

CHAPTER 2017-98

Committee Substitute for Committee Substitute for Senate Bill No. 1672

An act relating to the Tampa Bay Area Regional Transit Authority; amending s. 339.175, F.S.; creating the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee to replace the Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee; providing that the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transit Authority; amending s. 343.90, F.S.; revising the short title to “Tampa Bay Area Regional Transit Authority Act”; amending s. 343.91, F.S.; revising the definition of the term “authority” to mean the Tampa Bay Area Regional Transit Authority and to include only Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation; revising the definition of the term “commuter rail”; amending s. 343.92, F.S.; creating the Tampa Bay Area Regional Transit Authority to replace the Tampa Bay Area Regional Transportation Authority; decreasing voting membership on the governing board of the authority; requiring the members to be appointed within a specified period; revising appointment and term requirements of such membership; revising requirements for filling vacancies on the board; requiring the Governor to appoint an initial chair of the board from one of the four members appointed by the Governor; providing that seven members of the board constitute a quorum; providing that the vote of seven members is necessary for any action to be taken by the authority; requiring the board to evaluate the abolishment, continuance, modification, or establishment of specified committees, beginning on a specified date; requiring the board to submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the Legislature before a specified time; deleting requirements related to the establishment of a Transit Management Committee, a Citizens Advisory Committee, and technical advisory committees; conforming provisions to changes made by the act; amending s. 343.922, F.S.; revising the express purposes of the authority to include planning, implementing, and operating mobility improvements and expansions of certain multimodal transportation options, producing a certain regional transit development plan, and serving as the recipient of certain federal funds under certain circumstances; directing the authority to provide to the Legislature a plan to produce the regional transit development plan by a specified date; providing requirements for the regional transit development plan; requiring the authority to develop and adopt a regional transit development plan, rather than a transportation master plan; deleting obsolete provisions; conforming provisions to changes made by the act; providing that an action by the authority regarding state funding of commuter rail,

heavy rail transit, or light rail transit, or any combination thereof, requires approval by a majority vote of each M.P.O. serving the county or counties where such rail transit investment will be made, and the approval by an act of the Legislature; prohibiting the authority from engaging in certain advocacy that seeks to approve the funding of commuter rail, heavy rail transit, or light rail transit, or any combination thereof, subject to specified requirements; requiring the authority to conduct a feasibility study, through an independent third party, for any project of commuter rail, heavy rail transit, or light rail transit, or any combination thereof, before proceeding with the development of the project and before any related contracts are issued; requiring the feasibility study to be submitted to the Governor, the Legislature, and the board of county commissioners of specified counties; amending ss. 343.94, 343.947, 343.95, 343.975, and 343.976, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (i) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(i) The Tampa Bay Area Regional ~~Transit Transportation~~ Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional ~~Transit Transportation~~ Authority, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The authority shall provide administrative support and direction to the committee. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.
2. Review the impact of regionally significant land use decisions on the region.
3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 2. Section 343.90, Florida Statutes, is amended to read:

343.90 Short title.—This part may be cited as the “Tampa Bay Area Regional Transit ~~Transportation~~ Authority Act.”

Section 3. Paragraphs (a) and (e) of subsection (1) of section 343.91, Florida Statutes, are amended to read:

343.91 Definitions.—

(1) As used in this part, the term:

(a) “Authority” means the Tampa Bay Area Regional ~~Transit~~ Transportation Authority, the body politic and corporate and agency of the state created by this part, covering ~~the seven-county area comprised of Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Manatee, and Sarasota Counties~~ and any other contiguous county that is party to an agreement of participation.

(e)1. “Commuter rail” means a complete system of tracks, guideways, stations, and rolling stock necessary to effectuate medium-distance to long-distance passenger rail service to, from, or within the municipalities within the authority’s designated ~~seven-county~~ region.

2. “Heavy rail transit” means a complete rail system operating on an electric railway with the capacity for a heavy volume of traffic, characterized by high-speed and rapid-acceleration passenger rail cars operating singly or in multicar trains on fixed rails in separate rights-of-way from which all other vehicular and pedestrian traffic are excluded. “Heavy rail transit” includes metro, subway, elevated, rapid transit, and rapid rail systems.

3. “Light rail transit” means a complete system of tracks, overhead catenaries, stations, and platforms with lightweight passenger rail cars operating singly or in short, multicar trains on fixed rails in rights-of-way that are not separated from other traffic for much of the way.

Section 4. Section 343.92, Florida Statutes, is amended to read:

343.92 Tampa Bay Area Regional Transit ~~Transportation~~ Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Tampa Bay Area Regional Transit ~~Transportation~~ Authority.

(2) The governing board of the authority shall consist of 13 ~~15~~ voting members appointed no later than 45 days after the creation of the authority.

(a) The secretary of the department shall appoint two advisors to the board who must be the district secretary for each of the department districts within the designated seven-county area of the authority.

(b) The ~~13~~ 15 voting members of the board shall be as follows:

1. The county commissions of ~~Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Manatee, and Sarasota~~ Counties shall each appoint one county commissioner ~~elected official~~ to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph ~~within 90 days~~ subparagraph.

~~2. The Tampa Bay Area Regional Transportation Authority (TBARTA) Metropolitan Planning Organization Chairs Coordinating Committee shall appoint one member to the board who must be a chair of one of the six metropolitan planning organizations in the region. The member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.~~

~~2.3.a. Two members of the board shall be the mayor, or the mayor's designee, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.~~

~~b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that largest municipality's city council or city commission. A mayor or his or her designee shall serve a 2-year term with not more than three consecutive terms being served by any person.~~

~~c. A designee's term ends if the mayor leaves office for any reason. If a designee leaves elected office on the city council or commission, a vacancy exists on the board to be filled by the mayor of that municipality as provided in sub-subparagraph a.~~

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

d.—A mayor who has served three consecutive terms on the board must designate an elected official from that largest municipality's city council or city commission to serve on the board for at least one term.

4.a.—One membership on the board shall rotate every 2 years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County. The mayor, or his or her designee, from the largest municipality within Manatee County shall serve the first 2-year term. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b.—Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that municipality's city council or city commission.

4.5. The Governor shall appoint to the board four members from the regional four business community representatives, each of whom must reside in one of the seven counties governed by the authority and, ~~none of whom may not be an elected official~~ officials, and at least one but not more than two of whom shall represent counties within the federally designated Tampa Bay Transportation Management Area. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall serve 2-year terms, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member ~~Members~~ appointed under this subparagraph by the Governor shall serve a 2-year term ~~3-year terms~~ with not more than three ~~two~~ consecutive terms being served by any person.

(e) Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled by the respective appointing authority within 90 days in the same manner as the original appointment and only for the remainder of the unexpired term.

(3) The members of the board shall serve without compensation but shall be entitled to receive from the authority reimbursement for travel expenses and per diem actually incurred in connection with the business of the authority as provided in s. 112.061.

(4) Members of the board shall comply with the applicable financial disclosure requirements of ss. 112.3145, 112.3148, and 112.3149.

(5) The Governor shall appoint one of the four members appointed under subparagraph (2)(b)4. as the initial chair ~~from among the full membership of the board immediately upon their appointment. In no case may those appointments be made any later than 45 days following the creation of the authority.~~ The initial chair shall serve ~~will hold this position for a minimum~~ term of 2 years. The board shall elect a vice chair and secretary-treasurer from among its members who shall serve a minimum term of 1 year and shall establish the duties and powers of those positions during its inaugural

meeting. During its inaugural meeting, the board ~~shall will~~ also establish its rules of conduct and meeting procedures.

(6) At the end of the initial chair's term, the board shall elect a chair from among ~~the its~~ members. The chair shall hold office at the will of the board. In that election, the board shall also elect a vice chair and secretary-treasurer.

(7) The first meeting of the authority shall be held no later than 60 days after the creation of the authority.

(8) ~~Seven~~ Eight members of the board shall constitute a quorum, and the vote of ~~seven~~ eight members is necessary for any action to be taken by the authority. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of ~~may establish committees for~~ the following committees ~~areas~~:

(a) Planning committee.

(b) Policy committee.

(c) Finance committee.

(d) Citizens advisory committee.

(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.

(f) Transit management committee.

(g) Technical advisory committee.

The board must submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.

(10) The authority may employ an executive director, an executive secretary, its own legal counsel and legal staff, technical experts, engineers, and such employees, permanent or temporary, as it may require. The authority shall determine the qualifications and fix the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents; however, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may, except for duties specified in chapter 120, delegate its power to one or more of its agents or employees to carry out the purposes of this part, subject always to the supervision and control of the authority.

~~(11)(a) The authority shall establish a Transit Management Committee comprised of the executive directors or general managers, or their designees, of each of the existing transit providers and bay area commuter services.~~

~~(b) The authority shall establish a Citizens Advisory Committee comprised of appointed citizen committee members from each county and transit provider in the region, not to exceed 16 members.~~

~~(c) The authority may establish technical advisory committees to provide guidance and advice on regional transportation issues. The authority shall establish the size, composition, and focus of any technical advisory committee created.~~

~~(11)(d) Persons appointed to a committee shall serve without compensation but may be entitled to per diem or travel expenses as provided in s. 112.061.~~

Section 5. Subsection (1), paragraph (a) of subsection (2), subsection (3), subsection (4), and paragraph (g) of subsection (5) of section 343.922, Florida Statutes, are amended, and subsections (9) and (10) are added to that section, to read:

343.922 Powers and duties.—

(1) The express purposes of the authority are to:

(a) Plan, implement, and operate ~~improve~~ mobility improvements and expansions of expand multimodal transportation options for passengers and freight throughout the designated seven-county Tampa Bay region.

(b) Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities.

1. The authority shall provide to the President of the Senate and the Speaker of the House of Representatives, on or before the beginning of the 2018 Regular Session, a plan to produce the regional transit development plan.

2. The regional transit development plan prepared by the authority must adhere to guidance and regulations set forth by the department or any successor agency, including, but not limited to:

- a. Public involvement;
- b. Collection and analysis of socioeconomic data;
- c. Performance evaluation of existing services;
- d. Service design and ridership forecasting; and
- e. Financial planning.

(c) Serve, with the consent of the Governor or his or her designee, as the recipient of federal funds supporting an intercounty project or an intra-county capital project that represents a phase of an intercounty project that exists in a single county within the designated region.

(2)(a) The authority has the right to plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage those public transportation projects, such as express bus services; bus rapid transit services; light rail, commuter rail, heavy rail, or other transit services; ferry services; transit stations; park-and-ride lots; transit-oriented development nodes; or feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities, that are intended to address critical transportation needs or concerns in the Tampa Bay region as identified by the authority ~~by July 1, 2009~~. These projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence of the department, as applicable, if the project is to be part of the State Highway System.

(3)(a) ~~No later than July 1, 2009~~, The authority shall develop and adopt a regional transit development ~~transportation master plan~~ that provides a vision for a regionally integrated multimodal transportation system. The goals and objectives of the ~~master plan~~ are to identify areas of the Tampa Bay region where multimodal mobility, traffic safety, freight mobility, and efficient emergency evacuation alternatives need to be improved; identify areas of the region where multimodal transportation systems would be most beneficial to enhance mobility and economic development; develop methods of building partnerships with local governments, existing transit providers, expressway authorities, seaports, airports, and other local, state, and federal entities; develop methods of building partnerships with CSX Corporation and CSX Transportation, Inc., to craft mutually beneficial solutions to achieve the authority's objectives, and with other private sector business community entities that may further the authority's mission, and engage the public in support of regional multimodal transportation improvements. The ~~master plan~~ shall identify and may prioritize projects that will accomplish these goals and objectives, including, without limitation, the creation of express bus and bus rapid transit services, light rail, commuter rail, and heavy rail transit services, ferry services, freight services, and any other multimodal transportation system projects that address critical transportation needs or concerns, pursuant to subsection (2); and identify the costs of the proposed projects and revenue sources that could be used to pay those costs. In developing the ~~master plan~~, the authority shall review and coordinate with the future land use, capital improvements, and traffic circulation elements of its member local governments' comprehensive plans and the plans, programs, and schedules of other units of government having transit or transportation authority within whose jurisdictions the projects or improvements will be located to define and resolve potential inconsistencies between such plans and the authority's developing ~~master plan~~. ~~By July 1, 2008, the authority, working with its member local governments, shall adopt a mandatory conflict resolution process that addresses consistency conflicts~~

~~between the authority's regional transportation master plan and local government comprehensive plans.~~

(b) The authority shall consult with the department to further the goals and objectives of the Strategic Regional Transit Needs Assessment completed by the department.

(c) Before the adoption of the regional transit development master plan, the authority shall hold at least one public meeting in each of the seven counties within the designated region. At least one public hearing must be held before the authority's board.

(d) After its adoption, the regional transit development master plan shall be updated every 5 years before July 1.

(e) The authority shall present the original regional transit development master plan and updates to the governing bodies of the counties within the designated seven-county region, to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, and to the legislative delegation members representing those counties within 90 days after adoption.

(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.

(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).

(4) The authority may undertake projects or other improvements in the regional transit development master plan in phases as particular projects or segments become feasible, as determined by the authority. The authority shall coordinate project planning, development, and implementation with the applicable local governments. The authority's projects that are transportation oriented must be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time such projects are funded for construction. Authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04 must be consistent with the local comprehensive plans. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans.

(5) The authority is granted and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(g) To borrow money and to make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter sometimes called “revenue bonds” of the authority, for the purpose of financing all or part of the mobility improvements within the Tampa Bay region, as well as the appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access authorized by this part, the bonds to mature not exceeding 40 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges.

(9)(a) An action by the authority regarding state funding of commuter rail, heavy rail transit, or light rail transit, as defined in s. 343.91, or any combination thereof, requires approval by a majority vote of each M.P.O. serving the county or counties where such rail transit investment will be made, and the approval by an act of the Legislature.

(b) Subject to the requirements of s. 106.113, the authority may not engage in any advocacy regarding a referendum, ordinance, legislation, or proposal under consideration by any governmental entity or the Legislature which seeks to approve the funding of commuter rail, heavy rail transit, or light rail transit, as defined in s. 343.91, or any combination thereof.

(10) The authority must conduct a feasibility study, through an independent third party, for any project of commuter rail, heavy rail transit, or light rail transit, as defined in s. 343.91, or any combination thereof, before proceeding with the development of the project and before any related contract is issued. The feasibility study shall be submitted, upon completion, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the board of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties.

Section 6. Subsection (1) of section 343.94, Florida Statutes, is amended to read:

343.94 Bond financing authority.—

(1) Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature approves bond financing by the Tampa Bay Area Regional ~~Transit Transportation~~ Authority for construction of or improvements to commuter rail systems, transit systems, ferry systems, highways, bridges, toll collection facilities, interchanges to the system, and any other transportation facility appurtenant, necessary, or incidental to the system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to paragraph (2)(a) or paragraph (2)(b), whether currently issued or issued in the future or by a combination of such bonds.

Section 7. Section 343.947, Florida Statutes, is amended to read:

343.947 Department may be appointed agent of authority for construction.—The department may be appointed by the authority as its agent for the purpose of constructing and completing transportation projects, and improvements and extensions thereto, in the authority's regional transit development ~~master~~ plan. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the system; and shall transfer to the credit of an account of the department in the treasury of the state the necessary funds therefor. The department shall proceed with such construction and use the funds for such purpose in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of commuter rail systems, transit systems, ferry systems, roads, bridges, and related transportation facilities.

Section 8. Subsections (1) and (3) of section 343.95, Florida Statutes, are amended to read:

343.95 Acquisition of lands and property.—

(1) For the purposes of this part, the authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any purpose of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities within the ~~seven-county Tampa Bay~~ region designated identified by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may condemn any material and property necessary for such purposes.

(3) When the authority acquires property for a transportation facility within the designated ~~seven-county Tampa Bay~~ region, the authority is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 9. Subsections (1) and (3) of section 343.975, Florida Statutes, are amended to read:

343.975 Complete and additional statutory authority.—

(1) The powers conferred by this part are supplemental to the existing powers of the board and the department. This part does not repeal any of the provisions of any other law, general, special, or local, but supplements such other laws in the exercise of the powers provided in this part and provides a complete method for the exercise of the powers granted in this part. The projects planned and constructed by the Tampa Bay Area Regional Transit Transportation Authority shall comply with all applicable federal, state, and local laws. The extension and improvement of the system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821. An approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in any other political subdivision of the state is not required for the issuance of such bonds pursuant to this part.

(3) This part does not preclude the department from acquiring, holding, constructing, improving, maintaining, operating, or owning tolled or nontolled facilities funded and constructed from nonauthority sources that are part of the State Highway System within the geographical boundaries of the Tampa Bay Area Regional Transit Transportation Authority.

Section 10. Section 343.976, Florida Statutes, is amended to read:

343.976 Effect on local government action.—This act does not prohibit any local government that is a member of the Tampa Bay Area Regional Transit Transportation Authority from participating in or creating any other transit authority, regional transportation authority, or expressway authority.

Section 11. This act shall take effect July 1, 2017.

Approved by the Governor June 14, 2017.

Filed in Office Secretary of State June 14, 2017.