

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 enter

29 | into agreements with governmental and private entities  
 30 | for certain purposes; creating s. 343.1008, F.S.;  
 31 | exempting the commission from taxes or assessments;  
 32 | creating s. 343.1009, F.S.; providing for  
 33 | applicability; specifying that the powers of the  
 34 | commission are supplemental to other laws; creating s.  
 35 | 343.1010, F.S.; providing for public meetings and  
 36 | hearings; creating s. 343.1011, F.S.; specifying that  
 37 | the commission is not an authority for purposes of  
 38 | specified provisions relating to a discretionary tax;  
 39 | creating s. 343.1012, F.S.; providing for future  
 40 | repeal; amending s. 120.52, F.S.; conforming  
 41 | provisions; providing an effective date.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | Section 1. Parts I through IV of chapter 343, Florida  
 46 | Statutes, are redesignated as parts II through V, respectively,  
 47 | and a new part I of that chapter, consisting of sections  
 48 | 343.1001, 343.1002, 343.1003, 343.1004, 343.1005, 343.1006,  
 49 | 343.1007, 343.1008, 343.1009, 343.1010, 343.1011, and 343.1012,  
 50 | is created to read:

51 |

CHAPTER 343

52 |

REGIONAL TRANSPORTATION AUTHORITIES

53 |

PART I

54 |

NORTHEAST FLORIDA REGIONAL TRANSPORTATION COMMISSION

55 |

343.1001 Short title.—This part may be cited as the

56 |

"Northeast Florida Regional Transportation Commission Act."

57 | 343.1002 Definitions.—As used in this part, the term:

58 | (1) "Agency of the state" means the state and any  
 59 | department of the state, the commission, or any corporation,  
 60 | agency, or instrumentality created, designated, or established  
 61 | by the state.

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

63 | (3) "Commission" means the Northeast Florida Regional  
 64 | Transportation Commission.

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

66 | (5) "Transportation authority" means the department and  
 67 | any entity created under this chapter, chapter 348, or chapter  
 68 | 349.

69 | (6) "Transportation facilities" means all mobile and fixed  
 70 | assets, including real or personal property or rights therein,  
 71 | used in the transportation of persons or property by any means  
 72 | of conveyance, and all appurtenances thereto, such as, but not  
 73 | limited to: highways; bridges; limited or controlled access  
 74 | roadways, lanes and related facilities; docks, wharves, vessels,  
 75 | jetties, piers, and marine terminals; vehicles, fixed guideway  
 76 | facilities, including freight rail, intermodal facilities, and  
 77 | any means of conveyance of persons or property of all types;  
 78 | passenger and other terminals; park-and-ride facilities; bicycle  
 79 | ways and related facilities; pedestrian ways and pedestrian-  
 80 | related facilities appurtenant to other transportation  
 81 | facilities; transit-related improvements or developments  
 82 | adjacent to transit facilities or stations; bus, train, vessel,  
 83 | or other vehicle storage, cleaning, fueling, control, and  
 84 | maintenance facilities; and administrative and other office

85 space necessary for the exercise by the commission of the powers  
 86 and obligations granted under this part.

87 (7) "Transportation services" means the conveyance of  
 88 persons or property, including mass transit services such as  
 89 fixed-route bus service, fixed-guideway vehicle service,  
 90 paratransit service, flex route or demand responsive service,  
 91 and the planning and funding of transportation facilities.

92 343.1003 Northeast Florida Regional Transportation  
 93 Commission.—

94 (1) The Northeast Florida Regional Transportation  
 95 Commission, an agency of the state, is created and established  
 96 as a body politic and corporate, covering the six-county area  
 97 comprised of Baker, Clay, Duval, Nassau, Putnam, and St. Johns  
 98 Counties.

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

101 (a) The county commissions of Baker, Clay, Nassau, Putnam,  
 102 and St. Johns Counties shall each appoint one person, who may be  
 103 an elected official of such county. However, in order to ensure  
 104 continuity on the initial governing board, the initial  
 105 appointees under this paragraph shall draw lots at the first  
 106 meeting of the governing board to determine which two members  
 107 shall serve initial terms of 2 years, which member shall serve  
 108 an initial terms of 3 years, and which two members shall serve  
 109 initial terms of 4 years.

110 (b) The City of Jacksonville shall be represented by four  
 111 members, who may be elected officials of the city. Of the four  
 112 members, the mayor of the City of Jacksonville shall appoint two

113 members, and the Jacksonville City Council shall appoint two  
114 members. However, in order to ensure continuity on the initial  
115 governing board, the initial appointees shall draw lots at the  
116 first meeting of the governing board to determine which member  
117 shall serve an initial term of 2 years, which two members shall  
118 serve an initial term of 3 years, and which member shall serve  
119 an initial term of 4 years.

120 (c) An appointed member may not select or have a designee  
121 selected to serve in the absence of the member, whether such  
122 member is an elected official or otherwise. However, if an  
123 appointed member is designated by the appointing entity by  
124 title, such as the chair of a county commission or the chair of  
125 a transportation or planning agency, the successor or vice chair  
126 may serve for such appointee in his or her absence.

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

130 (3) The secretary of the department shall appoint a  
131 nonvoting advisor to the board.

132 (4) The board may create an advisory panel, with  
133 membership to be determined by the board, and may establish  
134 committees by and at the will of the chair, or upon vote of the  
135 board.

136 (5) The members of the board shall serve without  
137 compensation but are entitled to receive reimbursement from the  
138 commission for travel expenses and per diem incurred in  
139 connection with the business of the commission as provided in s.  
140 112.061. Persons appointed to a committee or an advisory panel

141 shall also serve without compensation but may be entitled to per  
142 diem or travel expenses incurred in connection with the business  
143 of the commission as provided in s. 112.061.

144 (6) Notwithstanding s. 348.0003(4)(c), members of the  
145 board shall file a statement of financial interest with the  
146 Commission on Ethics as required under s. 112.3145.

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

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

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

157 (10) Six members of the board constitutes a quorum. The  
158 commission may meet upon the presence of a quorum. A vacancy on  
159 the board does not impair the ability of a quorum to exercise  
160 all rights and perform all duties of the commission.

161 (11) The commission may employ an executive director and  
162 an administrative assistant to the board and to the executive  
163 director. The commission may employ permanent or temporary  
164 staff, including consultants, as it determines necessary or  
165 convenient, or, subject to approval by their respective boards  
166 or administrative chiefs, may use the staff of:

167 (a) The Jacksonville Transportation Authority, its legal  
168 counsel, technical experts, engineers, and other administrative

169 employees.

170 (b) The North Florida Transportation Planning  
 171 Organization, for planning matters.

172 (c) The Northeast Florida Regional Council, for planning  
 173 and coordination matters.

174 (d) The department.

175 (e) The Jacksonville Port Authority.

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

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

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

187 343.1004 Commission powers and duties.—

188 (1) The express purposes of the commission are to improve  
 189 mobility and expand multimodal transportation options for  
 190 persons and freight throughout the six-county North Florida  
 191 region that includes Baker, Clay, Duval, Nassau, Putnam, and St.  
 192 Johns Counties. The commission shall, at a minimum:

193 (a) Use the data contained in the Long Range  
 194 Transportation Plan of the North Florida Transportation Planning  
 195 Organization and other data to develop a multimodal and  
 196 prioritized regional transportation plan consisting of

197 transportation projects of regional significance; and  
198 (b) Research and develop an implementation plan that  
199 identifies available but not yet imposed, and potentially  
200 developable, sources of funding to execute the regional  
201 transportation plan. In developing the regional transportation  
202 plan, the commission shall review and coordinate with the future  
203 land use, capital improvements, and traffic circulation elements  
204 of the counties' local government comprehensive plans, the  
205 Strategic Regional Policy Plan of the Northeast Florida Regional  
206 Council, and the schedules of other units of government having  
207 transit or transportation authority within whose jurisdictions  
208 the projects or improvements will be located in order to define  
209 and resolve potential inconsistencies between such plans and the  
210 commission's regional transportation plan. The commission shall  
211 present the regional transportation plan and updates to the  
212 governing bodies of the constituent counties within 90 days  
213 after adoption. The commission shall update the regional  
214 transportation plan and the implementation plan at least every  
215 other year.

216 (2) The commission may plan, develop, coordinate, and  
217 promote transportation projects and transportation services of  
218 regional significance which are identified in the commission's  
219 regional transportation plan.

220 (a) Subject to available funding and with the approval of  
221 the affected counties and transportation authorities, the  
222 commission may provide transportation services of regional  
223 significance which are identified in the regional transportation  
224 plan.



225 (b) To ensure coordination of its plans with those of  
226 local governments, the commission shall consult with local  
227 governments concerning the commission's regional transportation  
228 plan.

229 (c) The commission may facilitate efforts to secure  
230 funding commitments from federal and state sources, or from the  
231 applicable counties, for the planning, development,  
232 construction, purchase, operation and maintenance of  
233 transportation projects that are of regional significance or  
234 that support intercounty mobility for persons or freight.

235 (3) In carrying out its purposes and powers, the  
236 commission may request funding and technical assistance from the  
237 department and from federal and local agencies. In order to  
238 carry out the purposes and powers of the commission for its  
239 first 5 years, the commission shall also timely request annually  
240 that each constituent county appropriate funds of up to 30 cents  
241 per capita per year, based on the latest decennial census, to  
242 support its budget; however, the contribution of Duval County  
243 may not exceed 45 percent of the commission's budget for any  
244 fiscal year.

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

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

251 (b) Adopt and use a corporate seal.

252 (c) Apply for and accept grants from federal, state,

253 local, or private sources for the carrying out of the purposes  
254 and powers of the commission.

255 (d) Partner with private sector business community  
256 entities that may further the commission's mission and engage  
257 the public in support of regional multimodal transportation  
258 improvements.

259 (e) Adopt rules, including bylaws and sanctions, for the  
260 regulation of the affairs and the conducting of business,  
261 including termination of membership in the commission for  
262 nonpayment of county contributions required under subsection  
263 (3).

264 (f) Advertise, market, and promote regional transit  
265 services and facilities, freight mobility plans and projects,  
266 and the general activities of the commission.

267 (g) Cooperate with other governmental entities and  
268 contract with other governmental agencies, including the Federal  
269 Government, the department, counties, transit and transportation  
270 authorities or agencies, municipalities, and expressway and  
271 bridge authorities.

272 (h) Purchase liability insurance directly from local,  
273 national, or international insurance companies which the  
274 commission is contractually and legally obligated to provide,  
275 notwithstanding s. 287.022(1).

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

278 (j) Form, alone or with one or more other agencies of the  
279 state or local governments, public benefit corporations to carry  
280 out the powers and obligations granted under this part or the

281 powers and obligations of such other agencies or local  
282 governments.

283 (k) Do everything necessary or convenient for the conduct  
284 of its business and the general welfare of the commission in  
285 order to carry out the powers granted to it by this part or any  
286 other law.

287 (5) The commission may not pledge the credit or taxing  
288 power of the state or any political subdivision or agency  
289 thereof, nor may any of the commission's obligations be deemed  
290 to be obligations of the state or of any political subdivision  
291 or agency thereof, nor may the state or any political  
292 subdivision or agency thereof, except the commission, be liable  
293 for the payment of the principal of or interest on such  
294 obligations.

295 343.1005 Transportation projects of regional  
296 significance.—Transportation projects of regional significance  
297 are those transportation facilities and transportation services  
298 within, in whole or in part, a regional transportation corridor  
299 identified in the report by the Northeast Florida Regional  
300 Transportation Study Commission that was presented to the  
301 Legislature on or about December 31, 2012, or subsequently  
302 identified by the commission, which:

303 (1) Exhibit a significant level of travel between counties  
304 or regions;

305 (2) Provide a primary connection between activity centers  
306 or municipalities;

307 (3) Exhibit a significant percentage of freight  
308 conveyance;

309       (4) Provide a primary connection to marine, aviation, or  
310 intermodal facilities;

311       (5) Provide a regional emergency evacuation route;

312       (6) Support or enhance the functionality of another  
313 identified transportation project of regional significance in  
314 the corridor by providing for regional movement or removing  
315 nonregional trips from other transportation projects of regional  
316 significance; or

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

319       343.1006 Plan coordination with other agencies.—The  
320 regional transportation plan and implementation plan shall be  
321 forwarded to the North Florida Transportation Planning  
322 Organization for inclusion in its long-range transportation plan  
323 and other planning documents as required by law. To the extent  
324 feasible, the commission's planning activities, including the  
325 development and adoption of the regional transportation plan and  
326 the implementation plan, shall be coordinated with the work of  
327 the North Florida Transportation Planning Organization, the  
328 Northeast Florida Regional Council, and the department.

329       343.1007 Authority to contract.—The commission may make  
330 and enter into contracts, leases, conveyances, partnerships, or  
331 interlocal or other agreements with a county, municipality,  
332 district, political subdivision, agency, or instrumentality of  
333 the state and any federal agency, corporation, or individual for  
334 the purpose of carrying out the provisions of this part and  
335 servicing the purposes of the commission.

336       343.1008 Exemption from taxation and assessment.—The

337 effectuation of the authorized purposes of the commission  
338 created under this part is for the benefit of the people of this  
339 state, for the increase of their commerce and prosperity, and  
340 for the improvement of their health and living conditions, and,  
341 because the commission performs essential governmental functions  
342 in effectuating such purposes, the commission is not required to  
343 pay any taxes or assessments on any property acquired or used by  
344 it for such purposes or on any rates, fees, rentals, receipts,  
345 income, or charges at any time received by it.

346 343.1009 Powers of commission are supplemental.-

347 (1) The powers conferred by this part are supplemental to  
348 the existing powers of the North Florida Transportation Planning  
349 Organization, the Jacksonville Transportation Authority, the  
350 Northeast Florida Regional Council, the counties and the  
351 municipalities located therein, and the department. This part  
352 does not repeal any provisions of any other law, general,  
353 special, or local, but supplements such other laws in the  
354 exercise of the powers provided under this part and provides a  
355 complete method for the exercise of the powers granted in this  
356 part. The projects of the commission must comply with all  
357 applicable federal, state, and local laws. The projects of the  
358 commission undertaken pursuant to this part may be accomplished  
359 without regard to or necessity for compliance with the  
360 provisions, limitations, or restrictions contained in any other  
361 general, special, or local law except as specifically set forth  
362 in this part.

363 (2) This part does not repeal, rescind, or modify any  
364 other law relating to the North Florida Transportation Planning

365 Organization, the Jacksonville Transportation Authority, or the  
366 department.

367 343.1010 Public meetings and hearings.—

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

371 (2) Before the adoption of the regional transportation  
372 plan or the implementation plan, a public hearing shall be  
373 conducted by the commission in each of the counties affected, at  
374 least one of which must be before the board. Any interested  
375 party shall have the opportunity to be heard in person or by  
376 counsel and to introduce testimony in his or her behalf at the  
377 hearing. Reasonable notice of each public hearing must be  
378 published in a newspaper of general circulation in each county  
379 in which such hearings are required to be held, at least 7 days  
380 before the hearing. The commission shall comply with all  
381 applicable federal and state requirements related to new or  
382 altered transportation facilities or services.

383 343.1011 Discretionary sales surtax.—The commission is not  
384 an "authority" for purposes of s. 212.055(1).

385 343.1012 Repeal.—This part shall stand repealed on  
386 November 30, 2018, unless:

387 (1) The commission has adopted the regional transportation  
388 plan and the implementation plan, and at least Clay, Duval,  
389 Nassau, and St. Johns Counties have adopted resolutions  
390 endorsing such plans; and

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

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

395 120.52 Definitions.—As used in this act:

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

399 (a) The Governor; each state officer and state department,  
 400 and each departmental unit described in s. 20.04; the Board of  
 401 Governors of the State University System; the Commission on  
 402 Ethics; the Fish and Wildlife Conservation Commission; a  
 403 regional water supply authority; a regional planning agency; a  
 404 multicounty special district, but only if ~~when~~ a majority of its  
 405 governing board is comprised of nonelected persons; educational  
 406 units; and each entity described in chapters 163, 373, 380, and  
 407 582 and s. 186.504.

408 (b) Each officer and governmental entity in the state  
 409 having statewide jurisdiction or jurisdiction in more than one  
 410 county.

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

415  
 416 This definition does not include a ~~any~~ municipality or legal  
 417 entity created solely by a municipality; a ~~any~~ legal entity or  
 418 agency created in whole or in part pursuant to part II of  
 419 chapter 361; a ~~any~~ metropolitan planning organization created  
 420 pursuant to s. 339.175; a ~~any~~ separate legal or administrative

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421 | entity created pursuant to s. 339.175 of which a metropolitan  
422 | planning organization is a member; an expressway authority  
423 | pursuant to chapter 348 or any transportation authority or  
424 | commission under chapter 343 or chapter 349; or a ~~any~~ legal or  
425 | administrative entity created by an interlocal agreement  
426 | pursuant to s. 163.01(7), unless any party to such agreement is  
427 | otherwise an agency as defined in this subsection.

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