

By Senator Gibson

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1 A bill to be entitled
2 An act relating to the Northeast Florida Regional
3 Transportation Commission; providing a directive to
4 the Division of Law Revision and Information; creating
5 s. 343.1001, F.S.; providing a short title; creating
6 s. 343.1002, F.S.; providing definitions; creating s.
7 343.1003, F.S.; creating the Northeast Florida
8 Regional Transportation Commission; providing for a
9 nine-member commission board; providing for board
10 appointment; providing for staffing; providing for
11 member removal; providing liability protection for
12 members; creating s. 343.1004, F.S.; providing
13 commission powers and duties; prohibiting the
14 commission from pledging the state's credit; creating
15 s. 343.1005, F.S.; providing for transportation
16 projects of regional significance; specifying the
17 characteristics for such projects; creating s.
18 343.1006, F.S.; requiring commission plans and
19 planning activity to be coordinated with other
20 specified entities; creating s. 343.1007, F.S.;
21 authorizing the commission to acquire property;
22 creating s. 343.1008, F.S.; authorizing other
23 governmental units and the commission to contract with
24 each other; creating s. 343.1009, F.S.; exempting the
25 commission from taxes or assessments; creating s.
26 343.1010, F.S.; specifying that the powers of the
27 commission are supplemental to other laws; creating s.
28 343.1011, F.S.; providing for public meetings and
29 hearings; creating s. 343.1012, F.S.; specifying that

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30 the commission is not an authority for purposes of
31 specified provisions relating to a discretionary tax;
32 creating s. 343.1013, F.S.; providing for repeal;
33 amending s. 120.52, F.S.; conforming provisions;
34 providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. The Division of Law Revision and Information is
39 requested to create part V of chapter 343, Florida Statutes,
40 consisting of ss. 343.1001-343.1013, Florida Statutes.

41 Section 2. Section 343.1001, Florida Statutes, is created
42 to read:

43 343.1001 Short title.—This part may be cited as the
44 “Northeast Florida Regional Transportation Commission Act.”

45 Section 3. Section 343.1002, Florida Statutes, is created
46 to read:

47 343.1002 Definitions.—As used in this part, the term:

48 (1) “Agency of the state” means the state and any
49 department of the state, the commission, or any corporation,
50 agency, or instrumentality created, designated, or established
51 by the state.

52 (2) “Board” means the governing body of the commission.

53 (3) “Commission” means the Northeast Florida Regional
54 Transportation Commission.

55 (4) “Department” means the Department of Transportation.

56 (5) “Transportation authorities” means the department and
57 any entity created under this chapter, chapter 348, or chapter
58 349.

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59 (6) "Transportation facilities" means all mobile and fixed
60 assets, including real or personal property or rights therein,
61 used in the transportation of persons or property by any means
62 of conveyance, and all appurtenances thereto, such as, but not
63 limited to: highways; bridges; limited or controlled access
64 roadways, lanes, and related facilities; docks, wharves,
65 vessels, jetties, piers, and marine terminals; vehicles, fixed
66 guideway facilities, including freight rail, intermodal
67 facilities, and any means of conveyance of persons or property
68 of all types; passenger and other terminals; park-and-ride
69 facilities; bicycle ways and related facilities; pedestrian ways
70 and pedestrian-related facilities appurtenant to other
71 transportation facilities; transit-related improvements or
72 developments adjacent to transit facilities or stations; bus,
73 train, vessel, or other vehicle storage, cleaning, fueling,
74 control, and maintenance facilities; and administrative and
75 other office space necessary for the exercise by the commission
76 of the powers and obligations granted under this part.

77 (7) "Transportation services" means the conveyance of
78 persons or property or the provision of transportation
79 facilities which allows the conveyance of persons or property,
80 including mass transit services such as fixed-route bus, fixed-
81 guideway vehicle service, paratransit service, flex route or
82 demand responsive service, and the planning, designing,
83 construction, and operation of transportation facilities.

84 Section 4. Section 343.1003, Florida Statutes, is created
85 to read:

86 343.1003 Northeast Florida Regional Transportation
87 Commission.-

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88 (1) The Northeast Florida Regional Transportation
89 Commission, an agency of the state, is created and established
90 as a body politic and corporate, covering the six-county area
91 comprised of Baker, Clay, Duval, Nassau, Putnam, and St. Johns
92 Counties.

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

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

104 (b) The City of Jacksonville shall be represented by four
105 members, who may be elected officials of the city. Of the four
106 members, the mayor of the City of Jacksonville shall appoint two
107 members, and the Jacksonville City Council shall appoint two
108 members. However, in order to ensure continuity on the initial
109 governing board, the initial appointees shall draw lots at the
110 first meeting of the governing board to determine which member
111 shall serve an initial term of 2 years, which two members shall
112 serve initial terms of 3 years, and which member shall serve an
113 initial term of 4 years.

114 (c) An appointed member may not select or have a designee
115 selected to serve in the absence of the member, whether such
116 member is an elected official or otherwise. However, if an

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117 appointed member is designated by the appointing entity by
118 title, such as the chair of a county commission or the chair of
119 a transportation or planning agency, the successor or vice chair
120 may serve for such appointee in his or her absence.

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

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

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

129 (5) The members of the board shall serve without
130 compensation but are entitled to receive reimbursement from the
131 commission for travel expenses and per diem incurred in
132 connection with the business of the commission as provided in s.
133 112.061. Persons appointed to a committee or an advisory panel
134 shall also serve without compensation but may be entitled to per
135 diem or travel expenses incurred in connection with the business
136 of the commission as provided in s. 112.061.

137 (6) Members of the board shall file a statement of
138 financial interest with the Commission on Ethics as required
139 under s. 112.3145.

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

143 (8) At its inaugural meeting, and annually thereafter, the
144 board shall elect a chair, vice chair, secretary, and treasurer
145 from among its members, to serve for a term of 1 year. No person

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146 may hold the office of chair for more than two consecutive
147 terms.

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

150 (10) Six members of the board constitute a quorum. The
151 commission may meet upon the presence of a quorum. A vacancy on
152 the board does not impair the ability of a quorum to exercise
153 all rights and perform all duties of the commission.

154 (11) The commission may employ an executive director and an
155 administrative assistant to the board and to the executive
156 director. The commission may employ permanent or temporary
157 staff, including consultants, as it determines necessary or
158 convenient, or, subject to approval by their respective boards
159 or administrative chiefs, may use the staff of:

160 (a) The Jacksonville Transportation Authority, its legal
161 counsel, technical experts, engineers, and other administrative
162 employees.

163 (b) The North Florida Transportation Planning Organization,
164 for planning matters.

165 (c) The Northeast Florida Regional Council, for planning
166 and coordination matters.

167 (d) The department.

168 (e) The Jacksonville Port Authority.

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

171 (12) An appointing county commission, or, in the case of
172 Duval County, upon request of the mayor or the city council
173 president, the Jacksonville City Council, may remove a member
174 appointed by it for cause, including, but not limited to,

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175 failure to attend two or more meetings of the commission during
176 any 9-month period.

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

180 Section 5. Section 343.1004, Florida Statutes, is created
181 to read:

182 343.1004 Commission powers and duties.-

183 (1) The express purposes of the commission are to improve
184 mobility and expand multimodal transportation options for
185 persons and freight throughout the six-county North Florida
186 region. The commission shall, at a minimum:

187 (a) Use the data contained in the Long Range Transportation
188 Plan of the North Florida Transportation Planning Organization
189 and other data to develop a multimodal and prioritized regional
190 transportation plan consisting of transportation projects of
191 regional significance; and

192 (b) Research and develop an implementation plan that
193 identifies available but not yet imposed, and potentially
194 developable, sources of funding to execute the regional
195 transportation plan. In developing the regional transportation
196 plan, the commission shall review and coordinate with the future
197 land use, capital improvements, and traffic circulation elements
198 of the counties' local government comprehensive plans, the
199 Strategic Regional Policy Plan of the Northeast Florida Regional
200 Council, and the schedules of other units of government having
201 transit or transportation authority within whose jurisdictions
202 the projects or improvements will be located in order to define
203 and resolve potential inconsistencies between such plans and the

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204 commission's regional transportation plan. The commission shall
205 present the regional transportation plan and updates to the
206 governing bodies of the constituent counties within 90 days
207 after adoption. The commission shall update the regional
208 transportation plan and the implementation plan at least every
209 other year.

210 (2) The commission may plan, develop, coordinate, and
211 promote transportation projects and transportation services of
212 regional significance which are identified in the commission's
213 regional transportation plan.

214 (a) Subject to available funding and with the approval of
215 the affected counties and transportation authorities, the
216 commission may own, purchase, operate, maintain, relocate,
217 equip, repair, and manage transportation facilities and services
218 of regional significance identified in the regional
219 transportation plan.

220 (b) To ensure coordination of its plans with those of local
221 governments, the commission shall consult with local governments
222 concerning the commission's regional transportation plan.

223 (c) The commission may facilitate efforts to secure funding
224 commitments from federal and state sources, or from the
225 applicable counties, for the planning, development,
226 construction, purchase, operation, and maintenance of
227 transportation projects that are of regional significance or
228 that support intercounty mobility for persons or freight.

229 (3) In carrying out its purposes and powers, the commission
230 may request funding and technical assistance from the department
231 and from federal and local agencies. In order to carry out the
232 purposes and powers of the commission for its first 5 years, the

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233 commission shall also timely request annually that each
234 constituent county appropriate a cash contribution of up to 30
235 cents per capita per year, based on the latest decennial census,
236 to support its budget; however, the contribution of Duval County
237 may not exceed 45 percent of the commission's budget for any
238 fiscal year.

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

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

245 (b) Adopt and use a corporate seal.

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

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

252 (e) Adopt rules, including bylaws and sanctions, for the
253 regulation of the affairs and the conducting of business,
254 including termination of membership in the commission for
255 nonpayment of county contributions required under subsection
256 (3).

257 (f) Advertise, market, and promote regional transit
258 services and facilities, freight mobility plans and projects,
259 and the general activities of the commission.

260 (g) Cooperate with other governmental entities and contract
261 with other governmental agencies, including the Federal

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262 Government, the department, counties, transit and transportation
263 authorities or agencies, municipalities, and expressway and
264 bridge authorities.

265 (h) Purchase liability insurance directly from local,
266 national, or international insurance companies which the
267 commission is contractually and legally obligated to provide,
268 notwithstanding s. 287.022(1).

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

271 (j) Form, alone or with one or more other agencies of the
272 state or local governments, public benefit corporations to carry
273 out the powers and obligations granted under this part or the
274 powers and obligations of such other agencies or local
275 governments.

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

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

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

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291 obligations.

292 Section 6. Section 343.1005, Florida Statutes, is created
293 to read:

294 343.1005 Transportation projects of regional significance.—
295 Transportation projects of regional significance are those
296 transportation facilities and transportation services within, in
297 whole or in part, a regional transportation corridor identified
298 in the commission report presented to the Legislature on or
299 about December 31, 2012, or subsequently identified by the
300 commission, which have one or more of the following
301 characteristics:

302 (1) Exhibit a significant level of travel between counties
303 or regions.

304 (2) Provide a primary connection between activity centers
305 or municipalities.

306 (3) Exhibit a significant percentage of freight conveyance.

307 (4) Provide a primary connection to marine, aviation, or
308 intermodal facilities.

309 (5) Provide a regional emergency evacuation route.

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

315 (7) Such other characteristics as the commission may
316 determine relating to regional significance.

317 Section 7. Section 343.1006, Florida Statutes, is created
318 to read:

319 343.1006 Plan coordination with other agencies.—The

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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 Section 8. Section 343.1007, Florida Statutes, is created
330 to read:

331 343.1007 Acquisition of lands and property.-

332 (1) The commission may acquire by gift, bequest, or
333 voluntary purchase any property or property rights necessary to
334 carry out its mission and purposes under this part; however, the
335 commission may not obtain private or public property by
336 condemnation or eminent domain.

337 (2) If the commission acquires property pursuant to this
338 part, the commission is not subject to any liability imposed by
339 chapter 376 or chapter 403 for preexisting soil or groundwater
340 contamination due solely to its ownership. This subsection does
341 not affect the rights or liabilities of any past or future
342 owners of the acquired property, nor does it affect the
343 liability of any governmental entity for actions that create or
344 exacerbate a pollution source. The commission and the Department
345 of Environmental Protection may enter into interagency
346 agreements for the performance, funding, and reimbursement of
347 investigative and remedial acts necessary for acquiring property
348 by the commission.

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349 Section 9. Section 343.1008, Florida Statutes, is created
350 to read:

351 343.1008 Authority to contract.—Any county, municipality,
352 drainage district, road and bridge district, school district, or
353 any other political subdivision, board, commission, or
354 individual, in or of the state, may make and enter into
355 contracts, leases, conveyances, partnerships, or other
356 agreements with the commission within the provisions and for the
357 purposes of this part. The commission may make and enter into
358 contracts, leases, conveyances, partnerships, interlocal
359 agreements, and other agreements with any political subdivision,
360 agency, or instrumentality of the state and any federal
361 agencies, corporations, and individuals for the purpose of
362 carrying out the provisions of this part and serving the
363 purposes of the commission.

364 Section 10. Section 343.1009, Florida Statutes, is created
365 to read:

366 343.1009 Exemption from taxation and assessment.—The
367 effectuation of the authorized purposes of the commission
368 created under this part is for the benefit of the people of this
369 state, for the increase of their commerce and prosperity, and
370 for the improvement of their health and living conditions, and,
371 because the commission performs essential governmental functions
372 in effectuating such purposes, the commission is not required to
373 pay any taxes or assessments upon any property acquired or used
374 by it for such purposes, or upon any rates, fees, rentals,
375 receipts, income, or charges at any time received by it.

376 Section 11. Section 343.1010, Florida Statutes, is created
377 to read:

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378 343.1010 Powers of commission are supplemental.-

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

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

399 Section 12. Section 343.1011, Florida Statutes, is created
400 to read:

401 343.1011 Public meetings and hearings.-

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

405 (2) Before the adoption of the regional transportation plan
406 or the implementation plan, a public hearing shall be conducted

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

417 Section 13. Section 343.1012, Florida Statutes, is created
418 to read:

419 343.1012 Discretionary sales surtax.—The commission is not
420 an "authority" for purposes of s. 212.055(1).

421 Section 14. Section 343.1013, Florida Statutes, is created
422 to read:

423 343.1013 Repeal.—This part shall stand repealed on November
424 30, 2018, unless:

425 (1) The commission has adopted the regional transportation
426 plan and the implementation plan, and at least Clay, Duval,
427 Nassau, and St. Johns Counties have adopted resolutions
428 endorsing such plans; and

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

431 Section 15. Subsection (1) of section 120.52, Florida
432 Statutes, is amended to read:

433 120.52 Definitions.—As used in this act:

434 (1) "Agency" means the following officers or governmental
435 entities if acting pursuant to powers other than those derived

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436 from the constitution:

437 (a) The Governor; each state officer and state department,
438 and each departmental unit described in s. 20.04; the Board of
439 Governors of the State University System; the Commission on
440 Ethics; the Fish and Wildlife Conservation Commission; a
441 regional water supply authority; a regional planning agency; a
442 multicounty special district, but only if ~~when~~ a majority of its
443 governing board is comprised of nonelected persons; educational
444 units; and each entity described in chapters 163, 373, 380, and
445 582 and s. 186.504.

446 (b) Each officer and governmental entity in the state
447 having statewide jurisdiction or jurisdiction in more than one
448 county.

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

453

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

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465 otherwise an agency as defined in this subsection.

466 Section 16. This act shall take effect July 1, 2013.