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1 A bill to be entitled
2 An act relating to the Northeast Florida Regional
3 Transportation Commission; renumbering parts I through
4 IV of chapter 343; creating part I of chapter 343,
5 F.S., titled "Northeast Florida Regional
6 Transportation Commission"; creating s. 343.1001,
7 F.S.; providing a short title; creating s. 343.1002,
8 F.S.; providing definitions; creating s. 343.1003,
9 F.S.; creating the Northeast Florida Regional
10 Transportation Commission; providing for organization
11 and membership of the governing board; authorizing the
12 board to create an advisory panel and committees;
13 requiring members to file statement of financial
14 interest pursuant to specified provisions; providing
15 for meetings and a quorum; providing for staffing;
16 providing for member removal; providing liability
17 protection for members; creating s. 343.1004, F.S.;
18 providing commission powers and duties; authorizing
19 the commission to request funds; providing for certain
20 amounts to be collected from the constituent counties
21 for a certain time period; prohibiting the commission
22 from pledging the state's credit; creating s.
23 343.1005, F.S.; providing for transportation projects
24 of regional significance; specifying characteristics
25 for such projects; creating s. 343.1006, F.S.;
26 requiring commission plans and planning activity to be
27 coordinated with other specified entities; creating s.
28 343.1007, F.S.; authorizing the commission to acquire

29 | property; limiting liability for preexisting soil or
 30 | groundwater contamination of acquired property;
 31 | authorizing the commission and the Department of
 32 | Environmental Protection to enter into interagency
 33 | agreements for the performance, funding, and
 34 | reimbursement of investigative and remedial acts
 35 | performed for certain purposes; creating s. 343.1008,
 36 | F.S.; authorizing the commission to enter into
 37 | agreements with governmental and private entities for
 38 | certain purposes; creating s. 343.1009, F.S.;
 39 | exempting the commission from taxes or assessments;
 40 | creating s. 343.1010, F.S.; providing for
 41 | applicability; specifying that the powers of the
 42 | commission are supplemental to other laws; creating s.
 43 | 343.1011, F.S.; providing for public meetings and
 44 | hearings; creating s. 343.1012, F.S.; specifying that
 45 | the commission is not an authority for purposes of
 46 | specified provisions relating to a discretionary tax;
 47 | creating s. 343.1013, F.S.; providing for future
 48 | repeal; amending s. 120.52, F.S.; conforming
 49 | provisions; providing an effective date.

50 |
 51 | Be It Enacted by the Legislature of the State of Florida:

52 |
 53 | Section 1. Parts I through IV of chapter 343, Florida
 54 | Statutes, are redesignated as parts II through V, respectively,
 55 | and a new part I of that chapter, consisting of sections
 56 | 343.1001, 343.1002, 343.1003, 343.1004, 343.1005, 343.1006,

57 | 343.1007, 343.1008, 343.1009, 343.1010, 343.1011, 343.1012, and
 58 | 343.1013, is created to read:

59 | CHAPTER 343

60 | REGIONAL TRANSPORTATION AUTHORITIES

61 | PART I

62 | NORTHEAST FLORIDA REGIONAL TRANSPORTATION COMMISSION

63 | 343.1001 Short title.—This part may be cited as the
 64 | "Northeast Florida Regional Transportation Commission Act."

65 | 343.1002 Definitions.—As used in this part, the term:

66 | (1) "Agency of the state" means the state and any
 67 | department of the state, the commission, or any corporation,
 68 | agency, or instrumentality created, designated, or established
 69 | by the state.

70 | (2) "Board" means the governing body of the commission.

71 | (3) "Commission" means the Northeast Florida Regional
 72 | Transportation Commission.

73 | (4) "Department" means the Department of Transportation.

74 | (5) "Transportation authority" means the department and
 75 | any entity created under this chapter, chapter 348, or chapter
 76 | 349.

77 | (6) "Transportation facilities" means all mobile and fixed
 78 | assets, including real or personal property or rights therein,
 79 | used in the transportation of persons or property by any means
 80 | of conveyance, and all appurtenances thereto, such as, but not
 81 | limited to: highways; bridges; limited or controlled access
 82 | roadways, lanes and related facilities; docks, wharves, vessels,
 83 | jetties, piers, and marine terminals; vehicles, fixed guideway
 84 | facilities, including freight rail, intermodal facilities, and

85 any means of conveyance of persons or property of all types;
 86 passenger and other terminals; park-and-ride facilities; bicycle
 87 ways and related facilities; pedestrian ways and pedestrian-
 88 related facilities appurtenant to other transportation
 89 facilities; transit-related improvements or developments
 90 adjacent to transit facilities or stations; bus, train, vessel,
 91 or other vehicle storage, cleaning, fueling, control, and
 92 maintenance facilities; and administrative and other office
 93 space necessary for the exercise by the commission of the powers
 94 and obligations granted under this part.

95 (7) "Transportation services" means the conveyance of
 96 persons or property or the provision of transportation
 97 facilities which allows the conveyance of persons or property,
 98 including mass transit services such as fixed-route bus, fixed-
 99 guideway vehicle service, paratransit service, flex route or
 100 demand responsive service, and the planning, designing,
 101 construction, and operation of transportation facilities.

102 343.1003 Northeast Florida Regional Transportation
 103 Commission.-

104 (1) The Northeast Florida Regional Transportation
 105 Commission, an agency of the state, is created and established
 106 as a body politic and corporate, covering the six-county area
 107 comprised of Baker, Clay, Duval, Nassau, Putnam, and St. Johns
 108 Counties.

109 (2) The nine-member governing board of the commission
 110 shall be selected and serve as follows:

111 (a) The county commissions of Baker, Clay, Nassau, Putnam,
 112 and St. Johns Counties shall each appoint one person, who may be

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113 an elected official of such county. However, in order to ensure
114 continuity on the initial governing board, the initial
115 appointees under this paragraph shall draw lots at the first
116 meeting of the governing board to determine which two members
117 shall serve initial terms of 2 years, which member shall serve
118 an initial terms of 3 years, and which two members shall serve
119 initial terms of 4 years.

120 (b) The City of Jacksonville shall be represented by four
121 members, who may be elected officials of the city. Of the four
122 members, the mayor of the City of Jacksonville shall appoint two
123 members, and the Jacksonville City Council shall appoint two
124 members. However, in order to ensure continuity on the initial
125 governing board, the initial appointees shall draw lots at the
126 first meeting of the governing board to determine which member
127 shall serve an initial term of 2 years, which two members shall
128 serve an initial term of 3 years, and which member shall serve
129 an initial term of 4 years.

130 (c) An appointed member may not select or have a designee
131 selected to serve in the absence of the member, whether such
132 member is an elected official or otherwise. However, if an
133 appointed member is designated by the appointing entity by
134 title, such as the chair of a county commission or the chair of
135 a transportation or planning agency, the successor or vice chair
136 may serve for such appointee in his or her absence.

137 (d) Except for the initial board, members shall be
138 appointed for 4-year terms. A member may not serve more than two
139 consecutive terms.

140 (3) The secretary of the department shall appoint a

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141 nonvoting advisor to the board.

142 (4) The board may create an advisory panel, with
143 membership to be determined by the board, and may establish
144 committees by and at the will of the chair, or upon vote of the
145 board.

146 (5) The members of the board shall serve without
147 compensation but are entitled to receive reimbursement from the
148 commission for travel expenses and per diem incurred in
149 connection with the business of the commission as provided in s.
150 112.061. Persons appointed to a committee or an advisory panel
151 shall also serve without compensation but may be entitled to per
152 diem or travel expenses incurred in connection with the business
153 of the commission as provided in s. 112.061.

154 (6) Members of the board shall file a statement of
155 financial interest with the Commission on Ethics as required
156 under s. 112.3145.

157 (7) At its inaugural meeting, the board shall establish
158 the duties and powers of its officers as set forth in subsection
159 (8) and its initial rules of conduct and meeting procedures.

160 (8) At its inaugural meeting, and annually thereafter, the
161 board shall elect a chair, vice chair, secretary, and treasurer
162 from among its members, to serve for a term of 1 year. No person
163 may hold the office of chair for more than two consecutive
164 terms.

165 (9) The first meeting of the commission shall be held
166 within 60 days after the creation of the commission.

167 (10) Six members of the board constitutes a quorum. The
168 commission may meet upon the presence of a quorum. A vacancy on

169 the board does not impair the ability of a quorum to exercise
170 all rights and perform all duties of the commission.

171 (11) The commission may employ an executive director and
172 an administrative assistant to the board and to the executive
173 director. The commission may employ permanent or temporary
174 staff, including consultants, as it determines necessary or
175 convenient, or, subject to approval by their respective boards
176 or administrative chiefs, may use the staff of:

177 (a) The Jacksonville Transportation Authority, its legal
178 counsel, technical experts, engineers, and other administrative
179 employees.

180 (b) The North Florida Transportation Planning
181 Organization, for planning matters.

182 (c) The Northeast Florida Regional Council, for planning
183 and coordination matters.

184 (d) The department.

185 (e) The Jacksonville Port Authority.

186 (f) The counties represented on the commission board, on
187 an as-needed basis.

188 (12) An appointing county commission, or, in the case of
189 Duval County, upon request of the mayor or the city council
190 president, the Jacksonville City Council, may remove a member
191 appointed by it for cause, including, but not limited to,
192 failure to attend two or more meetings of the commission during
193 any 9-month period.

194 (13) No liability on the part of, and no cause of action
195 may arise against, any member for any action taken in the
196 performance of his or her duties under this part.

197 343.1004 Commission powers and duties.—
 198 (1) The express purposes of the commission are to improve
 199 mobility and expand multimodal transportation options for
 200 persons and freight throughout the six-county North Florida
 201 region that includes Baker, Clay, Duval, Nassau, Putnam, and St.
 202 Johns Counties. The commission shall, at a minimum:
 203 (a) Use the data contained in the Long Range
 204 Transportation Plan of the North Florida Transportation Planning
 205 Organization and other data to develop a multimodal and
 206 prioritized regional transportation plan consisting of
 207 transportation projects of regional significance; and
 208 (b) Research and develop an implementation plan that
 209 identifies available but not yet imposed, and potentially
 210 developable, sources of funding to execute the regional
 211 transportation plan. In developing the regional transportation
 212 plan, the commission shall review and coordinate with the future
 213 land use, capital improvements, and traffic circulation elements
 214 of the counties' local government comprehensive plans, the
 215 Strategic Regional Policy Plan of the Northeast Florida Regional
 216 Council, and the schedules of other units of government having
 217 transit or transportation authority within whose jurisdictions
 218 the projects or improvements will be located in order to define
 219 and resolve potential inconsistencies between such plans and the
 220 commission's regional transportation plan. The commission shall
 221 present the regional transportation plan and updates to the
 222 governing bodies of the constituent counties within 90 days
 223 after adoption. The commission shall update the regional
 224 transportation plan and the implementation plan at least every

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225 other year.

226 (2) The commission may plan, develop, coordinate, and
227 promote transportation projects and transportation services of
228 regional significance which are identified in the commission's
229 regional transportation plan.

230 (a) Subject to available funding and with the approval of
231 the affected counties and transportation authorities, the
232 commission may own, purchase, operate, maintain, relocate,
233 equip, repair, and manage transportation facilities and services
234 of regional significance identified in the regional
235 transportation plan.

236 (b) To ensure coordination of its plans with those of
237 local governments, the commission shall consult with local
238 governments concerning the commission's regional transportation
239 plan.

240 (c) The commission may facilitate efforts to secure
241 funding commitments from federal and state sources, or from the
242 applicable counties, for the planning, development,
243 construction, purchase, operation and maintenance of
244 transportation projects that are of regional significance or
245 that support intercounty mobility for persons or freight.

246 (3) In carrying out its purposes and powers, the
247 commission may request funding and technical assistance from the
248 department and from federal and local agencies. In order to
249 carry out the purposes and powers of the commission for its
250 first 5 years, the commission shall also timely request annually
251 that each constituent county appropriate funds of up to 30 cents
252 per capita per year, based on the latest decennial census, to

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253 support its budget; however, the contribution of Duval County
254 may not exceed 45 percent of the commission's budget for any
255 fiscal year.

256 (4) The commission may exercise all powers necessary,
257 appurtenant, convenient, or incidental to carrying out the
258 purposes identified in subsections (1)-(3), including, but not
259 limited to, the power to:

260 (a) Sue and be sued, implead and be impleaded, and
261 complain and defend in all courts in its own name.

262 (b) Adopt and use a corporate seal.

263 (c) Apply for and accept grants from federal, state,
264 local, or private sources for the carrying out of the purposes
265 and powers of the commission.

266 (d) Partner with private sector business community
267 entities that may further the commission's mission and engage
268 the public in support of regional multimodal transportation
269 improvements.

270 (e) Adopt rules, including bylaws and sanctions, for the
271 regulation of the affairs and the conducting of business,
272 including termination of membership in the commission for
273 nonpayment of county contributions required under subsection
274 (3).

275 (f) Advertise, market, and promote regional transit
276 services and facilities, freight mobility plans and projects,
277 and the general activities of the commission.

278 (g) Cooperate with other governmental entities and
279 contract with other governmental agencies, including the Federal
280 Government, the department, counties, transit and transportation

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281 authorities or agencies, municipalities, and expressway and
282 bridge authorities.

283 (h) Purchase liability insurance directly from local,
284 national, or international insurance companies which the
285 commission is contractually and legally obligated to provide,
286 notwithstanding s. 287.022(1).

287 (i) Make contracts and execute all instruments necessary
288 or convenient for conducting its business.

289 (j) Form, alone or with one or more other agencies of the
290 state or local governments, public benefit corporations to carry
291 out the powers and obligations granted under this part or the
292 powers and obligations of such other agencies or local
293 governments.

294 (k) Require or elect not to require bid bonds and protest
295 bonds, prequalify bidders or proposers in various categories of
296 work or services, and suspend or debar consultants and
297 contractors in accordance with commission rules.

298 (l) Do everything necessary or convenient for the conduct
299 of its business and the general welfare of the commission in
300 order to carry out the powers granted to it by this part or any
301 other law.

302 (5) The commission may not pledge the credit or taxing
303 power of the state or any political subdivision or agency
304 thereof, nor may any of the commission's obligations be deemed
305 to be obligations of the state or of any political subdivision
306 or agency thereof, nor may the state or any political
307 subdivision or agency thereof, except the commission, be liable
308 for the payment of the principal of or interest on such

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309 obligations.

310 343.1005 Transportation projects of regional
311 significance.—Transportation projects of regional significance
312 are those transportation facilities and transportation services
313 within, in whole or in part, a regional transportation corridor
314 identified in the report by the Northeast Florida Regional
315 Transportation Study Commission that was presented to the
316 Legislature on or about December 31, 2012, or subsequently
317 identified by the commission, which:

318 (1) Exhibit a significant level of travel between counties
319 or regions;

320 (2) Provide a primary connection between activity centers
321 or municipalities;

322 (3) Exhibit a significant percentage of freight
323 conveyance;

324 (4) Provide a primary connection to marine, aviation, or
325 intermodal facilities;

326 (5) Provide a regional emergency evacuation route;

327 (6) Support or enhance the functionality of another
328 identified transportation project of regional significance in
329 the corridor by providing for regional movement or removing
330 nonregional trips from other transportation projects of regional
331 significance; or

332 (7) Have such other characteristics as the commission may
333 determine relating to regional significance.

334 343.1006 Plan coordination with other agencies.—The
335 regional transportation plan and implementation plan shall be
336 forwarded to the North Florida Transportation Planning

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337 Organization for inclusion in its long-range transportation plan
338 and other planning documents as required by law. To the extent
339 feasible, the commission's planning activities, including the
340 development and adoption of the regional transportation plan and
341 the implementation plan, shall be coordinated with the work of
342 the North Florida Transportation Planning Organization, the
343 Northeast Florida Regional Council, and the department.

344 343.1007 Acquisition of lands and property.—

345 (1) The commission may acquire by gift, bequest, or
346 voluntary purchase any property or property rights necessary to
347 carry out its mission and purposes under this part; however, the
348 commission may not obtain private or public property by
349 condemnation or eminent domain.

350 (2) If the commission acquires property pursuant to this
351 part, the commission is not subject to any liability imposed by
352 chapter 376 or chapter 403 for preexisting soil or groundwater
353 contamination due solely to its ownership. This subsection does
354 not affect the rights or liabilities of any past or future
355 owners of the acquired property, nor does it affect the
356 liability of any governmental entity for actions that create or
357 exacerbate a pollution source. The commission and the Department
358 of Environmental Protection may enter into interagency
359 agreements for the performance, funding, and reimbursement of
360 investigative and remedial acts necessary for acquiring property
361 by the commission.

362 343.1008 Authority to contract.—The commission may make
363 and enter into contracts, leases, conveyances, partnerships, or
364 interlocal or other agreements with a county, municipality,

365 district, political subdivision, agency, or instrumentality of
 366 the state and any federal agency, corporation, or individual for
 367 the purpose of carrying out the provisions of this part and
 368 serving the purposes of the commission.

369 343.1009 Exemption from taxation and assessment.—The
 370 effectuation of the authorized purposes of the commission
 371 created under this part is for the benefit of the people of this
 372 state, for the increase of their commerce and prosperity, and
 373 for the improvement of their health and living conditions, and,
 374 because the commission performs essential governmental functions
 375 in effectuating such purposes, the commission is not required to
 376 pay any taxes or assessments on any property acquired or used by
 377 it for such purposes or on any rates, fees, rentals, receipts,
 378 income, or charges at any time received by it.

379 343.1010 Powers of commission are supplemental.—

380 (1) The powers conferred by this part are supplemental to
 381 the existing powers of the North Florida Transportation Planning
 382 Organization, the Jacksonville Transportation Authority, the
 383 Northeast Florida Regional Council, the counties and the
 384 municipalities located therein, and the department. This part
 385 does not repeal any provisions of any other law, general,
 386 special, or local, but supplements such other laws in the
 387 exercise of the powers provided under this part and provides a
 388 complete method for the exercise of the powers granted in this
 389 part. The projects of the commission must comply with all
 390 applicable federal, state, and local laws. The projects of the
 391 commission undertaken pursuant to this part may be accomplished
 392 without regard to or necessity for compliance with the

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393 provisions, limitations, or restrictions contained in any other
394 general, special, or local law except as specifically set forth
395 in this part.

396 (2) This part does not repeal, rescind, or modify any
397 other law relating to the North Florida Transportation Planning
398 Organization, the Jacksonville Transportation Authority, or the
399 department.

400 343.1011 Public meetings and hearings.—

401 (1) The commission shall hold regular public meetings at
402 the times and locations determined by the chair but, if
403 feasible, at least quarterly.

404 (2) Before the adoption of the regional transportation
405 plan or the implementation plan, a public hearing shall be
406 conducted by the commission in each of the counties affected, at
407 least one of which must be before the board. Any interested
408 party shall have the opportunity to be heard in person or by
409 counsel and to introduce testimony in his or her behalf at the
410 hearing. Reasonable notice of each public hearing must be
411 published in a newspaper of general circulation in each county
412 in which such hearings are required to be held, at least 7 days
413 before the hearing. The commission shall comply with all
414 applicable federal and state requirements related to new or
415 altered transportation facilities or services.

416 343.1012 Discretionary sales surtax.—The commission is not
417 an "authority" for purposes of s. 212.055(1).

418 343.1013 Repeal.—This part shall stand repealed on
419 November 30, 2018, unless:

420 (1) The commission has adopted the regional transportation

421 plan and the implementation plan, and at least Clay, Duval,
 422 Nassau, and St. Johns Counties have adopted resolutions
 423 endorsing such plans; and

424 (2) Adequate funding sources to carry out the initial
 425 phases of such plans have been secured.

426 Section 2. Subsection (1) of section 120.52, Florida
 427 Statutes, is amended to read:

428 120.52 Definitions.—As used in this act:

429 (1) "Agency" means the following officers or governmental
 430 entities if acting pursuant to powers other than those derived
 431 from the constitution:

432 (a) The Governor; each state officer and state department,
 433 and each departmental unit described in s. 20.04; the Board of
 434 Governors of the State University System; the Commission on
 435 Ethics; the Fish and Wildlife Conservation Commission; a
 436 regional water supply authority; a regional planning agency; a
 437 multicounty special district, but only if ~~when~~ a majority of its
 438 governing board is comprised of nonelected persons; educational
 439 units; and each entity described in chapters 163, 373, 380, and
 440 582 and s. 186.504.

441 (b) Each officer and governmental entity in the state
 442 having statewide jurisdiction or jurisdiction in more than one
 443 county.

444 (c) Each officer and governmental entity in the state
 445 having jurisdiction in one county or less than one county, to
 446 the extent they are expressly made subject to this chapter act
 447 by general or special law or existing judicial decisions.

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449 This definition does not include a ~~any~~ municipality or legal
450 entity created solely by a municipality; a ~~any~~ legal entity or
451 agency created in whole or in part pursuant to part II of
452 chapter 361; a ~~any~~ metropolitan planning organization created
453 pursuant to s. 339.175; a ~~any~~ separate legal or administrative
454 entity created pursuant to s. 339.175 of which a metropolitan
455 planning organization is a member; an expressway authority
456 pursuant to chapter 348 or any transportation authority or
457 commission under chapter 343 or chapter 349; or a ~~any~~ legal or
458 administrative entity created by an interlocal agreement
459 pursuant to s. 163.01(7), unless any party to such agreement is
460 otherwise an agency as defined in this subsection.

461 Section 3. This act shall take effect July 1, 2013.