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A bill to be entitled

An act relating to South Florida regional transportation; amending pt. I of ch. 343, F.S.; creating the South Florida Regional Transportation Authority; transferring rights, assets, privileges, and obligations of the Tri-County Commuter Rail Authority to that authority; revising the short title; revising definitions; correcting references; providing powers, duties, and objectives; providing for the issuance of revenue bonds; limiting obligation of the state; providing pledge not to restrict certain rights of the authority; providing for a user fee for the registration of certain vehicles; amending ss. 112.3148 and 768.28, F.S., relating to reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees, waiver of sovereign immunity in tort actions, and recovery limits, to conform to changes made by the act; providing an effective date.

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

Section 1. Part I of chapter 343, Florida Statutes, consisting of sections 343.51, 343.52, 343.53, 343.54, 343.55, 343.56, and 343.57, Florida Statutes, is amended, and section 343.58 is added to that part, to read:

Part I

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY ~~TRI-COUNTY~~
~~COMMUTER RAIL AUTHORITY~~



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29 343.51 Short title.--This part may be cited as the "South
 30 Florida Regional Transportation ~~Tri-County Commuter Rail~~
 31 Authority Act."

32 343.52 Definitions.--As used in this part, unless the
 33 context clearly indicates otherwise, the term:

34 (1) "Authority" means the South Florida Regional
 35 Transportation ~~Tri-County Commuter Rail~~ Authority.

36 (2) "Board" means the governing body of the authority.

37 (3) "Transit system ~~Commuter railroad~~" means
 38 transportation of people and goods by means, without limitation,
 39 of a street railway, elevated railway or fixed guideway,
 40 commuter railroad, subway, motor vehicle, motor bus, a complete
 41 system of tracks, ~~guideways,~~ stations, and rolling stock
 42 necessary to effectuate ~~medium-distance to long-distance~~
 43 passenger ~~rail~~ service to or from the surrounding regional
 44 municipalities.

45 (4) "Transit ~~Commuter rail~~ facilities" means property and
 46 avenues of access and equipment or buildings, built or
 47 installed, in ~~Miami-Dade Dade~~, Broward, and Palm Beach Counties,
 48 required to support a transit system ~~for commuter rail or fixed~~
 49 guideway systems.

50 (5) "Member" means the individuals constituting the board.

51 (6) "Feeder transit services" means a transit system that
 52 transports ~~fixed guideway or bus service to transport~~ passengers
 53 to or from ~~rail~~ stations within or across county lines.

54 343.53 South Florida Regional Transportation ~~Tri-County~~
 55 ~~Commuter Rail~~ Authority.--

56 (1) There is created and established a body politic and
 57 corporate, an agency of the state, to be known as the "South



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58 Florida Regional Transportation ~~Tri-County Commuter Rail~~
 59 Authority," hereinafter referred to as the "authority."

60 (2) The governing board of the authority shall consist of
 61 nine voting members, as follows:

62 (a) The county commissions of Miami-Dade ~~Dade~~, Broward,
 63 and Palm Beach Counties shall each elect a commissioner as that
 64 commission's representative on the board. The commissioner must
 65 be a member of the county commission when elected and for the
 66 full extent of his or her term.

67 (b) The county commissions of Miami-Dade ~~Dade~~, Broward,
 68 and Palm Beach Counties shall each appoint a citizen member to
 69 the board who is not a member of the county commission but who
 70 is a resident of the county from which he or she is appointed
 71 and a qualified elector of that county. Insofar as practicable,
 72 the citizen member shall represent the business and civic
 73 interests of the community.

74 (c) The secretary of the Department of Transportation
 75 shall appoint one of the district secretaries, or his or her
 76 designee, for the districts within ~~which~~ the area served by the
 77 South Florida Regional Transportation Authority ~~tri-county rail~~
 78 ~~is located~~.

79 (d) The other eight members of the board shall elect, by a
 80 simple majority vote, an at-large member who is a resident and
 81 qualified elector in the area served by the South Florida
 82 Regional Transportation Authority ~~tri-county rail~~.

83 (e) The Governor shall appoint one member to the board who
 84 is a resident and qualified elector in the area served by the
 85 South Florida Regional Transportation Authority ~~tri-county rail~~.



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86 (3) The terms of the county commissioners on the governing
 87 board of the authority shall be 2 years. All other members on
 88 the governing board of the authority shall serve staggered 4-
 89 year terms. Each member shall hold office until his or her
 90 successor has been appointed.

91 (4) A vacancy during a term shall be filled by the
 92 respective appointing authority in the same manner as the
 93 original appointment and only for the balance of the unexpired
 94 term.

95 (5) The members of the authority shall not be entitled to
 96 compensation, but shall be reimbursed for travel expenses
 97 actually incurred in their duties as provided by law.

98 343.54 Powers and duties.--

99 (1) (a) The authority created and established by this part
 100 shall have the right to own, operate, maintain, and manage a
 101 transit ~~commuter rail~~ system in the tri-county area of Broward,
 102 Miami-Dade ~~Dade~~, and Palm Beach Counties, hereinafter referred
 103 to as the South Florida Regional Transportation Authority ~~Tri-~~
 104 ~~County Rail~~.

105 (b) It is the express intention of this part that the
 106 authority be authorized to plan, develop, own, purchase, lease,
 107 or otherwise acquire, demolish, construct, improve, relocate,
 108 equip, repair, maintain, operate, and manage a transit ~~commuter~~
 109 ~~rail~~ system and transit ~~commuter rail~~ facilities; to establish
 110 and determine such policies as may be necessary for the best
 111 interest of the operation and promotion of a transit ~~commuter~~
 112 ~~rail~~ system; and to adopt such rules as may be necessary to
 113 govern the operation of a transit ~~commuter rail~~ system and



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114 transit ~~commuter rail~~ facilities in order to accomplish the
 115 following objectives:

116 1. Enhance the efficiency and coordination of all transit
 117 elements and contribute to the economic prosperity of the South
 118 Florida region and the state.

119 2. Develop, in cooperation with the region's metropolitan
 120 planning organizations and regional planning councils, a
 121 regional transportation and land use strategy.

122 3. Reduce passenger vehicle congestion along the freeway,
 123 highway, and surface streets.

124 4. Improve regional mobility and access.

125 5. Identify measures to improve safety of all modes.

126 6. Reduce nonresidential traffic in neighborhoods.

127 7. Reduce air pollution within the region.

128 (2) The authority created herein shall be the successor
 129 and assignee of the Tri-County Commuter Rail Authority
 130 ~~Organization (TCRO)~~ and shall inherit all rights, assets,
 131 agreements, appropriations, privileges, and obligations of the
 132 Tri-County Commuter Rail Authority ~~TCRO~~.

133 (3) The authority may exercise all powers necessary,
 134 appurtenant, convenient, or incidental to the carrying out of
 135 the aforesaid purposes, including, but not limited to, the
 136 following rights and powers:

137 (a) To sue and be sued, implead and be impleaded, complain
 138 and defend in all courts in its own name.

139 (b) To adopt and use a corporate seal.

140 (c) To have the power of eminent domain, including the
 141 procedural powers granted under chapters 73 and 74.



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142 (d) To acquire, purchase, hold, lease as a lessee, and use
 143 any franchise or property, real, personal, or mixed, tangible or
 144 intangible, or any interest therein, necessary or desirable for
 145 carrying out the purposes of the authority.

146 (e) To sell, convey, exchange, lease, or otherwise dispose
 147 of any real or personal property acquired by the authority,
 148 including air rights.

149 (f) To fix, alter, establish, and collect rates, fares,
 150 fees, rentals, and other charges for the use of any transit
 151 ~~commuter rail~~ system or transit facilities owned or operated by
 152 the authority.

153 (g) To develop and provide feeder transit services to or
 154 from rail stations within or across county lines.

155 (h) To adopt bylaws for the regulation of the affairs and
 156 the conduct of the business of the authority. The bylaws shall
 157 provide for quorum and voting requirements, maintenance of
 158 minutes and other official records, and preparation and adoption
 159 of an annual budget.

160 (i) To lease, rent, or contract for the operation or
 161 management of any part of a transit ~~commuter rail~~ system or
 162 transit ~~commuter rail~~ facility, including feeder transit
 163 services and concessions. In awarding a contract, the authority
 164 shall consider, but is not limited to, the following:

- 165 1. The qualifications of each applicant.
- 166 2. The level of service.
- 167 3. The efficiency, cost, and anticipated revenue.
- 168 4. The construction, operation, and management plan.
- 169 5. The financial ability to provide reliable service.



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170 6. The impact on other transportation modes, including the
 171 ability to interface with other transportation modes and
 172 facilities.

173 (j) To enforce collection of rates, fees, and charges, and
 174 to establish and enforce fines and penalties for violations of
 175 any rules.

176 (k) To advertise and promote transit ~~commuter rail~~
 177 systems, transit facilities, and activities of the authority.

178 (l) To employ an executive director, attorney, staff, and
 179 consultants.

180 (m) To cooperate with other governmental entities and to
 181 contract with other governmental agencies, including the
 182 Department of Transportation, the Federal Government, regional
 183 planning councils, counties, and municipalities.

184 (n) To enter into joint development agreements.

185 (o) To accept funds from other governmental sources, and
 186 to accept private donations.

187 (p) To purchase by directly contracting with local,
 188 national, or international insurance companies to provide
 189 liability insurance which the authority is contractually and
 190 legally obligated to provide, the requirements of s. 287.022(1),
 191 notwithstanding.

192 (4) The authority shall develop and adopt a plan for the
 193 operation, maintenance, and expansion of the transit system ~~tri-~~
 194 ~~county commuter rail service~~. Such plans ~~plan~~ shall address the
 195 authority's plan for the development of public and private
 196 revenue sources, and the service to be provided, including
 197 expansions of current service which are consistent, to the
 198 maximum extent feasible, with approved local government



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199 comprehensive plans. The plan shall be reviewed and updated
200 annually.

201 (5) The authority, through a resolution of its governing
202 board, may elect to expand its service area and board
203 partnership with any county contiguous to its service area. The
204 board shall determine the conditions and terms, including the
205 number of representatives of such partnership.

206 343.55 Issuance of revenue bonds.--

207 (1) The authority is authorized to borrow money as
208 provided by the State Bond Act for the purpose of paying all or
209 any part of the cost of any one or more South Florida Regional
210 Transportation Authority ~~Tri-County Rail~~ projects. The principal
211 of, and the interest on, such bonds shall be payable solely from
212 revenues pledged for their payment.

213 (2) The proceeds of the bonds of each issue shall be used
214 solely for the payment of the cost of the ~~Tri-County Rail~~
215 projects for which such bonds shall have been issued, except as
216 provided in the State Bond Act. Such proceeds shall be disbursed
217 and used as provided in this part and in such manner and under
218 such restrictions, if any, as the Division of Bond Finance may
219 provide in the resolution authorizing the issuance of such bonds
220 or in the trust agreement securing the same.

221 (3) The Division of Bond Finance is authorized to issue
222 revenue bonds on behalf of the authority to finance or refinance
223 the cost of ~~Tri-County Rail~~ projects.

224 343.56 Bonds not debts or pledges of credit of
225 state.--Revenue bonds issued under the provisions of this part
226 are not debts of the state or pledges of the faith and credit of
227 the state. Such bonds are payable exclusively from revenues



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228 pledged for their payment. All such bonds shall contain a
 229 statement on their face that the state is not obligated to pay
 230 the same or the interest thereon, except from the revenues
 231 pledged for their payment, and that the faith and credit of the
 232 state is not pledged to the payment of the principal or interest
 233 of such bonds. The issuance of revenue bonds under the
 234 provisions of this part does not directly, indirectly, or
 235 contingently obligate the state to levy or to pledge any form of
 236 taxation whatsoever, or to make any appropriation for their
 237 payment. No state funds shall be used to pay the principal or
 238 interest of any bonds issued to finance or refinance any portion
 239 of the South Florida Regional Transportation Authority ~~Tri-~~
 240 ~~County Rail~~ system, and all such bonds shall contain a statement
 241 on their face to this effect. However, federal funds being
 242 passed through the department to the South Florida Regional
 243 Transportation Authority ~~Tri-County Rail system~~ and those state
 244 matching funds required by the United States Department of
 245 Transportation as a condition of federal funding may be used to
 246 pay principal and interest of any bonds issued.

247 343.57 Pledge to bondholders not to restrict certain
 248 rights of authority.--The state pledges to and agrees with the
 249 holders of the bonds issued pursuant to this part that the state
 250 will not limit or restrict the rights vested in the authority to
 251 construct, reconstruct, maintain, and operate any ~~Tri-County~~
 252 ~~Rail~~ project as defined in this part, to establish and collect
 253 such fees or other charges as may be convenient or necessary to
 254 produce sufficient revenues to meet the expenses of maintenance
 255 and operation of the ~~Tri-County Rail~~ system, and to fulfill the
 256 terms of any agreements made with the holders of bonds



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257 authorized by this part. The state further pledges that it will
 258 not in any way impair the rights or remedies of the holders of
 259 such bonds until the bonds, together with interest thereon, are
 260 fully paid and discharged.

261 343.58 User fee.--There is hereby levied and imposed an
 262 annual license user fee in the amount of \$2 for the registration
 263 or renewal of registration of vehicles taxed under s. 320.08 in
 264 the area served by the South Florida Regional Transportation
 265 Authority. The Department of Highway Safety and Motor Vehicles
 266 shall monthly remit the proceeds of the surcharge to the South
 267 Florida Regional Transportation Authority.

268 Section 2. Paragraphs (a) and (b) of subsection (6) of
 269 section 112.3148, Florida Statutes, is amended to read:

270 112.3148 Reporting and prohibited receipt of gifts by
 271 individuals filing full or limited public disclosure of
 272 financial interests and by procurement employees.--

273 (6) (a) Notwithstanding the provisions of subsection (5),
 274 an entity of the legislative or judicial branch, a department or
 275 commission of the executive branch, a water management district
 276 created pursuant to s. 373.069, South Florida Regional
 277 Transportation ~~Tri-County Commuter Rail~~ Authority, the
 278 Technological Research and Development Authority, a county, a
 279 municipality, an airport authority, or a school board may give,
 280 either directly or indirectly, a gift having a value in excess
 281 of \$100 to any reporting individual or procurement employee if a
 282 public purpose can be shown for the gift; and a direct-support
 283 organization specifically authorized by law to support a
 284 governmental entity may give such a gift to a reporting



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285 individual or procurement employee who is an officer or employee
 286 of such governmental entity.

287 (b) Notwithstanding the provisions of subsection (4), a
 288 reporting individual or procurement employee may accept a gift
 289 having a value in excess of \$100 from an entity of the
 290 legislative or judicial branch, a department or commission of
 291 the executive branch, a water management district created
 292 pursuant to s. 373.069, South Florida Regional Transportation
 293 ~~Tri-County Commuter Rail~~ Authority, the Technological Research
 294 and Development Authority, a county, a municipality, an airport
 295 authority, or a school board if a public purpose can be shown
 296 for the gift; and a reporting individual or procurement employee
 297 who is an officer or employee of a governmental entity supported
 298 by a direct-support organization specifically authorized by law
 299 to support such governmental entity may accept such a gift from
 300 such direct-support organization.

301 Section 3. Paragraph (d) of subsection (10) of section
 302 768.28, Florida Statutes, is amended to read:

303 768.28 Waiver of sovereign immunity in tort actions;
 304 recovery limits; limitation on attorney fees; statute of
 305 limitations; exclusions; indemnification; risk management
 306 programs.--

307 (10)

308 (d) For the purposes of this section, operators,
 309 dispatchers, and providers of security for rail services and
 310 rail facility maintenance providers in the South Florida Rail
 311 Corridor, or any of their employees or agents, performing such
 312 services under contract with and on behalf of the South Florida
 313 Regional Transportation ~~Tri-County Commuter Rail~~ Authority or



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314 the Department of Transportation shall be considered agents of
315 the state while acting within the scope of and pursuant to
316 guidelines established in said contract or by rule.

317 Section 4. This act shall take effect upon becoming a law.