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1
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. 343.1008, F.S.;
21 authorizing other governmental units and the
22 commission to contract with each other; creating s.
23 343.1009, F.S.; exempting the commission from taxes or
24 assessments; creating s. 343.1010, F.S.; specifying
25 that the powers of the commission are supplemental to
26 other laws; creating s. 343.1011, F.S.; providing for
27 public meetings and hearings; creating s. 343.1012,
28 F.S.; specifying that the commission is not an
29 authority for purposes of specified provisions

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30 relating to a discretionary tax; creating s. 343.1013,
31 F.S.; providing for repeal; amending s. 120.52, F.S.;
32 conforming provisions; providing an effective date.
33

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

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

39 Section 2. Section 343.1001, Florida Statutes, is created
40 to read:

41 343.1001 Short title.—This part may be cited as the
42 “Northeast Florida Regional Transportation Commission Act.”

43 Section 3. Section 343.1002, Florida Statutes, is created
44 to read:

45 343.1002 Definitions.—As used in this part, the term:

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

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

51 (3) “Commission” means the Northeast Florida Regional
52 Transportation Commission.

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

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

57 (6) “Transportation facilities” means all mobile and fixed
58 assets, including real or personal property or rights therein,

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

75 (7) "Transportation services" means the conveyance of
76 persons or property, including mass transit services such as
77 fixed-route bus service, fixed-guideway vehicle service,
78 paratransit service, flex route or demand responsive service,
79 and the planning and funding of transportation facilities.

80 Section 4. Section 343.1003, Florida Statutes, is created
81 to read:

82 343.1003 Northeast Florida Regional Transportation
83 Commission.—

84 (1) The Northeast Florida Regional Transportation
85 Commission, an agency of the state, is created and established
86 as a body politic and corporate, covering the six-county area
87 comprised of Baker, Clay, Duval, Nassau, Putnam, and St. Johns

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88 Counties.

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

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

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

110 (c) An appointed member may not select or have a designee
111 selected to serve in the absence of the member, whether such
112 member is an elected official or otherwise. However, if an
113 appointed member is designated by the appointing entity by
114 title, such as the chair of a county commission or the chair of
115 a transportation or planning agency, the successor or vice chair
116 may serve for such appointee in his or her absence.

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

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

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

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

133 (6) Notwithstanding s. 348.0003(4)(c), members of the board
134 shall file a statement of financial interest with the Commission
135 on Ethics pursuant to s. 112.3145.

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

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

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

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

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

156 (a) The Jacksonville Transportation Authority, its legal
157 counsel, technical experts, engineers, and other administrative
158 employees.

159 (b) The North Florida Transportation Planning Organization,
160 for planning matters.

161 (c) The Northeast Florida Regional Council, for planning
162 and coordination matters.

163 (d) The department.

164 (e) The Jacksonville Port Authority.

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

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

173 (13) No liability on the part of, and no cause of action
174 may arise against, any member for any action taken in the

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175 performance of his or her duties under this part.

176 Section 5. Section 343.1004, Florida Statutes, is created
177 to read:

178 343.1004 Commission powers and duties.-

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

183 (a) Use the data contained in the Long Range Transportation
184 Plan of the North Florida Transportation Planning Organization
185 and other data to develop a multimodal and prioritized regional
186 transportation plan consisting of transportation projects of
187 regional significance; and

188 (b) Research and develop an implementation plan that
189 identifies available but not yet imposed, and potentially
190 developable, sources of funding to execute the regional
191 transportation plan. In developing the regional transportation
192 plan, the commission shall review and coordinate with the future
193 land use, capital improvements, and traffic circulation elements
194 of the counties' local government comprehensive plans, the
195 Strategic Regional Policy Plan of the Northeast Florida Regional
196 Council, and the schedules of other units of government having
197 transit or transportation authority within whose jurisdictions
198 the projects or improvements will be located in order to define
199 and resolve potential inconsistencies between such plans and the
200 commission's regional transportation plan. The commission shall
201 present the regional transportation plan and updates to the
202 governing bodies of the constituent counties within 90 days
203 after adoption. The commission shall update the regional

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204 transportation plan and the implementation plan at least every
205 other year.

206 (2) The commission may plan, develop, coordinate, and
207 promote transportation projects and transportation services of
208 regional significance which are identified in the commission's
209 regional transportation plan.

210 (a) Subject to available funding and with the approval of
211 the affected counties and transportation authorities, the
212 commission may provide transportation services of regional
213 significance which are identified in the regional transportation
214 plan.

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

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

224 (3) In carrying out its purposes and powers, the commission
225 may request funding and technical assistance from the department
226 and from federal and local agencies. In order to carry out the
227 purposes and powers of the commission for its first 5 years, the
228 commission shall also timely request annually that each
229 constituent county appropriate a cash contribution of up to 30
230 cents per capita per year, based on the latest decennial census,
231 to support its budget; however, the contribution of Duval County
232 may not exceed 45 percent of the commission's budget for any

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233 fiscal year.

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

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

240 (b) Adopt and use a corporate seal.

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

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

247 (e) Adopt rules, including bylaws and sanctions, for the
248 regulation of the affairs and the conducting of business,
249 including termination of membership in the commission for
250 nonpayment of county contributions required under subsection
251 (3).

252 (f) Advertise, market, and promote regional transit
253 services and facilities, freight mobility plans and projects,
254 and the general activities of the commission.

255 (g) Cooperate with other governmental entities and contract
256 with other governmental agencies, including the Federal
257 Government, the department, counties, transit and transportation
258 authorities or agencies, municipalities, and expressway and
259 bridge authorities.

260 (h) Purchase liability insurance directly from local,
261 national, or international insurance companies which the

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262 commission is contractually and legally obligated to provide,
263 notwithstanding s. 287.022(1).

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

266 (j) Form, alone or with one or more other agencies of the
267 state or local governments, public benefit corporations to carry
268 out the powers and obligations granted under this part or the
269 powers and obligations of such other agencies or local
270 governments.

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

275 (5) The commission may not pledge the credit or taxing
276 power of the state or any political subdivision or agency
277 thereof, nor may any of the commission's obligations be deemed
278 to be obligations of the state or of any political subdivision
279 or agency thereof, nor may the state or any political
280 subdivision or agency thereof, except the commission, be liable
281 for the payment of the principal of or interest on such
282 obligations.

283 Section 6. Section 343.1005, Florida Statutes, is created
284 to read:

285 343.1005 Transportation projects of regional significance.-
286 Transportation projects of regional significance are those
287 transportation facilities and transportation services within, in
288 whole or in part, a regional transportation corridor identified
289 in the commission report presented to the Legislature on or
290 about December 31, 2012, or subsequently identified by the

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291 commission, which have one or more of the following
292 characteristics:

293 (1) Exhibit a significant level of travel between counties
294 or regions.

295 (2) Provide a primary connection between activity centers
296 or municipalities.

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

298 (4) Provide a primary connection to marine, aviation, or
299 intermodal facilities.

300 (5) Provide a regional emergency evacuation route.

301 (6) Support or enhance the functionality of another
302 identified transportation project of regional significance in
303 the corridor by providing for regional movement or removing
304 nonregional trips from other transportation projects of regional
305 significance.

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

308 Section 7. Section 343.1006, Florida Statutes, is created
309 to read:

310 343.1006 Plan coordination with other agencies.—The
311 regional transportation plan and implementation plan shall be
312 forwarded to the North Florida Transportation Planning
313 Organization for inclusion in its long range transportation plan
314 and other planning documents as required by law. To the extent
315 feasible, the commission's planning activities, including the
316 development and adoption of the regional transportation plan and
317 the implementation plan, shall be coordinated with the work of
318 the North Florida Transportation Planning Organization, the
319 Northeast Florida Regional Council, and the department.

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320 Section 8. Section 343.1008, Florida Statutes, is created
321 to read:

322 343.1008 Authority to contract.—Any county, municipality,
323 drainage district, road and bridge district, school district, or
324 any other political subdivision, board, commission, or
325 individual, in or of the state, may make and enter into
326 contracts, leases, conveyances, partnerships, or other
327 agreements with the commission within the provisions and for the
328 purposes of this part. The commission may make and enter into
329 contracts, leases, conveyances, partnerships, interlocal
330 agreements, and other agreements with any political subdivision,
331 agency, or instrumentality of the state and any federal
332 agencies, corporations, and individuals for the purpose of
333 carrying out the provisions of this part and serving the
334 purposes of the commission.

335 Section 9. Section 343.1009, Florida Statutes, is created
336 to read:

337 343.1009 Exemption from taxation and assessment.—The
338 effectuation of the authorized purposes of the commission
339 created under this part is for the benefit of the people of this
340 state, for the increase of their commerce and prosperity, and
341 for the improvement of their health and living conditions, and,
342 because the commission performs essential governmental functions
343 in effectuating such purposes, the commission is not required to
344 pay any taxes or assessments upon any property acquired or used
345 by it for such purposes, or upon any rates, fees, rentals,
346 receipts, income, or charges at any time received by it.

347 Section 10. Section 343.1010, Florida Statutes, is created
348 to read:

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349 343.1010 Powers of commission are supplemental.-

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

366 (2) This part does not repeal, rescind, or modify any other
367 law relating to the North Florida Transportation Planning
368 Organization, the Jacksonville Transportation Authority, or the
369 department.

370 Section 11. Section 343.1011, Florida Statutes, is created
371 to read:

372 343.1011 Public meetings and hearings.-

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

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

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378 by the commission in each of the counties affected, at least one
379 of which must be before the board. Any interested party shall
380 have the opportunity to be heard in person or by counsel and to
381 introduce testimony in his or her behalf at the hearing.
382 Reasonable notice of each public hearing must be published in a
383 newspaper of general circulation in each county in which such
384 hearings are required to be held, at least 7 days before the
385 hearing. The commission shall comply with all applicable federal
386 and state requirements related to new or altered transportation
387 facilities or services.

388 Section 12. Section 343.1012, Florida Statutes, is created
389 to read:

390 343.1012 Discretionary sales surtax.—The commission is not
391 an “authority” for purposes of s. 212.055(1).

392 Section 13. Section 343.1013, Florida Statutes, is created
393 to read:

394 343.1013 Repeal.—This part shall stand repealed on November
395 30, 2018, unless:

396 (1) The commission has adopted the regional transportation
397 plan and the implementation plan, and at least Clay, Duval,
398 Nassau, and St. Johns Counties have adopted resolutions
399 endorsing such plans; and

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

402 Section 14. Subsection (1) of section 120.52, Florida
403 Statutes, is amended to read:

404 120.52 Definitions.—As used in this act:

405 (1) “Agency” means the following officers or governmental
406 entities if acting pursuant to powers other than those derived

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407 from the constitution:

408 (a) The Governor; each state officer and state department,
409 and each departmental unit described in s. 20.04; the Board of
410 Governors of the State University System; the Commission on
411 Ethics; the Fish and Wildlife Conservation Commission; a
412 regional water supply authority; a regional planning agency; a
413 multicounty special district, but only if ~~when~~ a majority of its
414 governing board is comprised of nonelected persons; educational
415 units; and each entity described in chapters 163, 373, 380, and
416 582 and s. 186.504.

417 (b) Each officer and governmental entity in the state
418 having statewide jurisdiction or jurisdiction in more than one
419 county.

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

424
425 This definition does not include a ~~any~~ municipality or legal
426 entity created solely by a municipality; a ~~any~~ legal entity or
427 agency created in whole or in part pursuant to part II of
428 chapter 361; a ~~any~~ metropolitan planning organization created
429 pursuant to s. 339.175; a ~~any~~ separate legal or administrative
430 entity created pursuant to s. 339.175 of which a metropolitan
431 planning organization is a member; an expressway authority
432 pursuant to chapter 348 or any transportation authority or
433 commission under chapter 343 or chapter 349; or a ~~any~~ legal or
434 administrative entity created by an interlocal agreement
435 pursuant to s. 163.01(7), unless any party to such agreement is

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436 otherwise an agency as defined in this subsection.

437 Section 15. This act shall take effect July 1, 2013.