



HB 1347

2003

A bill to be entitled

An act relating to rail programs; amending s. 341.302, F.S.; directing the Department of Transportation to provide rail service connecting the Orlando International Airport with a primary transportation hub; defining "primary transportation hub"; providing for acquisition of facilities and equipment; providing for use of certain public rights-of-way; providing for department oversight and applicable criteria; authorizing the department to fix and collect certain charges; providing for use of moneys collected; providing for selection of the route, the hub, and the technology to be used; providing for funds to be used to provide rail service between said airport and the Orange County Convention Center; providing annual state funding; authorizing the issuance of bonds; providing covenant with holders of such revenue bonds or other instruments of indebtedness; authorizing use of certain funds from described sources; providing an effective date.

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

Section 1. Subsection (18) is added to section 341.302, Florida Statutes, to read:

341.302 Rail program, duties and responsibilities of the department.--The department, in conjunction with other governmental units and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs.



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31 Within the resources provided pursuant to chapter 216, and as
32 authorized under Title 49 C.F.R. part 212, the department shall:

33 (18) Provide rail service between a station at the Orlando
34 International Airport and one primary transportation hub serving
35 the needs of visitors to the region and residents of the region
36 working in the tourism industry. For purposes of this
37 subsection, the term "primary transportation hub" means any area
38 to which 10 percent or more of annual air passengers travel from
39 said airport and which contains 25 percent or more of the total
40 transient room rentals in the county in which the hub is
41 located, within a 5-mile radius of the hub, regardless of the
42 county in which such transient room rentals are located.

43 (a) The department may own, lease, and otherwise encumber
44 facilities, equipment, and appurtenances thereto as necessary to
45 provide the rail service, or the department may provide such
46 service by contracts with privately owned service providers. The
47 rail service may use existing public rights-of-way as determined
48 by the department. No costs shall be incurred by the department,
49 or by the project, for the use of any such public right-of-way,
50 whether it be under the jurisdiction of the department or any
51 other public entity.

52 (b) The department may fix, revise, charge, and collect
53 rates, grants, fees, charges, and revenues for the use of the
54 rail service and for the services furnished and may enforce
55 collection of such rates, grants, fees, charges, and revenues.
56 All funds so collected shall first be used to pay the cost of
57 the service's operation and maintenance. Any remaining funds may
58 then be used to pay contractual obligations and the cost of
59 service improvements.

60 (c) The department shall determine the technology used,



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61 the route of the service, and the single hub location and shall
62 select the most direct route between said airport and the hub to
63 achieve the maximum financial viability of the project. In
64 determining financial viability of the service, 50 percent of
65 the funds provided by this section shall be specifically used on
66 that direct route with the lowest estimated capital costs for
67 the project, the highest potential revenues per mile of route,
68 and the greatest ability to accommodate the highest speeds and
69 lowest travel times between said airport and the hub and
70 employing and demonstrating advanced technologies of any
71 available type, notwithstanding s. 341.301(5). The projected
72 operating and maintenance costs of the service shall also be
73 considered. The balance of such funds shall be used to provide
74 rail service between said airport and the Orange County
75 Convention Center. The department shall also consider the
76 availability of federal, local government, and private sources
77 of funding for the service and shall give priority to routes and
78 stations based on such funding commitments.

79 (d) In the event there is no direct route between said
80 airport and a hub which meets the criteria set forth in
81 paragraph (c), or in the event that service is provided on such
82 a route and such service does not require 50 percent of the
83 funds provided for in this section, all funds remaining from the
84 amount provided for in this section shall then be used to
85 provide rail service between said airport and the Orange County
86 Convention Center.

87 (e) Notwithstanding any other provision of law, on July 1,
88 2003, and annually until July 1, 2038, \$10 million from license
89 taxes imposed pursuant to s. 320.08 shall be deposited into the
90 State Transportation Trust Fund solely for the purpose of



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91 funding rail service as provided in this section. Such revenues
92 may be assigned, pledged, or set aside as a trust for the
93 payment of principal or interest on bonds, tax anticipation
94 certificates, or any other form of indebtedness issued by the
95 department. However, such debt shall not constitute a general
96 obligation of the State of Florida. The state does hereby
97 covenant with holders of such revenue bonds or other instruments
98 of indebtedness issued hereunder that it will not repeal,
99 impair, or amend in any manner which will materially and
100 adversely affect the rights of such holders so long as bonds
101 authorized by this paragraph are outstanding. Any revenues which
102 are not pledged to the repayment of bonds as authorized by this
103 paragraph may be utilized for purposes authorized under this
104 subsection, including the payment of project development costs
105 and for operations and maintenance costs of the service. The
106 department is authorized to perform such acts as are required to
107 facilitate and implement the provisions of this subsection. The
108 uses of funds provided pursuant to this paragraph are limited to
109 eligible projects as provided in this subsection. Any revenue
110 bonds or other indebtedness shall be issued by the Division of
111 Bond Finance at the request of the Department of Transportation
112 pursuant to the State Bond Act.

113 (f) In addition to the funds provided under this section,
114 said service shall also be eligible for any and all other funds
115 available under Florida law for the purpose of providing rail
116 transit service.

117 Section 2. This act shall take effect July 1, 2003.