

1 A bill to be entitled
 2 An act relating to Bay County; providing definitions;
 3 creating the Gulf Coast Transit Authority; providing
 4 purpose; providing boundaries; providing for charter
 5 amendments; providing for a board of directors;
 6 providing membership, powers, functions, and duties of
 7 the board; providing powers, functions, and duties of
 8 the authority; authorizing the authority to levy and
 9 enforce the collection of non-ad valorem assessments;
 10 prohibiting the authority from having ad valorem
 11 taxing power; providing for the authority's fiscal
 12 year; providing for the deposit of authority funds;
 13 authorizing the authority to borrow money; providing
 14 for bonds; providing for use of authority funds;
 15 providing exemptions from taxes and assessments upon
 16 certain properties and revenues; providing
 17 requirements for recordkeeping, public meetings, and
 18 public records; authorizing the board to adopt
 19 policies and regulations; providing construction;
 20 providing severability; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Definitions.—As used in this act, unless
 25 otherwise specified:

26 | (1) "Authority" means the Gulf Coast Transit Authority.

27 | (2) "Bay County TPO" means the entity established by
 28 | interlocal agreement between Bay County and the municipalities
 29 | located within the county dated February 25, 2015, pursuant to
 30 | section 163.01, Florida Statutes.

31 | (3) "Board" and "board of directors," unless the context
 32 | clearly indicates otherwise, mean the Gulf Coast Transit
 33 | Authority Board of Directors.

34 | (4) "County" means Bay County.

35 | (5) "Director" means a member of the board of directors of
 36 | and for the authority.

37 | (6) "Mass transit" means a system used for the
 38 | transportation of people and goods by means of a street railway,
 39 | an elevated railway, a commuter railroad, a subway, a motor
 40 | vehicle, a motor bus, a water transport, a ferry, and other
 41 | transportation facilities whether now or hereafter invented, and
 42 | including a complete system of tracks, stations, rolling stock,
 43 | and other facilities necessary to effectuate passenger and goods
 44 | conveyance. The term includes fixed route and demand-responsive
 45 | transit systems.

46 | Section 2. Authority; creation; boundaries; charter
 47 | amendments.-

48 | (1) There is hereby created an independent special
 49 | district for purposes of providing mass transit services to the
 50 | citizens of Bay County and elsewhere, incorporating lands in Bay

51 County described in subsection (2), which shall be a public
 52 corporation having the powers, duties, rights, obligations, and
 53 immunities herein set forth, under the name of the Gulf Coast
 54 Transit Authority. The authority is organized and exists for the
 55 purposes and shall hold all powers set forth in this act and
 56 chapter 189, Florida Statutes.

57 (2) The lands to be included within the authority are all
 58 lands in Bay County, whether incorporated or unincorporated.

59 (3) The authority's charter may be amended only by special
 60 act of the Legislature.

61 Section 3. Purpose.-

62 (1) The purpose of the authority shall be to plan,
 63 finance, acquire, construct, operate, and maintain mass transit
 64 facilities and systems, together with such supplementary
 65 transportation assistance as may be necessary or advisable to
 66 service the mass transit needs within the territorial boundaries
 67 of the authority and of such areas with which the authority may
 68 contract for service.

69 (2) The purpose of the authority shall also be to provide
 70 for the consolidation of transit services in Bay County, to
 71 provide for the transition to a countywide transit system, and
 72 to provide transit services outside of Bay County.

73 Section 4. Governing board; quorum; creation; employment
 74 of personnel; compensation; organization; commissioners' bond.-

75 (1) The business and affairs of the authority shall be

76 conducted and administered by a board of seven voting directors,
 77 and the presence of a majority of board members shall constitute
 78 a quorum for official business.

79 (a) The board shall consist of the following members:

80 1. The Board of County Commissioners of Bay County shall
 81 appoint two of its commissioners as members of the board.

82 2. The City Council of the City of Panama City Beach shall
 83 appoint one of its councilmembers as a member of the board.

84 3. The City Commission of the City of Panama City shall
 85 appoint one of its commissioners as a member of the board.

86 4. The City Commission of the City of Lynn Haven shall
 87 appoint one of its commissioners as a member of the board.

88 5. The City Commission of the City of Callaway shall
 89 appoint one of its commissioners as a member of the board.

90 6. The Board of the Bay County TPO shall appoint one of
 91 its members as a member of the board.

92
 93 All members shall be initially appointed by their respective
 94 boards for 2-year terms. The Board of County Commissioners of
 95 Bay County, the city council, and the city commissions may
 96 appoint their existing members for consecutive terms if so
 97 desired. The Board of the Bay County TPO shall appoint a new
 98 representative at the end of the member's 2-year term.

99 (b) In order to facilitate the consolidation of transit
 100 services in Bay County, arrange for initial funding of the

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101 authority, and transition to a countywide transit system, the
102 board may rely on Bay County Transit staff, the Governance
103 Transit Committee of the Bay County TPO, and the appropriate
104 staff of the Bay County TPO to provide support, policy
105 recommendations, and strategic planning as requested.

106 (2) The board may employ an executive director and
107 authorize such other personnel as it deems necessary for the
108 proper function and operation of the authority. The salaries of
109 authority personnel, and any other wages, shall be determined by
110 the board.

111 (3) Each appointed member of the board shall assume office
112 10 days following the member's appointment. Annually, within 60
113 days after the appointment of new members of said board, the
114 members shall organize by electing from their number a chair, a
115 vice chair, a secretary, and a treasurer. However, the same
116 member may be both secretary and treasurer.

117 (4) The directors shall receive payment for actual
118 expenses incurred while performing the duties of their office in
119 accordance with general law governing per diem for public
120 officials. Directors may not receive compensation for their
121 services.

122 (5) Each director, upon taking office and in accordance
123 with chapter 189, Florida Statutes, shall execute to the
124 Governor for the benefit of the authority a bond conditioned
125 upon the faithful performance of the duties of the director's

126 office. The premium for such bonds shall be paid from the funds
 127 of the authority.

128 Section 5. Powers; functions; and duties.-

129 (1) The authority shall have all powers to carry out the
 130 purposes of this act and the functions and duties provided for
 131 herein, including the following powers, which shall be in
 132 addition to and supplement any other privileges, benefits, and
 133 powers granted by this act or general law:

134 (a) To adopt bylaws for the regulation of the affairs and
 135 the conduct of the business of the authority. The bylaws shall
 136 provide for quorum and voting requirements, maintenance of
 137 minutes and other official records, and preparation and adoption
 138 of an annual budget.

139 (b) To study, plan, design, establish, acquire, construct,
 140 own, lease, operate, manage, maintain, dispose of, improve, and
 141 expand the mass transit facilities and services within the
 142 boundaries of the authority.

143 (c) To execute all contracts and other documents, adopt
 144 all proceedings, and perform all acts determined by the board as
 145 necessary or advisable to carry out the purposes of this act.
 146 The chair, vice chair, or executive director shall execute
 147 contracts and other documentation on behalf of the authority.

148 (d) To fix, alter, levy, collect, and enforce rates,
 149 fares, fees, charges, penalties, and fines from persons or
 150 property, or both, for the provision and use of services,

151 facilities, and products of the authority or to pay the
152 operating or financing costs of the authority's facilities and
153 services that are available to potential users.

154 (e) To contract for the service of engineers, accountants,
155 attorneys, and other experts or consultants and such other
156 agents as the board may require or deem appropriate from time to
157 time.

158 (f) To acquire such lands and rights and interests
159 therein; to acquire such personal property as the authority may
160 deem necessary and appropriate in connection with the
161 acquisition, ownership, expansion, improvement, operation, and
162 maintenance of the authority's facilities; and to hold and
163 dispose of all real and personal property under its control.

164 (g) To lease or rent any of its easements, real property
165 interests, or facilities to other mass transit providers that
166 are owned by a municipality, county, or special district, that
167 hold a franchise from a municipality or county, when such lease
168 or rental is for joint use by the authority and the other
169 provider.

170 (h) To exercise exclusive jurisdiction, control, and
171 supervision over the authority's services and facilities and to
172 make and enforce such rules and regulations for the maintenance,
173 management, and operation of the authority and its facilities
174 and services as may be, in the judgment of the board, necessary
175 or desirable for the efficient operation of the authority in

176 accomplishing the purposes of this act.

177 (i) To enter into interlocal agreements or join with any
 178 other general or special purpose local governments, public
 179 agencies, or authorities in the exercise of common powers.

180 (j) To accomplish construction directly or by letting
 181 contracts to other entities, whether public or private, for all
 182 or any part of the construction of improvements to the
 183 authority's facilities as determined by the board in accordance
 184 with applicable law.

185 (k) To apply for and accept grants, loans, and subsidies
 186 from any governmental entity for the acquisition, construction,
 187 operation, and maintenance of the authority's facilities and
 188 services and to comply with all requirements and conditions
 189 imposed in connection therewith.

190 (l) To receive and accept from any federal, state, or
 191 local sources grants, loans, or contributions for or in the aid
 192 of the planning, construction, reconstruction, operation,
 193 promotion, or financing of the authority's facilities or
 194 services and to receive and accept aid, contributions, or loans
 195 from any other source of money, labor, or other things of value,
 196 to be held, used, and applied only for the purpose for which the
 197 grants, contributions, or loans may be made.

198 (m) To adopt a budget in accordance with applicable law
 199 and to appropriate and expend revenue in accordance with that
 200 budget.

201 (n) To purchase or assume ownership, lease, operation,
202 management, or control of any publicly or privately owned mass
203 transit facilities, including the assumption, defeasance, or
204 payment of the financial liabilities associated with such
205 facilities.

206 (o) To divide the authority facilities into separate
207 units, benefit areas, or subsystems for the purpose of imposing
208 special assessments; setting rates, fees, or charges; for
209 accounting or financing improvements or additions; or for any
210 other purpose.

211 (p) To appoint advisory boards and committees to assist
212 the board in the exercise and performance of the powers and
213 duties provided in this act.

214 (q) To sue and be sued in the name of the authority and to
215 participate as a party in any civil, administrative, or other
216 action.

217 (r) To adopt and use a seal and authorize the use of a
218 facsimile thereof.

219 (s) To employ or contract with any public entity or person
220 to manage and operate the authority and its facilities, or any
221 portion thereof, upon such terms as the board deems appropriate.

222 (t) Subject to such provisions and restrictions as may be
223 set forth in any financing documents, to sell or otherwise
224 dispose of the authority's facilities, or any portion thereof,
225 upon such terms as the board deems appropriate, and to enter

226 into acquisition or other agreements to affect such
227 dispositions.

228 (u) To acquire by purchase, gift, devise, or otherwise,
229 and to dispose of, real or personal property or any estate
230 therein.

231 (v) To provide such deferred compensation, retirement
232 benefits, or other benefits and programs as the board deems
233 appropriate.

234 (w) To maintain an office or offices at such place or
235 places as the board may designate from time to time.

236 (x) To hold, control, and acquire by donation or purchase,
237 or to dispose of any public easements, dedications to public
238 use, platted reservations for public purposes, or any
239 reservations for those purposes authorized by this act and to
240 make use of such easements, dedications, and reservations for
241 the purposes authorized in this act.

242 (y) To lease, as lessor or lessee, to or from any person,
243 firm, corporation, association, or body, public or private,
244 facilities or property of any nature to carry out the purposes
245 authorized in this act.

246 (z) To borrow money and issue bonds, certificates,
247 warrants, notes, obligations, or other evidence of indebtedness.

248 (aa) To invest its money in such investments as directed
249 by the board in accordance with state law. Such investments
250 shall be consistent in all instances with the applicable

251 provisions of the financing documents.

252 (bb) To purchase such insurance as the authority deems
253 appropriate.

254 (cc) To develop transportation plans and to coordinate the
255 authority's planning and programs with those of appropriate
256 municipal, county, state, special district, and federal agencies
257 and other political subdivisions of the state.

258 (dd) To market and promote the authority and its
259 facilities and services.

260 (ee) To provide mass transit services to populations
261 within and outside of Bay County.

262 (ff) To do all acts and to exercise all powers necessary,
263 convenient, incidental, implied, or proper, both within and
264 outside the boundaries of the authority, in connection with any
265 of the powers, duties, obligations, or purposes authorized by
266 this act, general law, or any interlocal agreement entered into
267 by the authority.

268 (gg) To prescribe and adopt necessary rules and
269 regulations consistent with the provisions of this act.

270 (2) In exercising the powers conferred by this act, the
271 board shall act by resolution or motion made and adopted at a
272 duly noticed and publicly held meetings in conformance with
273 applicable law.

274 (3) The provisions of chapter 120, Florida Statutes, shall
275 not apply to the authority.

276 (4) Nothing herein is intended to or shall be construed to
 277 limit the power of local self-government of the county or
 278 conflict with the Constitution of the State of Florida.

279 (5) The authority's planning requirements shall be as set
 280 forth in this act and chapter 189, Florida Statutes.

281 (6) Requirements for financial disclosure, meeting
 282 notices, reporting, public records maintenance, and per diem
 283 expenses for directors, officers, and employees shall be as set
 284 forth in this act and chapters 112, 119, 189, and 286, Florida
 285 Statutes.

286 Section 6. Non-ad valorem assessments.—The authority is
 287 authorized to levy and enforce the collection of non-ad valorem
 288 assessments in accordance with chapters 189 and 197, Florida
 289 Statutes. The authority shall have no ad valorem taxing power.

290 Section 7. Fiscal year.—The authority's fiscal year shall
 291 begin on October 1 and end on September 30.

292 Section 8. Authority funds.—All funds of the authority
 293 shall be deposited in qualified public depositories in
 294 accordance with chapter 280, Florida Statutes.

295 Section 9. Authority to borrow money; procedures and
 296 requirements for the issuance of bonds.—

297 (1) The board shall have the power and authority to borrow
 298 money or issue other evidences of indebtedness for the purposes
 299 of the authority in accordance with chapter 189, Florida
 300 Statutes. The board shall by resolution authorize the issuance

301 of general obligation bonds payable from any lawful sources for
 302 construction of capital improvements or expansion purposes of
 303 the transit services that the authority exists to provide,
 304 subject to a referendum of the qualified electors of the
 305 authority in accordance with the requirements of general law.

306 (2) The authority is prohibited from lending its credit to
 307 corporations, associations, partnerships, or persons.

308 (3) The authority may finance or refinance the
 309 acquisition, construction, expansion, and improvement of such
 310 facilities relating to a governmental function or purpose
 311 through the issuance of its bonds, notes, or other obligations
 312 under this section or as otherwise authorized by law. The
 313 authority has all the powers that are necessary to finance, own,
 314 operate, or manage the public facility, including, without
 315 limitation, the power to establish rates, charges, and fees for
 316 products or services provided by it; the power to levy special
 317 assessments; the power to sell or finance all or a portion of
 318 such facility; and the power to contract with a public or
 319 private entity to manage and operate such facilities or to
 320 provide or receive facilities, services, or products.

321 (4) The authority may also issue bond anticipation notes
 322 in connection with the authorization, issuance, and sale of
 323 bonds. The bonds may be issued as serial bonds or as term bonds
 324 or both. The authority may issue capital appreciation bonds or
 325 variable rate bonds. Any bonds, notes, or other obligations must

326 be authorized by resolution of the authority and bear the date;
327 mature at the time, not exceeding 40 years from their respective
328 dates; bear interest at the rate; be payable at the time; be in
329 the denomination; be in the form; carry the registration
330 privileges; be executed in the manner; be payable from the
331 sources and in the medium or payment and at the place; and be
332 subject to the terms of redemption, including redemption prior
333 to maturity, as the resolution may provide. If any officer whose
334 signature, or a facsimile of whose signature, appears on any
335 bonds, notes, or other obligations ceases to be an officer
336 before the delivery of the bonds, notes, or other obligations,
337 the signature or facsimile is valid and sufficient for all
338 purposes as if he or she had remained in office until the
339 delivery. The bonds, notes, or other obligations may be sold at
340 public or private sale for such price as the authority shall
341 determine in accordance with chapter 189, Florida Statutes.
342 Pending preparation of the definitive bonds, the authority may
343 issue interim certificates, which shall be exchanged for the
344 definitive bonds. The bonds may be secured by a form of credit
345 enhancement, if any, as the authority deems appropriate. The
346 bonds may be secured by an indenture of trust or trust
347 agreement. In addition, the authority may delegate to an
348 officer, official, or agent of the authority as the governing
349 body of the authority may select, the power to determine the
350 time; manner of sale, public or private; maturities; rate of

351 interest, which may be fixed or may vary at the time and in
352 accordance with a specified formula or method of determination;
353 and other terms and conditions as may be deemed appropriate by
354 the officer, official, or agent so designated by the governing
355 body of the authority. However, the amount and maturity of the
356 bonds, notes, or other obligations and the interest rate of the
357 bonds, notes, or other obligations must be within the limits
358 prescribed by the governing body of the authority and its
359 resolution delegating to an officer, official, or agent the
360 power to authorize the issuance and sale of the bonds, notes, or
361 other obligations.

362 (5) Bonds, notes, or other obligations issued under this
363 section may be validated as provided in chapter 75, Florida
364 Statutes.

365 (6) The accomplishment of the authorized purposes of the
366 authority is in all respects for the benefit of the people of
367 the state, for the increase of their commerce and prosperity,
368 and for the improvement of their health and living conditions.
369 Since the authority will perform essential governmental
370 functions in accomplishing its purposes, the authority is not
371 required to pay any taxes or assessments of any kind whatsoever
372 upon any property acquired or used by the authority for such
373 purposes or upon any revenues or other income at any time
374 received by the authority. The authority shall be exempt from
375 all taxation, licenses, fees, or other charges of any kind

376 imposed by the state, the county, any municipality, any
 377 political subdivision, any taxing district, or any other public
 378 agency or body of the state. The bonds, notes, and other
 379 obligations of the authority, their transfer, and the income
 380 therefrom, including any profits made on the sale thereof, are
 381 at all times free from taxation of any kind by the state or by
 382 any political subdivision or other agency or instrumentality
 383 thereof. The exemption granted in this paragraph is not
 384 applicable to any tax imposed by chapter 220, Florida Statutes,
 385 on interest, income, or profits on debt obligations owned by
 386 corporations.

387 Section 10. Board action; compliance with open government
 388 laws and public records laws; authority to adopt policies and
 389 regulations.-

390 (1) A record shall be kept of all meetings of the board,
 391 and, in such meetings, a majority vote of the directors,
 392 providing that a quorum is present, shall be necessary for any
 393 affirmative action by the board.

394 (2) The board shall comply with chapter 286, Florida
 395 Statutes, to preserve the right of the people to attend public
 396 meetings.

397 (3) The board shall comply with the public records laws
 398 set forth in chapter 119, Florida Statutes, to preserve the
 399 right of the people to access public records.

400 (4) The board may adopt policies and regulations not

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401 inconsistent with any portion of this act or chapter 189,
402 Florida Statutes, as it may deem necessary for the transaction
403 of its business and in implementing and carrying out the
404 provisions of this act. The board shall have authority to
405 provide all things necessary for the operation of transit
406 services in the authority.

407 Section 11. Notwithstanding any provision in this act to
408 the contrary, neither this act nor the creation of the authority
409 shall have any effect on the powers, duties, rights,
410 obligations, and immunities of any county, municipality, or
411 special district. This act is intended to comply with the
412 provisions of Art. VIII, Section 4, of the Florida Constitution
413 regarding transfer of powers.

414 Section 12. In the event that any part of this act should
415 be held void for any reason, such holding shall not affect any
416 other part thereof.

417 Section 13. This act shall take effect upon becoming a
418 law.