

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

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

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) Notwithstanding s. 348.0003(4)(c), members of the  
155 board shall file a statement of financial interest with the  
156 Commission on Ethics as required 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



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

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

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

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

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

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.

448



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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.