emissions through~~
 489 ~~metropolitan transportation planning processes identified in~~
 490 ~~this section~~. To accomplish these objectives, metropolitan
 491 planning organizations, referred to in this section as M.P.O.'s,
 492 shall develop, in cooperation with the state and public transit
 493 operators, transportation plans and programs for metropolitan

22-01098-24

20241032__

494 areas. The plans and programs for each metropolitan area must
495 provide for the development and integrated management and
496 operation of transportation systems and facilities, including
497 pedestrian walkways and bicycle transportation facilities that
498 will function as an intermodal transportation system for the
499 metropolitan area, based upon the prevailing principles provided
500 in s. 334.046(1). The process for developing such plans and
501 programs shall provide for consideration of all modes of
502 transportation and shall be continuing, cooperative, and
503 comprehensive, to the degree appropriate, based on the
504 complexity of the transportation problems to be addressed. To
505 ensure that the process is integrated with the statewide
506 planning process, M.P.O.'s shall develop plans and programs that
507 identify transportation facilities that should function as an
508 integrated metropolitan transportation system, giving emphasis
509 to facilities that serve important national, state, and regional
510 transportation functions. For the purposes of this section,
511 those facilities include the facilities on the Strategic
512 Intermodal System designated under s. 339.63 and facilities for
513 which projects have been identified pursuant to s. 339.2819(4).

514 (2) DESIGNATION.—

515 (a)1. An M.P.O. shall be designated for each urbanized area
516 of the state; however, this does not require that an individual
517 M.P.O. be designated for each such area. Such designation shall
518 be accomplished by agreement between the Governor and units of
519 general-purpose local government representing at least 75
520 percent of the population of the urbanized area; however, the
521 unit of general-purpose local government that represents the
522 central city or cities within the M.P.O. jurisdiction, as

22-01098-24

20241032__

523 defined by the United States Bureau of the Census, must be a
524 party to such agreement.

525 2. To the extent possible, only one M.P.O. shall be
526 designated for each urbanized area or group of contiguous
527 urbanized areas. More than one M.P.O. may be designated within
528 an existing urbanized area only if the Governor and the existing
529 M.P.O. determine that the size and complexity of the existing
530 urbanized area makes the designation of more than one M.P.O. for
531 the area appropriate. After July 1, 2024, no additional M.P.O.'s
532 shall be designated in this state except in urbanized areas, as
533 defined by the United States Bureau of the Census, where the
534 urbanized area boundary is not contiguous to an urbanized area
535 designated before the 2020 census, ~~in which case each M.P.O.~~
536 ~~designated for the area must:~~

537 a. ~~Consult with every other M.P.O. designated for the~~
538 ~~urbanized area and the state to coordinate plans and~~
539 ~~transportation improvement programs.~~

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

543
544 Each M.P.O. required under this section must be fully operative
545 no later than 6 months following its designation.

546 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
547 privileges, and authority of an M.P.O. are those specified in
548 this section or incorporated in an interlocal agreement
549 authorized under s. 163.01. Each M.P.O. shall perform all acts
550 required by federal or state laws or rules, now and subsequently
551 applicable, which are necessary to qualify for federal aid. It

22-01098-24

20241032__

552 is the intent of this section that each M.P.O. be involved in
553 the planning and programming of transportation facilities,
554 including, but not limited to, airports, intercity and high-
555 speed rail lines, seaports, and intermodal facilities, to the
556 extent permitted by state or federal law. An M.P.O. may not
557 perform project production or delivery for capital improvement
558 projects on the State Highway System.

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

563 1. Support the economic vitality of the contiguous
564 urbanized metropolitan area, especially by enabling global
565 competitiveness, productivity, and efficiency.

566 2. Increase the safety and security of the transportation
567 system for motorized and nonmotorized users.

568 3. Increase the accessibility and mobility options
569 available to people and for freight.

570 4. Protect and enhance the environment, conserve natural
571 resources ~~promote energy conservation~~, and improve quality of
572 life.

573 5. Enhance the integration and connectivity of the
574 transportation system, across and between modes and contiguous
575 urbanized metropolitan areas, for people and freight.

576 6. Promote efficient system management and operation.

577 7. Emphasize the preservation of the existing
578 transportation system.

579 8. Improve the resilience of transportation infrastructure.

580 9. Reduce traffic and congestion.

22-01098-24

20241032__

581 (i) By February 28, 2025 ~~December 31, 2023~~, the M.P.O.'s
582 serving Lee and Collier ~~Hillsborough, Pasco, and Pinellas~~
583 Counties must submit a feasibility report to the Governor, the
584 President of the Senate, and the Speaker of the House of
585 Representatives exploring the benefits, costs, and process of
586 consolidation into a single M.P.O. serving the contiguous
587 urbanized area, the goal of which would be to:

588 1. Coordinate transportation projects deemed to be
589 regionally significant.

590 2. Review the impact of regionally significant land use
591 decisions on the region.

592 3. Review all proposed regionally significant
593 transportation projects in the transportation improvement
594 programs.

595 (j)1. To more fully accomplish the purposes for which
596 M.P.O.'s have been mandated, the department shall, at least
597 annually, convene M.P.O.'s of similar size, based on the size of
598 population served, for the purpose of exchanging best practices.
599 M.P.O.'s may ~~shall~~ develop committees or working groups as
600 needed to accomplish such purpose. At the discretion of the
601 department, training for new M.P.O. governing board members
602 shall be provided by the department, by an entity pursuant to a
603 contract with the department, by the Florida Center for Urban
604 Transportation Research, or by the Implementing Solutions from
605 Transportation Research and Evaluating Emerging Technologies (I-
606 STREET) Living Lab ~~coordination mechanisms with one another to~~
607 ~~expand and improve transportation within the state. The~~
608 ~~appropriate method of coordination between M.P.O.'s shall vary~~
609 ~~depending upon the project involved and given local and regional~~

22-01098-24

20241032__

610 ~~needs. Consequently, it is appropriate to set forth a flexible~~
611 ~~methodology that can be used by M.P.O.'s to coordinate with~~
612 ~~other M.P.O.'s and appropriate political subdivisions as~~
613 ~~circumstances demand.~~

614 2. Any M.P.O. may join with any other M.P.O. or any
615 individual political subdivision to coordinate activities or to
616 achieve any federal or state transportation planning or
617 development goals or purposes consistent with federal or state
618 law. When an M.P.O. determines that it is appropriate to join
619 with another M.P.O. or any political subdivision to coordinate
620 activities, the M.P.O. or political subdivision shall enter into
621 an interlocal agreement pursuant to s. 163.01, which, at a
622 minimum, creates a separate legal or administrative entity to
623 coordinate the transportation planning or development activities
624 required to achieve the goal or purpose; provides the purpose
625 for which the entity is created; provides the duration of the
626 agreement and the entity and specifies how the agreement may be
627 terminated, modified, or rescinded; describes the precise
628 organization of the entity, including who has voting rights on
629 the governing board, whether alternative voting members are
630 provided for, how voting members are appointed, and what the
631 relative voting strength is for each constituent M.P.O. or
632 political subdivision; provides the manner in which the parties
633 to the agreement will provide for the financial support of the
634 entity and payment of costs and expenses of the entity; provides
635 the manner in which funds may be paid to and disbursed from the
636 entity; and provides how members of the entity will resolve
637 disagreements regarding interpretation of the interlocal
638 agreement or disputes relating to the operation of the entity.

22-01098-24

20241032__

639 Such interlocal agreement shall become effective upon its
640 recordation in the official public records of each county in
641 which a member of the entity created by the interlocal agreement
642 has a voting member. Multiple M.P.O.'s may merge, combine, or
643 otherwise join together as a single M.P.O.

644 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
645 develop a long-range transportation plan that addresses at least
646 a 20-year planning horizon. The plan must include both long-
647 range and short-range strategies and must comply with all other
648 state and federal requirements. The prevailing principles to be
649 considered in the long-range transportation plan are: preserving
650 the existing transportation infrastructure; enhancing Florida's
651 economic competitiveness; and improving travel choices to ensure
652 mobility. The long-range transportation plan must be consistent,
653 to the maximum extent feasible, with future land use elements
654 and the goals, objectives, and policies of the approved local
655 government comprehensive plans of the units of local government
656 located within the jurisdiction of the M.P.O. Each M.P.O. is
657 encouraged to consider strategies that integrate transportation
658 and land use planning to provide for sustainable development and
659 reduce greenhouse gas emissions. The approved long-range
660 transportation plan must be considered by local governments in
661 the development of the transportation elements in local
662 government comprehensive plans and any amendments thereto. The
663 long-range transportation plan must, at a minimum:

664 (a) Identify transportation facilities, including, but not
665 limited to, major roadways, airports, seaports, spaceports,
666 commuter rail systems, transit systems, and intermodal or
667 multimodal terminals that will function as an integrated

22-01098-24

20241032__

668 metropolitan transportation system. The long-range
669 transportation plan must give emphasis to those transportation
670 facilities that serve national, statewide, or regional
671 functions, and must consider the goals and objectives identified
672 in the Florida Transportation Plan as provided in s. 339.155. If
673 a project is located within the boundaries of more than one
674 M.P.O., the M.P.O.'s must coordinate plans regarding the project
675 in the long-range transportation plan. ~~Multiple M.P.O.'s within
676 a contiguous urbanized area must coordinate the development of
677 long-range transportation plans to be reviewed by the
678 Metropolitan Planning Organization Advisory Council.~~

679 (b) Include a financial plan that demonstrates how the plan
680 can be implemented, indicating resources from public and private
681 sources which are reasonably expected to be available to carry
682 out the plan, and recommends any additional financing strategies
683 for needed projects and programs. The financial plan may
684 include, for illustrative purposes, additional projects that
685 would be included in the adopted long-range transportation plan
686 if reasonable additional resources beyond those identified in
687 the financial plan were available. For the purpose of developing
688 the long-range transportation plan, the M.P.O. and the
689 department shall cooperatively develop estimates of funds that
690 will be available to support the plan implementation. Innovative
691 financing techniques may be used to fund needed projects and
692 programs. Such techniques may include the assessment of tolls,
693 public-private partnerships, the use of value capture financing,
694 or the use of value pricing. Multiple M.P.O.'s within a
695 contiguous urbanized area must ensure, to the maximum extent
696 possible, the consistency of data used in the planning process.

22-01098-24

20241032__

697 (c) Assess capital investment and other measures necessary
698 to:

699 1. Ensure the preservation of the existing metropolitan
700 transportation system including requirements for the operation,
701 resurfacing, restoration, and rehabilitation of major roadways
702 and requirements for the operation, maintenance, modernization,
703 and rehabilitation of public transportation facilities; and

704 2. Make the most efficient use of existing transportation
705 facilities to relieve vehicular congestion, improve safety, and
706 maximize the mobility of people and goods. Such efforts must
707 include, but are not limited to, consideration of infrastructure
708 and technological improvements necessary to accommodate advances
709 in vehicle technology, such as automated driving systems and
710 other developments.

711 (d) Indicate, as appropriate, proposed transportation
712 enhancement activities, including, but not limited to,
713 pedestrian and bicycle facilities, trails or facilities that are
714 regionally significant or critical linkages for the Florida
715 Shared-Use Nonmotorized Trail Network, scenic easements,
716 landscaping, integration of advanced air mobility, and
717 integration of autonomous and electric vehicles, electric
718 bicycles, and motorized scooters used for freight, commuter, or
719 micromobility purposes ~~historic preservation, mitigation of~~
720 ~~water pollution due to highway runoff, and control of outdoor~~
721 ~~advertising.~~

722 (e) In addition to the requirements of paragraphs (a)-(d),
723 in metropolitan areas that are classified as nonattainment areas
724 for ozone or carbon monoxide, the M.P.O. must coordinate the
725 development of the long-range transportation plan with the State

22-01098-24

20241032__

726 Implementation Plan developed pursuant to the requirements of
727 the federal Clean Air Act.

728

729 In the development of its long-range transportation plan, each
730 M.P.O. must provide the public, affected public agencies,
731 representatives of transportation agency employees, freight
732 shippers, providers of freight transportation services, private
733 providers of transportation, representatives of users of public
734 transit, and other interested parties with a reasonable
735 opportunity to comment on the long-range transportation plan.
736 The long-range transportation plan must be approved by the
737 M.P.O. and by the department as provided in subsection (10).

738 (10) ACCOUNTABILITY.—

739 (a) The department shall review each M.P.O.'s long-range
740 transportation plan for productive flow and connectivity for
741 people and freight within the M.P.O.'s metropolitan area. If the
742 department finds an M.P.O.'s long-range transportation plan to
743 be unsatisfactory or incongruent with the metropolitan area, the
744 department shall return the plan to the M.P.O. for revision.

745 (b) The department shall create quality performance metrics
746 and a scoring mechanism by which to evaluate each M.P.O.'s
747 service to its communities, taking into consideration traffic
748 congestion, the utilization rate of multimodal transportation
749 facilities, resident satisfaction, efficiency of the
750 transportation system for people and freight, and other factors
751 the department deems necessary. The department shall establish a
752 minimum acceptable quality performance score.

753 (c) Beginning in 2025, and each year thereafter, each
754 M.P.O. shall report its score for each quality performance

22-01098-24

20241032__

755 metric by December 1 to the district secretary and shall publish
756 the score and supporting data on its website. The department
757 must validate each M.P.O.'s score calculation and make
758 adjustments thereto if necessary.

759 (d) Beginning in December 2026, and every 3 years
760 thereafter, an M.P.O. that does not achieve the minimum
761 acceptable quality performance score shall be placed under the
762 control of the Secretary of Transportation. The Secretary of
763 Transportation shall appoint the district secretary or another
764 person to assume the role of executive director of the M.P.O.
765 and chair of its governing board for a period not to exceed 1
766 year, during which time the district secretary or other person
767 shall make recommendations to the governing board regarding:

768 1. Any leadership, process, and management changes needed
769 to improve the M.P.O.'s quality performance score.

770 2. Whether the metropolitan area of the M.P.O. would be
771 better served by consolidation of the M.P.O. with an M.P.O. in a
772 contiguous urbanized metropolitan area.

773 (e) Subject to appropriation by the Legislature, beginning
774 in 2026 and every 3 years thereafter, the single M.P.O. with the
775 highest quality performance score will receive \$5 million from
776 the State Transportation Trust Fund. Such funds shall be
777 expended at the M.P.O.'s discretion for a project approved in
778 its work program list. Such M.P.O. shall also represent the
779 state in any federal M.P.O. conference or membership
780 organization.

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

782 ~~(a) A Metropolitan Planning Organization Advisory Council~~
783 ~~is created to augment, and not supplant, the role of the~~

22-01098-24

20241032__

784 ~~individual M.P.O.'s in the cooperative transportation planning~~
785 ~~process described in this section.~~

786 ~~(b) The council shall consist of one representative from~~
787 ~~each M.P.O. and shall elect a chairperson annually from its~~
788 ~~number. Each M.P.O. shall also elect an alternate representative~~
789 ~~from each M.P.O. to vote in the absence of the representative.~~
790 ~~Members of the council do not receive any compensation for their~~
791 ~~services, but may be reimbursed from funds made available to~~
792 ~~council members for travel and per diem expenses incurred in the~~
793 ~~performance of their council duties as provided in s. 112.061.~~

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

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

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

804 ~~3. Serve as a clearinghouse for review and comment by~~
805 ~~M.P.O.'s on the Florida Transportation Plan and on other issues~~
806 ~~required to comply with federal or state law in carrying out the~~
807 ~~urbanized area transportation and systematic planning processes~~
808 ~~instituted pursuant to s. 339.155. The council must also report~~
809 ~~annually to the Florida Transportation Commission on the~~
810 ~~alignment of M.P.O. long range transportation plans with the~~
811 ~~Florida Transportation Plan.~~

812 ~~4. Employ an executive director and such other staff as~~

22-01098-24

20241032__

813 ~~necessary to perform adequately the functions of the council,~~
814 ~~within budgetary limitations. The executive director and staff~~
815 ~~are exempt from part II of chapter 110 and serve at the~~
816 ~~direction and control of the council. The council is assigned to~~
817 ~~the Office of the Secretary of the Department of Transportation~~
818 ~~for fiscal and accountability purposes, but it shall otherwise~~
819 ~~function independently of the control and direction of the~~
820 ~~department.~~

821 ~~5. Deliver training on federal and state program~~
822 ~~requirements and procedures to M.P.O. board members and M.P.O.~~
823 ~~staff.~~

824 ~~6. Adopt an agency strategic plan that prioritizes steps~~
825 ~~the agency will take to carry out its mission within the context~~
826 ~~of the state comprehensive plan and any other statutory mandates~~
827 ~~and directives.~~

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

833 Section 8. Paragraph (e) of subsection (2) of section
834 348.0306, Florida Statutes, is amended to read:

835 348.0306 Purposes and powers.—

836 (2) The agency may exercise all powers necessary,
837 appurtenant, convenient, or incidental to the carrying out of
838 its purposes, including, but not limited to, the following
839 rights and powers:

840 (e) To fix, alter, charge, establish, and collect tolls,
841 rates, fees, rentals, and other charges for the services and

22-01098-24

20241032__

842 facilities system, which tolls, rates, fees, rentals, and other
843 charges must always be sufficient to comply with any covenants
844 made with the holders of any bonds secured by the net revenues
845 of the expressway system, including any additions, extensions,
846 or improvements thereof. However, such right and power may be
847 assigned or delegated by the agency to the department.

848 1. Notwithstanding any other provision of law to the
849 contrary, the agency may not increase its toll rates until July
850 1, 2029, including any increase to the extent necessary to
851 adjust for inflation pursuant to the procedure for toll rate
852 adjustments provided in s. 338.165, except:

853 a. As may be necessary to comply with covenants in the
854 trust indentures or resolutions adopted in connection with the
855 agency's bonds secured by the net revenues of the expressway
856 system; or

857 b. On or after July 1, 2024, as approved by a supermajority
858 vote of the governing body of the agency.

859 2. A toll rate increase must be approved by a two-thirds
860 vote of the members of the governing body of the agency.

861 3. The amount of toll revenues used for administrative
862 costs by the agency may not be greater than 10 percent above the
863 annual state average of administrative costs ~~determined as~~
864 ~~provided in this subparagraph.~~ The department ~~Florida~~
865 ~~Transportation Commission~~ shall determine the annual state
866 average of administrative costs based on the annual
867 administrative costs of all the expressway authorities in this
868 state. For purposes of this subparagraph, administrative costs
869 include, but are not limited to, employee salaries and benefits,
870 small business outreach, insurance, professional service

22-01098-24

20241032__

871 contracts not directly related to the operation and maintenance
872 of the expressway system, and other overhead costs.

873 4. There must be a distance of at least 5 miles between
874 main through-lane tolling points. The distance requirement of
875 this subparagraph does not apply to entry and exit ramps.
876 However, the agency may establish toll rates such that the toll
877 rate per mile is equal to the rates in effect on July 1, 2019.

878 Section 9. Paragraphs (j) and (m) of subsection (2) of
879 section 110.205, Florida Statutes, are amended to read:

880 110.205 Career service; exemptions.—

881 (2) EXEMPT POSITIONS.—The exempt positions that are not
882 covered by this part include the following:

883 (j) The appointed secretaries and the State Surgeon
884 General, assistant secretaries, deputy secretaries, and deputy
885 assistant secretaries of all departments; the executive
886 directors, assistant executive directors, deputy executive
887 directors, and deputy assistant executive directors of all
888 departments; the directors of all divisions and those positions
889 determined by the department to have managerial responsibilities
890 comparable to such positions, which positions include, but are
891 not limited to, program directors, assistant program directors,
892 district administrators, deputy district administrators, the
893 Director of Central Operations Services of the Department of
894 Children and Families, the State Transportation Development
895 Administrator, the State Public Transportation and Modal
896 Administrator, district secretaries, district directors of
897 transportation development, transportation operations,
898 transportation support, and the managers of the offices of the
899 Department of Transportation specified in s. 20.23(2)(b) ~~s.~~

22-01098-24

20241032__

900 ~~20.23(3)(b)~~. Unless otherwise fixed by law, the department shall
901 set the salary and benefits of these positions and the positions
902 of county health department directors and county health
903 department administrators of the Department of Health in
904 accordance with the rules of the Senior Management Service.

905 (m) All assistant division director, deputy division
906 director, and bureau chief positions in any department, and
907 those positions determined by the department to have managerial
908 responsibilities comparable to such positions, which include,
909 but are not limited to:

910 1. Positions in the Department of Health and the Department
911 of Children and Families which are assigned primary duties of
912 serving as the superintendent or assistant superintendent of an
913 institution.

914 2. Positions in the Department of Corrections which are
915 assigned primary duties of serving as the warden, assistant
916 warden, colonel, or major of an institution or that are assigned
917 primary duties of serving as the circuit administrator or deputy
918 circuit administrator.

919 3. Positions in the Department of Transportation which are
920 assigned primary duties of serving as regional toll managers and
921 managers of offices, as specified in s. 20.23(2)(b) and (3)(c)
922 ~~s. 20.23(3)(b) and (4)(c)~~.

923 4. Positions in the Department of Environmental Protection
924 which are assigned the duty of an Environmental Administrator or
925 program administrator.

926 5. Positions in the Department of Health which are assigned
927 the duties of Environmental Administrator, Assistant County
928 Health Department Director, and County Health Department

22-01098-24

20241032__

929 Financial Administrator.

930 6. Positions in the Department of Highway Safety and Motor
931 Vehicles which are assigned primary duties of serving as
932 captains in the Florida Highway Patrol.

933

934 Unless otherwise fixed by law, the department shall set the
935 salary and benefits of the positions listed in this paragraph in
936 accordance with the rules established for the Selected Exempt
937 Service.

938 Section 10. Subsection (14) of section 331.3051, Florida
939 Statutes, is amended to read:

940 331.3051 Duties of Space Florida.—Space Florida shall:

941 ~~(14) Partner with the Metropolitan Planning Organization~~
942 ~~Advisory Council to coordinate and specify how aerospace~~
943 ~~planning and programming will be part of the state's cooperative~~
944 ~~transportation planning process.~~

945 Section 11. Paragraph (e) of subsection (2) of section
946 331.310, Florida Statutes, is amended to read:

947 331.310 Powers and duties of the board of directors.—

948 (2) The board of directors shall:

949 (e) Prepare an annual report of operations as a supplement
950 to the annual report required under s. 331.3051(15) ~~s.~~

951 ~~331.3051(16)~~. The report must include, but not be limited to, a
952 balance sheet, an income statement, a statement of changes in
953 financial position, a reconciliation of changes in equity
954 accounts, a summary of significant accounting principles, the
955 auditor's report, a summary of the status of existing and
956 proposed bonding projects, comments from management about the
957 year's business, and prospects for the next year.

22-01098-24

20241032__

958 Section 12. Subsection (2) of section 339.64, Florida
959 Statutes, is amended to read:

960 339.64 Strategic Intermodal System Plan.—

961 ~~(2) In association with the continued development of the~~
962 ~~Strategic Intermodal System Plan, the Florida Transportation~~
963 ~~Commission, as part of its work program review process, shall~~
964 ~~conduct an annual assessment of the progress that the department~~
965 ~~and its transportation partners have made in realizing the goals~~
966 ~~of economic development, improved mobility, and increased~~
967 ~~intermodal connectivity of the Strategic Intermodal System. The~~
968 ~~Florida Transportation Commission shall coordinate with the~~
969 ~~department and other appropriate entities when developing this~~
970 ~~assessment. The Florida Transportation Commission shall deliver~~
971 ~~a report to the Governor and Legislature no later than 14 days~~
972 ~~after the regular session begins, with recommendations as~~
973 ~~necessary to fully implement the Strategic Intermodal System.~~

974 Section 13. By October 31, 2024, the Department of
975 Transportation shall submit to the Governor, the President of
976 the Senate, and the Speaker of the House of Representatives a
977 report that provides a comprehensive review of the boundaries of
978 each of the department's districts and makes recommendations as
979 to whether any district's boundaries should be redrawn as a
980 result of population growth and increased urban density.

981 Section 14. This act shall take effect July 1, 2024.

REVIEW OF THE PREMINARY CRASH STATISTICS FOR 2023

DISCUSSION ITEM:

The preliminary traffic crash data for 2023 indicates that there may be some decreases in the number of fatalities, injuries, and crashes in Lee County compared with data from the previous year. Staff will provide a more in depth overview of the statistics at the meeting.

FLORIDA CRASH DASHBOARD

FLHSMV
FLORIDA HIGHWAY SAFETY AND MOTOR VEHICLE

SELECT YEAR
2023

SELECT CRASH COUNTY
ALL

SELECT CRASH TYPE
ALL CRASHES

DATA IN THIS VIEW COVERS CRASHES OCCURRING BETWEEN 1/1/2023 AND 12/14/2023.
DATA IS CONSIDERED PRELIMINARY AS OF 12/16/2023

ALL CRASHES

14,679

FATALITIES FROM ALL
CRASHES

113

INJURIES FROM ALL CRASHES

8,292

TOTAL FATAL CRASHES

102

TOTAL INJURY CRASHES

5,579

TOTAL BICYCLE CRASHES

295

TOTAL BICYCLE FATALITIES

9

TOTAL MOTORCYCLE CRASHES

335

TOTAL MOTORCYCLE FATALITIES

24

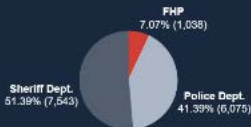
TOTAL PEDESTRIAN CRASHES

402

TOTAL PEDESTRIAN FATALITIES

24

**PERCENTAGE OF ALL CRASHES
INVESTIGATED BY EACH LAW
ENFORCEMENT AGENCY TYPE**



TOTAL HIT AND RUN
CRASHES

3,999

TOTAL HIT AND RUN
FATALITIES

11

TOTAL HIT AND RUN
INJURIES

715



DATA IN THIS VIEW
COVERS
CRASHES OCCURRING
BETWEEN
1/1/2023 AND 12/14/2023.
DATA IS CONSIDERED
PRELIMINARY AS OF
12/16/2023.

FLORIDA CRASH DASHBOARD

FLHSMV
FLORIDA HIGHWAY AND TRANSPORTATION SAFETY COUNCIL

SELECT YEAR
2022

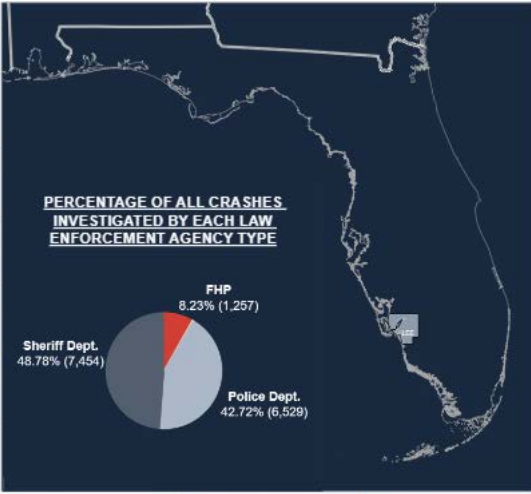
SELECT CRASH COUNTY
LEE

SELECT CRASH TYPE
ALL CRASHES

DATA IN THIS VIEW COVERS CRASHES OCCURRING BETWEEN 1/1/2022 AND 12/31/2022.
DATA IS CONSIDERED PRELIMINARY AS OF 12/16/2023

ALL CRASHES	FATALITIES FROM ALL CRASHES	INJURIES FROM ALL CRASHES
15,282	137	8,841

TOTAL FATAL CRASHES	130
TOTAL INJURY CRASHES	5,824
TOTAL BICYCLE CRASHES	319
TOTAL BICYCLE FATALITIES	9
TOTAL MOTORCYCLE CRASHES	333
TOTAL MOTORCYCLE FATALITIES	31
TOTAL PEDESTRIAN CRASHES	344



TOTAL PEDESTRIAN FATALITIES	32	TOTAL HIT AND RUN CRASHES	4,191	TOTAL HIT AND RUN FATALITIES	12	TOTAL HIT AND RUN INJURIES	796
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DATA IN THIS VIEW COVERS CRASHES OCCURRING BETWEEN 1/1/2022 AND 12/31/2022.
DATA IS CONSIDERED PRELIMINARY AS OF 12/16/2023.

PROVIDE INPUT ON THE PROPOSED JOINT LEE AND CHARLOTTE- PUNTA GORDA MPO AGENDA ITEMS

Discussion Item:

This agenda item is for the Committee to provide input on potential agenda items for the February Joint Lee/Charlotte-Punta Gorda MPO Board meeting. The meeting is scheduled for February 16th. Listed below are the items that have been identified to date for this meeting:

- Development of the Regional Coordination Agreement
- Information on the proposed Southwest Florida Regional Passenger Study and other plans/studies in Florida and in the southeast
- Status of the Burnt Store Road Corridor PD&E Study and proposed improvements
- Status of the SR 31 projects

OVERVIEW OF THE JANUARY 19TH MPO BOARD MEETING AGENDA

DISCUSSION ITEM:

The MPO staff will provide an overview of the January 19th MPO Board meeting agenda.