

**Florida Metropolitan Planning
Organization Advisory Council**



2013 Summary of State Legislation

June 3, 2013

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2013 Summary of State Legislation of Interest to MPOs

An Act Relating to the Use of Wireless Communications Devices While Driving (SB 52)

Section 1 (Creates s. 316.305, F.S.)

- **Creates the “Florida Ban on Texting While Driving Law” and provide legislative intent. Prohibits the operation of a motor vehicle while using a wireless communications device, with exceptions. Defines the term “wireless communications device.” Provides for enforcement of the law as a secondary action and specifies what information is admissible as evidence of a violation. Additionally provides for penalties for violations of the law.**
 - “It is the intent of the Legislature to:
 - a. Improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users.
 - b. Prevent crashes related to the act of text messaging while driving a motor vehicle.
 - c. Reduce injuries, deaths, property damage, health care costs, health insurance rates, and automobile insurance rates related to motor vehicle crashes.
 - d. Authorize law enforcement officers to stop motor vehicles and issue citations as a secondary offense to persons who are texting while driving.”
 - “A person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data in such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging. ... For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.”
 - “...As used in this section, the term “wireless communications device” means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in s. 812.15 and that allows text communications ...”
 - “[The Florida Ban on Texting While Driving Law] does not apply to a motor vehicle operator who is:
 - 1) Performing official duties as an operator of an authorized emergency vehicle as defined in s. 322.01, a law enforcement or fire service professional, or an emergency medical services professional.

- 2) Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
 - 3) Receiving messages that are:
 - a. Related to the operation or navigation of the motor vehicle;
 - b. Safety-related information, including emergency, traffic, or weather alerts;
 - c. Data used primarily by the motor vehicle; or
 - d. Radio broadcasts.
 - 4) Using a device or system for navigation purposes.
 - 5) Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function.
 - 6) Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function.
 - 7) Operating an autonomous vehicle, as defined in s. 316.003, in autonomous mode.”
- “Only in the event of a crash resulting in death or personal injury, a user’s billing records for a wireless communications device or the testimony of or written statements from appropriate authorities receiving such messages may be admissible as evidence in any proceeding to determine whether a violation of [The Florida Ban on Texting While Driving Law] has been committed.”
 - “Any person who violates [The Florida Ban on Texting While Driving Law] commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318. Any person who commits a second or subsequent violation of [The Florida Ban on Texting While Driving Law] within 5 years after the date of a prior conviction for a violation of [The Florida Ban on Texting While Driving Law] commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.”
 - “Enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another provision of this chapter, chapter 320, or chapter 322.”

Section 2 (s. 322.27, F.S.)

- **Provides for points to be assessed against a driver license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash.**
 - “There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances ... for the determination of the continuing qualification of any person to operate a motor vehicle...
 - a. The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:...

3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points...
8. Any moving violation covered in this [section of law], excluding unlawful speed and unlawful use of a wireless communications device, resulting in a crash—4 points.
11. A moving violation covered in this [section of law] which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.”

An Act Relating to Community Transportation Projects (HB 319)

Section 1 (s. 163.3180, F.S.)

- **Revises and provides requirements for local governments that continue to implement a transportation concurrency system, including provisions for applicants for rezoning or a permit for a planned development to satisfy concurrency requirements, and provides for such provisions to apply to development agreements. Authorizes a local government to accept contributions from multiple applicants to satisfy such requirements under certain conditions. Requires local governments to provide the basis upon which landowners will be assessed certain costs. Encourages local governments without transportation concurrency systems to adopt an alternative mobility funding system, but prohibits such systems from denying, timing, or phasing a development application process if the developer agrees to pay for identified transportation impacts and from holding new developments responsible for existing deficiencies. Requires mobility fees to comply with the dual rational nexus test.**
 - “Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must: ...
 - c. Allow an applicant for a development-of-regional-impact development order, development agreement, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable if:
 - I. The applicant in good faith offers to enter enters into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this subsection.
 - II. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. A local government may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.

- d. Provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.
- o “This [subsection of law] does not require a local government to approve a development that, for reasons other than transportation impacts, is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.”
- o “If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in [this section of law]. Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in [this section of law].”

An Act Relating to Public-Private Partnerships (HB 85)

Section 2 (s. 287.05712, F.S.)

- **Provides legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose and creates a task force to establish specified guidelines.**
 - o “The Legislature finds that there is a public need for the construction or upgrade of facilities that are used predominantly for public purposes and that it is in the public's interest to provide for the construction or upgrade of such facilities.”
 - a) The Legislature also finds that:
 - 1. There is a public need for timely and cost-effective acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of projects serving a public purpose, including educational facilities, transportation facilities, water or wastewater management facilities and infrastructure, technology infrastructure, roads, highways, bridges, and other public infrastructure and government facilities within the state which serve a public need and purpose, and that such public

need may not be wholly satisfied by existing procurement methods.

2. There are inadequate resources to develop new educational facilities, transportation facilities, water or wastewater management facilities and infrastructure, technology infrastructure, roads, highways, bridges, and other public infrastructure and government facilities for the benefit of residents of this state, and that a public-private partnership has demonstrated that it can meet the needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public.
 3. There may be state and federal tax incentives that promote partnerships between public and private entities to develop and operate qualifying projects.
 4. A procurement under this section serves the public purpose of this section if such procurement facilitates the timely development or operation of a qualifying project.
- b) It is the intent of the Legislature to encourage investment in the state by private entities; to facilitate various bond financing mechanisms, private capital, and other funding sources for the development and operation of qualifying projects, including expansion and acceleration of such financing to meet the public need; and to provide the greatest possible flexibility to public and private entities contracting for the provision of public services.”
- “There is created the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force for the purpose of recommending guidelines for the Legislature to consider for purposes of creating a uniform process for establishing public-private partnerships, including the types of factors responsible public entities should review and consider when processing requests for public-private partnership projects ...”
 - “The task force shall be composed of seven members, as follows:
 1. The Secretary of Management Services or his or her designee, who shall serve as chair of the task force.
 2. Six members appointed by the Governor, as follows:
 - a. One county government official.
 - b. One municipal government official.
 - c. One district school board member.
 - d. Three representatives of the business community.”
 - “Task force members must be appointed by July 31, 2013. By August 31, 2013, the task force shall meet to establish procedures for the conduct of its business and to elect a vice chair. The task force shall meet at the call of the chair. A majority of the members of the task force constitutes a quorum, and a quorum is necessary for the purpose of voting on any action or recommendation of the task force. All meetings shall be held in Tallahassee, unless otherwise decided by the task force, and then no more than two such meetings may be held in other locations for the purpose of taking public

testimony. Administrative and technical support shall be provided by the department. Task force members shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses.”

- “In reviewing public-private partnerships and developing recommendations, the task force must consider:
 1. Opportunities for competition through public notice and the availability of representatives of the responsible public entity to meet with private entities considering a proposal.
 2. Reasonable criteria for choosing among competing proposals.
 3. Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement.
 4. If an accelerated selection and review and documentation timelines should be considered for proposals involving a qualifying project that the responsible public entity deems a priority.
 5. Procedures for financial review and analysis which, at a minimum, include a cost-benefit analysis, an assessment of opportunity cost, and consideration of the results of all studies and analyses related to the proposed qualifying project.
 6. The adequacy of the information released when seeking competing proposals and providing for the enhancement of that information, if deemed necessary, to encourage competition.
 7. Current exemptions from public records and public meetings requirements, if any changes to those exemptions are necessary, or if any new exemptions should be created in order to maintain the confidentiality of financial and proprietary information received as part of an unsolicited proposal.
 8. Recommendations regarding the authority of the responsible public entity to engage the services of qualified professionals, which may include a Florida-registered professional or a certified public accountant, not otherwise employed by the responsible public entity, to provide an independent analysis regarding the specifics, advantages, disadvantages, and long-term and short-term costs of a request by a private entity for approval of a qualifying project, unless the governing body of the public entity determines that such analysis should be performed by employees of the public entity.”
- “The task force must submit a final report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2014.”
- “The task force is terminated December 31, 2014. The establishment of guidelines pursuant to this section or the adoption of such guidelines by a responsible public entity is not required for such entity to request or receive proposals for a qualifying project or to enter into a comprehensive agreement for a qualifying project. A responsible public entity may adopt guidelines so long as such guidelines are not inconsistent with this section.”

Section 3 (Creates s. 336.71, F.S.)

- **Authorizes counties to enter into public-private partnership agreements to construct, extend, or improve county roads. Provides requirements, limitations and procurement procedures for such agreements. Also, requires a fee for certain proposals.**
 - “If a county receives a proposal, solicited or unsolicited, from a private entity seeking to construct, extend, or improve a county road or portion thereof, the county may enter into an agreement with the private entity for completion of the road construction project, which agreement may provide for payment to the private entity, from public funds, if the county conducts a noticed public hearing and finds that the proposed county road construction project:
 - a) Is in the best interest of the public.
 - b) Would only use county funds for portions of the project that will be part of the county road system.
 - c) Would have adequate safeguards to ensure that additional costs or unreasonable service disruptions are not realized by the traveling public and citizens of the state.
 - d) Upon completion, would be a part of the county road system owned by the county.
 - e) Would result in a financial benefit to the public by completing the subject project at a cost to the public significantly lower than if the project were constructed by the county using the normal procurement process.”
 - “The notice for the public hearing ... must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to accept the proposal and enter into an agreement pursuant thereto. The determination of cost savings ... must be supported by a professional engineer's cost estimate made available to the public at least 14 days before the public meeting and placed in the record for that meeting.”

An Act Relating to Natural Gas Motor Fuel (HB 579)

Section 1 (s. 206.86, F.S.)

- **Repeals the definitions for the terms “alternative fuel” and “natural gasoline.”**

Section 3 (s. 206.877, F.S.)

- **Repeals the current section of statute relating to the annual decal fee program for motor vehicles fueled by liquefied petroleum gas or compressed natural gas**

Section 4 (s. 206.89, F.S.)

- **Repeals the current section of statute relating to the requirements for alternative fuel retailer licenses.**

Section 7 (Creating s. 206.9951, F.S.)

- **Provides definitions related to the retail trade of natural gas fuel.**
 - "Motor fuel equivalent gallon means the volume of natural gas fuel it takes to equal the energy content of 1 gallon of motor fuel."
 - "Natural gas fuel means any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation."
 - "Natural gas fuel retailer means any person who sells, produces, or refines natural gas fuel for use in a motor vehicle as defined in s. 206.01(23). This term does not include individuals specified in s. 206.9965(5)."
 - "Natural gasoline is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel."
 - "Person means a natural person, corporation, copartnership, firm, company, agency, or association; a state agency; a federal agency; or a political subdivision of the state."

Section 9 (Creating s. 206.9955, F.S.)

- **Provides calculations for a "motor fuel equivalent gallon" and for the levy of a natural gas fuel tax.**
 - "The motor fuel equivalent gallon means the following for:
 - a) Compressed natural gas gallon: 5.66 pounds, or per each 126.67 cubic feet.
 - b) Liquefied natural gas gallon: 6.06 pounds.
 - c) Liquefied petroleum gas gallon: 1.35 gallons."
 - "Effective January 1, 2019, the following taxes shall be imposed:
 - a) An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.
 - b) An additional tax of 1 cent upon each motor fuel equivalent gallon of natural gas fuel, which is designated as the "ninth-cent fuel tax."
 - c) An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the "local option fuel tax."

- d) An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the "State Comprehensive Enhanced Transportation System Tax," at a rate determined pursuant to this paragraph. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 5.8 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.
- e) An additional tax is imposed on each motor fuel equivalent gallon of natural gas fuel for the privilege of selling natural gas fuel. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1. The tax rate is calculated by adjusting the initially established tax rate of 9.2 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30."
 - o "Unless otherwise provided ..., the taxes specified ... are imposed on natural gas fuel when it is placed into the fuel supply tank of a motor vehicle ... The person liable for payment of the taxes imposed ... is the person selling or supplying the natural gas fuel to the end user, for use in the fuel supply tank of a motor vehicle ..."

Section 14 (s. 212.055, F.S.)

- **Expands the use of the local government infrastructure surtax to include the installation of systems for natural gas fuel.**
 - o "The proceeds of the surtax ... and any accrued interest shall be expended ... to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum ..."
 - o "The term "energy efficiency improvement" means ... installation of systems for natural gas fuel ..."

Section 16 (no statute number specified)

- **Directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete a report reviewing the taxation of natural gas fuel.**
 - o "The Office of Program Policy Analysis and Government Accountability shall complete a report reviewing the taxation of natural gas fuel used to power motor ... The report must, at a minimum: evaluate growth trends in the use of

natural gas fuel; survey how other states tax natural gas fuel and the energy content related to compressed natural gas, liquefied natural gas, and liquefied petroleum gas, and incentives provided to consumers of such fuels; and survey consumers and suppliers of natural gas fuel. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 2017.”

Section 17 (no statute number specified)

- **Creates the Natural Gas Fuel Fleet Vehicle Rebate Program within the Department of Agriculture and Consumer Services. Prescribes powers and duties of the Department with respect to the program and limits on rebate awards. Requires the Department to adopt rules by a specified date and to publish the availability of rebate funds on its website. Requires the Department to submit an annual assessment to the Governor, the Legislature and the Office of Program Policy Analysis and Government Accountability by a specified date. Requires the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and the Legislature by a specified date. Provides an appropriation for the Natural Gas Fuel Fleet Vehicle Rebate Program.**
 - “There is created within the Department of Agriculture and Consumer Services a natural gas fuel fleet vehicle rebate program. The purpose of this program is to help reduce transportation costs in this state and encourage freight mobility investments that contribute to the economic growth of the state.”
 - “The department shall award rebates for eligible costs as defined in this section. Forty percent of the annual allocation shall be reserved for governmental applicants, with the remaining funds allocated for commercial applicants. A rebate may not exceed 50 percent of the eligible costs of a natural gas fuel fleet vehicle with a dedicated or bi-fuel natural gas fuel operating system placed into service on or after July 1, 2013. An applicant is eligible to receive a maximum rebate of \$25,000 per vehicle up to a total of \$250,000 per fiscal year. All natural gas fuel fleet vehicles eligible for the rebate must comply with applicable United States Environmental Protection Agency emission standards.”
 - “The department shall adopt rules to implement and administer this section by December 31, 2013, including rules relating to the forms required to claim a rebate under this section, the required documentation and basis for establishing eligibility for a rebate, procedures and guidelines for claiming a rebate, and the collection of economic impact data from applicants.”
 - “The department shall determine and publish on its website on an ongoing basis the amount of available funding for rebates remaining in each fiscal year.”
 - “By October 1, 2014, and each year thereafter that the program is funded, the department shall provide an annual assessment of the use of the rebate

program during the previous fiscal year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The assessment shall include, at a minimum, the following information:

- a) The name of each applicant awarded a rebate ...;
 - b) The amount of the rebates awarded to each applicant;
 - c) The type and description of each eligible vehicle for which each applicant applied for a rebate; and
 - d) The aggregate amount of funding awarded for all applicants claiming rebates ...”
- “By January 31, 2016, the Office of Program Policy Analysis and Government Accountability shall release a report reviewing the rebate program to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The review shall include an analysis of the economic benefits resulting to the state from the program.”
 - “Beginning in the 2013-2014 fiscal year and each year thereafter through the 2017-2018 fiscal year, the sum of \$6 million in recurring funds is appropriated in each fiscal year from the General Revenue Fund to the Department of Agriculture and Consumer Services for the purpose of funding the natural gas fuel fleet vehicle rebate program ...”

The “Northeast Florida Regional Transportation Commission Act” (SB 606)

Section 4 (Creating s. 343.1003, F.S.)

- **Creates the Northeast Florida Regional Transportation Commission and provides for a nine-member commission board, board appointment, staffing, member removal and liability protection for members.**
 - “The Northeast Florida Regional Transportation Commission, an agency of the state, is created and established as a body politic and corporate, covering the six-county area comprised of Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties.”
 - “The nine-member governing board of the commission shall be selected and serve as follows:
 - a) “The county commissions of Baker, Clay, Nassau, Putnam, and St. Johns Counties shall each appoint one person, who may be an elected official of such county. However, in order to ensure continuity on the initial governing board, the initial appointees under this paragraph shall draw lots at the first meeting of the governing board to determine which two members shall serve initial terms of 2 years, which member shall serve an initial term of 3 years, and which two members shall serve initial terms of 4 years.
 - b) The City of Jacksonville shall be represented by four members, who may be elected officials of the city. Of the four members, the mayor of the City of Jacksonville shall appoint two members, and the

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

- c) An appointed member may not select or have a designee selected to serve in the absence of the member, whether such member is an elected official or otherwise. However, if an appointed member is designated by the appointing entity by title, such as the chair of a county commission or the chair of a transportation or planning agency, the successor or vice chair may serve for such appointee in his or her absence.
- d) Except for the initial board, members shall be appointed for 4-year terms. A member may not serve more than two consecutive terms.”
- o “The secretary of the department shall appoint a nonvoting advisor to the board.”
- o “The board may create an advisory panel, with membership to be determined by the board, and may establish committees by and at the will of the chair, or upon vote of the board.”
- o “Six members of the board constitute a quorum. The commission may meet upon the presence of a quorum. A vacancy on the board does not impair the ability of a quorum to exercise all rights and perform all duties of the commission.”
- o “The commission may employ an executive director and an administrative assistant to the board and to the executive director. The commission may employ permanent or temporary staff, including consultants, as it determines necessary or convenient, or, subject to approval by their respective boards or administrative chiefs, may use the staff of:
 - a) The Jacksonville Transportation Authority, its legal counsel, technical experts, engineers, and other administrative employees.
 - b) The North Florida Transportation Planning Organization, for planning matters.
 - c) The Northeast Florida Regional Council, for planning and coordination matters.
 - d) The department.
 - e) The Jacksonville Port Authority.
 - f) The counties represented on the commission board, on an as-needed basis.”
- o “An appointing county commission, or, in the case of Duval County, upon request of the mayor or the city council president, the Jacksonville City Council, may remove a member appointed by it for cause, including, but not limited to, failure to attend two or more meetings of the commission during any 9-month period.”
- o “No liability on the part of, and no cause of action may arise against, any member for any action taken in the performance of his or her duties ...”

Section 5 (Creating s. 343.1004, F.S.)

- **Provides for commission powers and duties and prohibits the commission from pledging the state's credit.**
 - “The express purposes of the commission are to improve mobility and expand multimodal transportation options for persons and freight throughout the six-county North Florida region. The commission shall, at a minimum:
 - a) Use the data contained in the Long Range Transportation Plan of the North Florida Transportation Planning Organization and other data to develop a multimodal and prioritized regional transportation plan consisting of transportation projects of regional significance; and
 - b) Research and develop an implementation plan that identifies available but not yet imposed, and potentially developable, sources of funding to execute the regional transportation plan. In developing the regional transportation plan, the commission shall review and coordinate with the future land use, capital improvements, and traffic circulation elements of the counties' local government comprehensive plans, the Strategic Regional Policy Plan of the Northeast Florida Regional Council, and the schedules of other units of government having transit or transportation authority within whose jurisdictions the projects or improvements will be located in order to define and resolve potential inconsistencies between such plans and the commission's regional transportation plan. The commission shall present the regional transportation plan and updates to the governing bodies of the constituent counties within 90 days after adoption. The commission shall update the regional transportation plan and the implementation plan at least every other year.”
 - “The commission may plan, develop, coordinate, and promote transportation projects and transportation services of regional significance which are identified in the commission's regional transportation plan.
 - a) Subject to available funding and with the approval of the affected counties and transportation authorities, the commission may provide transportation services of regional significance which are identified in the regional transportation plan.
 - b) To ensure coordination of its plans with those of local governments, the commission shall consult with local governments concerning the commission's regional transportation plan.
 - c) The commission may facilitate efforts to secure funding commitments from federal and state sources, or from the applicable counties, for the planning, development, construction, purchase, operation, and maintenance of transportation projects that are of regional significance or that support intercounty mobility for persons or freight.”
 - “In carrying out its purposes and powers, the commission may request funding and technical assistance from the department and from federal and local agencies. In order to carry out the purposes and powers of the commission for

its first 5 years, the commission shall also timely request annually that each constituent county appropriate a cash contribution of up to 30 cents per capita per year, based on the latest decennial census, to support its budget; however, the contribution of Duval County may not exceed 45 percent of the commission's budget for any fiscal year."

- "The commission may not pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor may any of the commission's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor may the state or any political subdivision or agency thereof, except the commission, be liable for the payment of the principal of or interest on such obligations."

Section 6 (Creating s. 343.1005, F.S.)

- **Provides for transportation projects of regional significance, specifying the characteristics for such projects.**
 - "Transportation projects of regional significance are those transportation facilities and transportation services within, in whole or in part, a regional transportation corridor identified in the commission report presented to the Legislature on or about December 31, 2012, or subsequently identified by the commission, which have one or more of the following characteristics:
 1. Exhibit a significant level of travel between counties or regions.
 2. Provide a primary connection between activity centers or municipalities.
 3. Exhibit a significant percentage of freight conveyance.
 4. Provide a primary connection to marine, aviation, or intermodal facilities.
 5. Provide a regional emergency evacuation route.
 6. Support or enhance the functionality of another identified transportation project of regional significance in the corridor by providing for regional movement or removing nonregional trips from other transportation projects of regional significance.
 7. Such other characteristics as the commission may determine relating to regional significance."

Section 7 (Creating s. 343.1006, F.S.)

- **Requires commission plans and planning activity to be coordinated with other specified entities.**
 - "The regional transportation plan and implementation plan shall be forwarded to the North Florida Transportation Planning Organization for inclusion in its long range transportation plan and other planning documents as required by law. To the extent feasible, the commission's planning activities, including the development and adoption of the regional transportation plan and the implementation plan, shall be coordinated with the work of the North Florida

Transportation Planning Organization, the Northeast Florida Regional Council, and the department.”

Section 10 (Creating s. 343.1010, F.S.)

- **Specifies that the powers of the commission are supplemental.**
 - “The powers conferred by this part are supplemental to the existing powers of the North Florida Transportation Planning Organization, the Jacksonville Transportation Authority, the Northeast Florida Regional Council, the counties and the municipalities located therein, and the department. This part does not repeal any provisions of any other law, general, special, or local, but supplements such other laws in the exercise of the powers provided under this part and provides a complete method for the exercise of the powers granted in this part. The projects of the commission must comply with all applicable federal, state, and local laws. The projects of the commission undertaken pursuant to this part may be accomplished without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law except as specifically set forth 364 in this part.”
 - “This part does not repeal, rescind, or modify any other law relating to the North Florida Transportation Planning Organization, the Jacksonville Transportation Authority, or the department.”

Section 13 (Creating s. 343.1013, F.S.)

- **Provides for repeal of the law creating the Northeast Florida Regional Transportation Commission.**
 - This part shall stand repealed on November 30, 2018, unless:
 - 1) The commission has adopted the regional transportation plan and the implementation plan, and at least Clay, Duval, Nassau, and St. Johns Counties have adopted resolutions endorsing such plans; and
 - 2) Adequate funding sources to carry out the initial phases of such plans have been secured.”

An Act Relating to Public Meetings (SB 50)

Section 1 (Creates s. 286.0114, F.S.)

- **Defines the term “board or commission.” Requires that a member of the public be given a reasonable opportunity to be heard by a board or commission before it takes official action on a proposition. Establishes requirements for rules or policies adopted by the board or commission and provides that compliance with the requirements of this section is deemed to have occurred under certain circumstances. Provides that a circuit court has jurisdiction to issue an**

injunction under certain circumstances. Provides that an action taken by a board or commission which is found in violation of this section is not void.

- “For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.”
- “Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission ...”
- “Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:
 - a) Provide guidelines regarding the amount of time an individual has to address the board or commission;
 - b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
 - c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
 - d) Designate a specified period of time for public comment.”
- “If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.”
- “A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.”
- “An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.”

Section 2 (no statute number specified)

- “The Legislature finds that a proper and legitimate state purpose is served when members of the public have been given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or authority, or of an agency or authority of a county, municipal corporation, or

political subdivision. Therefore, the Legislature determines and declares that this act fulfills an important state interest.”

Section 3 (no statute number specified)

- **Provides an effective date for the act to take effect.**
 - “This act shall take effect October 1, 2013.”