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A bill to be entitled
 An act relating to public transit; amending s. 343.51,
 F.S.; revising the short title; amending s. 343.52, F.S.;
 revising definitions; amending s. 343.53, F.S.;
 redesignating the Tri-County Commuter Rail Authority as
 the South Florida Regional Transportation Authority;
 revising provisions relating to appointment of the
 governing board of the authority; amending s. 343.54,
 F.S.; revising powers and duties of the authority;
 authorizing the authority to expand its service area into
 counties contiguous to the service area of the authority
 upon consent of the board of county commissioners;
 amending s. 336.021, F.S.; revising distribution of moneys
 in the Ninth-cent Fuel Tax Trust Fund; amending ss.
 343.55, 343.56, 343.57, 112.3148, and 768.28, F.S.;
 conforming provisions to changes made by the act;
 providing future repeal of the amendment to s. 336.021(2),
 F.S., under certain circumstances; providing an effective
 date.

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

Section 1. Section 343.51, Florida Statutes, is amended to
 read:

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

Section 2. Section 343.52, Florida Statutes, is amended to
 read:



30 343.52 Definitions.--As used in this part, ~~unless the~~
 31 ~~context clearly indicates otherwise,~~ the term:

32 (1) "Authority" means the South Florida Regional
 33 Transportation Tri-County Commuter Rail Authority.

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

35 (3) "Area served" means Miami-Dade, Broward, and Palm
 36 Beach Counties. However, this area may be expanded by mutual
 37 consent of the authority and the board of county commissioners
 38 representing the proposed expansion area.

39 ~~(4)(3)~~ "Transit system Commuter railroad" means a system
 40 used for the transportation of people and goods by means of,
 41 without limitation, a street railway, an elevated railway having
 42 a fixed guideway, a commuter railroad, a subway, motor vehicles,
 43 or motor buses and includes a complete system of tracks,
 44 ~~guideways,~~ stations, and rolling stock necessary to effectuate
 45 ~~medium-distance to long-distance~~ passenger rail service to or
 46 from the surrounding regional municipalities.

47 ~~(5)(4)~~ "Transit Commuter rail facilities" means property,
 48 and avenues of access, equipment, or buildings built and
 49 installed in Miami-Dade Dade, Broward, and Palm Beach Counties,
 50 which are required to support a transit system ~~for commuter rail~~
 51 ~~or fixed guideway systems.~~

52 ~~(6)(5)~~ "Member" means the individuals constituting the
 53 board.

54 ~~(7)(6)~~ "Feeder transit services" means a transit system
 55 that transports fixed guideway or bus service to transport
 56 passengers to or from rail stations within or across counties.

57 Section 3. Section 343.53, Florida Statutes, is amended to
 58 read:



59 343.53 South Florida Regional Transportation ~~Tri-County~~
 60 ~~Commuter Rail~~ Authority.--

61 (1) There is created and established a body politic and
 62 corporate, an agency of the state, to be known as the "South
 63 Florida Regional Transportation ~~Tri-County Commuter Rail~~
 64 Authority," hereinafter referred to as the "authority."

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

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

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

79 (c) For the initial membership of the board, the Governor
 80 shall appoint a resident of Broward County; the President of the
 81 Senate shall appoint a resident of Miami-Dade County; and the
 82 Speaker of the House of Representatives shall appoint a resident
 83 of Palm Beach County. Upon the expiration of these appointees'
 84 terms, the next appointments to the board shall be as follows:
 85 the Governor shall appoint a resident of Miami-Dade County; the
 86 President of the Senate shall appoint a resident of Palm Beach
 87 County; and the Speaker of the House of Representatives shall



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88 appoint a resident of Broward County. For the next appointments,
89 the Governor shall appoint a resident of Palm Beach County; the
90 President of the Senate shall appoint a resident of Broward
91 County; and the Speaker of the House of Representatives shall
92 appoint a resident of Miami-Dade County. After that, the cycle
93 of appointments is as originally specified. All individuals
94 appointed pursuant to this paragraph shall be qualified electors
95 of their counties of residence. ~~The secretary of the Department~~
96 of Transportation shall appoint one of the district secretaries,
97 or his or her designee, for the districts within which the area
98 served by the tri-county rail is located.

99 (d) If the authority's service area is expanded pursuant
100 to s. 343.54(5), the county containing the new service area
101 shall have three members appointed to the board as follows:

102 1. The county commission of such county shall elect a
103 commissioner as that commission's representative on the board.
104 The commissioner must be a member of the county commission when
105 elected and for the full extent of his or her term.

106 2. The county commission of such county shall appoint a
107 citizen member to the board who is not a member of the county
108 commission but who is a resident and a qualified elector of that
109 county. Insofar as practicable, the citizen member shall
110 represent the business and civic interests of the community.

111 3. The Governor shall appoint a citizen member to the
112 board who is not a member of the county commission but who is a
113 resident and a qualified elector of that county. ~~The other eight~~
114 members of the board shall elect, by a simple majority vote, an
115 at-large member who is a resident and qualified elector in the
116 area served by the tri-county rail.



117 ~~(e) The Governor shall appoint one member to the board who~~
 118 ~~is a resident and qualified elector in the area served by the~~
 119 ~~tri-county rail.~~

120 (3)(a) Members of the governing board of the authority
 121 shall serve 4-year staggered terms, except that the terms of the
 122 appointees of the Governor, the President of the Senate, and the
 123 Speaker of the House of Representatives shall be concurrent.

124 (b) The terms of the board members currently serving on
 125 the authority that is being succeeded by this act shall expire
 126 July 30, 2003, at which time the terms of the members appointed
 127 pursuant to subsection (2) shall commence. The Governor, the
 128 President of the Senate, and the Speaker of the House of
 129 Representatives shall make their appointments to the board
 130 within 30 days after July 30, 2003. ~~The terms of the county~~
 131 ~~commissioners on the governing board of the authority shall be 2~~
 132 ~~years. All other members on the governing board of the~~
 133 ~~authority shall serve staggered 4-year terms. Each member~~
 134 ~~shall hold office until his or her successor has been appointed.~~

135 (4) A vacancy during a term shall be filled by the
 136 respective appointing authority in the same manner as the
 137 original appointment and only for the balance of the unexpired
 138 term.

139 (5) The members of the authority shall serve without ~~not~~
 140 ~~be entitled to~~ compensation, but are entitled to reimbursement
 141 ~~shall be reimbursed~~ for travel expenses actually incurred in
 142 their duties as provided by law.

143 Section 4. Section 343.54, Florida Statutes, is amended to
 144 read:

145 343.54 Powers and duties.--



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

152 (b) It is the express intention of this part that the
 153 authority be authorized to plan, develop, own, purchase, lease,
 154 or otherwise acquire, demolish, construct, improve, relocate,
 155 equip, repair, maintain, operate, and manage a transit ~~commuter~~
 156 ~~rail~~ system and transit ~~commuter rail~~ facilities; to establish
 157 and determine the ~~such~~ policies ~~as may be~~ necessary for the best
 158 interest of the operation and promotion of a transit ~~commuter~~
 159 ~~rail~~ system; and to adopt ~~such~~ rules ~~as may be~~ necessary to
 160 govern the operation of a transit ~~commuter rail~~ system and
 161 transit ~~commuter rail~~ facilities.

162 (c) Notwithstanding subsection (3), the South Florida
 163 Regional Transportation Authority may not exercise the powers in
 164 paragraph (b) in regard to a system for transporting people and
 165 goods by any means owned by another entity without the consent
 166 of such entity.

167 (2) The authority created in this part ~~herein~~ shall be the
 168 successor and assignee of the Tri-County Commuter Rail Authority
 169 ~~Organization~~ (TCRO) and shall inherit all rights, assets,
 170 agreements, appropriations, privileges, and obligations of the
 171 Tri-County Commuter Rail Authority ~~TCRO~~.

172 (3) The authority may exercise all powers necessary,
 173 appurtenant, convenient, or incidental to the carrying out of
 174 the aforesaid purposes, including, but not limited to, the



175 following rights and powers:

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

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

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

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

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

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

192 (g) To develop and provide feeder transit services to or
193 from rail stations within or across counties.

194 (h) To adopt bylaws for the regulation of the affairs and
195 the conduct of the business of the authority. The bylaws shall
196 provide for quorum and voting requirements, maintenance of
197 minutes and other official records, and preparation and adoption
198 of an annual budget.

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



- 204 1. The qualifications of each applicant.
- 205 2. The level of service.
- 206 3. The efficiency, cost, and anticipated revenue.
- 207 4. The construction, operation, and management plan.
- 208 5. The financial ability to provide reliable service.
- 209 6. The impact on other transportation modes, including the
- 210 ability to interface with other transportation modes and
- 211 facilities.
- 212 (j) To enforce collection of rates, fees, and charges, and
- 213 to establish and enforce fines and penalties for violations of
- 214 any rules.
- 215 (k) To advertise and promote transit ~~commuter rail~~
- 216 systems, transit facilities, and activities of the authority.
- 217 (l) To employ an executive director, attorney, staff, and
- 218 consultants.
- 219 (m) To cooperate with other governmental entities and to
- 220 contract with other governmental agencies, including the
- 221 Department of Transportation, the Federal Government, regional
- 222 planning councils, counties, and municipalities.
- 223 (n) To enter into joint development agreements.
- 224 (o) To accept funds from other governmental sources, and
- 225 to accept private donations.
- 226 (p) To purchase by directly contracting with local,
- 227 national, or international insurance companies to provide
- 228 liability insurance which the authority is contractually and
- 229 legally obligated to provide, the requirements of s. 287.022(1),
- 230 notwithstanding.
- 231 (4) The authority shall develop and adopt a plan for the
- 232 operation, maintenance, and expansion of the transit system ~~tri-~~



233 ~~county commuter rail service~~. Such plan shall address the
 234 authority's plan for the development of public and private
 235 revenue sources, and the service to be provided, including
 236 expansions of current service which are consistent, to the
 237 maximum extent feasible, with approved local government
 238 comprehensive plans. The plan shall be reviewed and updated
 239 annually.

240 (5) The authority, by a resolution of its governing board,
 241 may expand its service area and enter into a partnership with
 242 any county that is contiguous to the service area of the
 243 authority. The board shall determine the conditions and terms of
 244 the partnership, except as provided herein. However, the
 245 authority may not expand its service area without the consent of
 246 the board of county commissioners representing the proposed
 247 expansion area.

248 Section 5. Section 343.55, Florida Statutes, is amended to
 249 read:

250 343.55 Issuance of revenue bonds.--

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

257 (2) The proceeds of the bonds of each issue shall be used
 258 solely for the payment of the cost of the ~~Tri-County Rail~~
 259 projects for which such bonds shall have been issued, except as
 260 provided in the State Bond Act. Such proceeds shall be
 261 disbursed and used as provided in this part and in such manner



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262 and under such restrictions, if any, as the Division of Bond
263 Finance may provide in the resolution authorizing the issuance
264 of such bonds or in the trust agreement securing the same.

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

268 Section 6. Section 343.56, Florida Statutes, is amended to
269 read:

270 343.56 Bonds not debts or pledges of credit of
271 state.--Revenue bonds issued under the provisions of this part
272 are not debts of the state or pledges of the faith and credit of
273 the state. Such bonds are payable exclusively from revenues
274 pledged for their payment. All such bonds shall contain a
275 statement on their face that the state is not obligated to pay
276 the same or the interest thereon, except from the revenues
277 pledged for their payment, and that the faith and credit of the
278 state is not pledged to the payment of the principal or interest
279 of such bonds. The issuance of revenue bonds under the
280 provisions of this part does not directly, indirectly, or
281 contingently obligate the state to levy or to pledge any form of
282 taxation whatsoever, or to make any appropriation for their
283 payment. No state funds shall be used to pay the principal or
284 interest of any bonds issued to finance or refinance any portion
285 of the South Florida Regional Transportation Authority transit
286 ~~Tri-County Rail~~ system, and all such bonds shall contain a
287 statement on their face to this effect. However, federal funds
288 being passed through the department to the South Florida
289 Regional Transportation Authority ~~Tri-County Rail system~~ and
290 those state matching funds required by the United States



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291 Department of Transportation as a condition of federal funding
292 may be used to pay principal and interest of any bonds issued.

293 Section 7. Section 343.57, Florida Statutes, is amended to
294 read:

295 343.57 Pledge to bondholders not to restrict certain
296 rights of authority.--The state pledges to and agrees with the
297 holders of the bonds issued pursuant to this part that the state
298 will not limit or restrict the rights vested in the authority to
299 construct, reconstruct, maintain, and operate any ~~Tri-County~~
300 ~~Rail~~ project as defined in this part, to establish and collect
301 such fees or other charges as may be convenient or necessary to
302 produce sufficient revenues to meet the expenses of maintenance
303 and operation of the ~~Tri-County Rail~~ system, and to fulfill the
304 terms of any agreements made with the holders of bonds
305 authorized by this part. The state further pledges that it will
306 not in any way impair the rights or remedies of the holders of
307 such bonds until the bonds, together with interest thereon, are
308 fully paid and discharged.

309 Section 8. Subsection (2) of section 336.021, Florida
310 Statutes, is amended to read:

311 336.021 County transportation system; levy of ninth-cent
312 fuel tax on motor fuel and diesel fuel.--

313 (2)(a)1. The tax collected by the department pursuant to
314 subsection (1) shall be transferred to the Ninth-cent Fuel Tax
315 Trust Fund, which fund is created for distribution to the
316 counties pursuant to paragraph (1)(d). However, in counties that
317 are served by the South Florida Regional Transportation
318 Authority as of July 1, 2003, \$2,670,000 of the receipts due to
319 each county shall be distributed annually to the South Florida



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320 Regional Transportation Authority. If such county, by county
321 referendum, dedicates an alternative funding source to the South
322 Florida Regional Transportation Authority that will provide at
323 least \$2,670,000 of funding each year, then that county may
324 request that the department remit all of the tax that normally
325 would have been due to the county under paragraph (1)(d)
326 directly to the county. The department shall approve such a
327 request provided that a stable funding source generating at
328 least \$2,670,000 each year has been dedicated to funding the
329 South Florida Regional Transportation Authority by that county.

330 2. The department shall deduct the administrative costs
331 incurred by it in collecting, administering, enforcing, and
332 distributing back to the counties the tax, which administrative
333 costs may not exceed 2 percent of collections authorized by this
334 section. The total administrative cost shall be prorated among
335 those counties levying the tax according to the following
336 formula, which shall be revised on July 1 of each year: Two-
337 thirds of the amount deducted shall be based on the county's
338 proportional share of the number of dealers who are registered
339 for purposes of chapter 212 on June 30th of the preceding state
340 fiscal year, and one-third of the amount deducted shall be based
341 on the county's share of the total amount of the tax collected
342 during the preceding state fiscal year. The department has the
343 authority to prescribe and publish all forms upon which reports
344 shall be made to it and other forms and records deemed to be
345 necessary for proper administration and collection of the tax
346 levied by any county and shall adopt rules necessary to enforce
347 this section, which rules shall have the full force and effect
348 of law. The provisions of ss. 206.026, 206.027, 206.028,



349 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075,
 350 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14,
 351 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20,
 352 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27,
 353 206.28, 206.41, 206.416, 206.44, 206.45, 206.48, 206.49, 206.56,
 354 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874,
 355 206.8741, 206.8745, 206.94, and 206.945 shall, as far as
 356 practicable, be applicable to the levy and collection of the tax
 357 imposed pursuant to this section as if fully set out in this
 358 section.

359 (b) The provisions of s. 206.43(7) shall apply to the
 360 incorrect reporting of the tax levied under this section.

361 Section 9. Paragraphs (a) and (b) of subsection (6) of
 362 section 112.3148, Florida Statutes, are amended to read:

363 112.3148 Reporting and prohibited receipt of gifts by
 364 individuals filing full or limited public disclosure of
 365 financial interests and by procurement employees.--

366 (6)(a) Notwithstanding the provisions of subsection (5),
 367 an entity of the legislative or judicial branch, a department or
 368 commission of the executive branch, a water management district
 369 created pursuant to s. 373.069, the South Florida Regional
 370 Transportation ~~Tri-County Commuter Rail~~ Authority, the
 371 Technological Research and Development Authority, a county, a
 372 municipality, an airport authority, or a school board may give,
 373 either directly or indirectly, a gift having a value in excess
 374 of \$100 to any reporting individual or procurement employee if a
 375 public purpose can be shown for the gift; and a direct-support
 376 organization specifically authorized by law to support a
 377 governmental entity may give such a gift to a reporting



378 individual or procurement employee who is an officer or employee
 379 of such governmental entity.

380 (b) Notwithstanding the provisions of subsection (4), a
 381 reporting individual or procurement employee may accept a gift
 382 having a value in excess of \$100 from an entity of the
 383 legislative or judicial branch, a department or commission of
 384 the executive branch, a water management district created
 385 pursuant to s. 373.069, the South Florida Regional
 386 Transportation Tri-County Commuter Rail Authority, the
 387 Technological Research and Development Authority, a county, a
 388 municipality, an airport authority, or a school board if a
 389 public purpose can be shown for the gift; and a reporting
 390 individual or procurement employee who is an officer or employee
 391 of a governmental entity supported by a direct-support
 392 organization specifically authorized by law to support such
 393 governmental entity may accept such a gift from such direct-
 394 support organization.

395 Section 10. Paragraph (d) of subsection (10) of section
 396 768.28, Florida Statutes, is amended to read:

397 768.28 Waiver of sovereign immunity in tort actions;
 398 recovery limits; limitation on attorney fees; statute of
 399 limitations; exclusions; indemnification; risk management
 400 programs.--

401 (10)

402 (d) For the purposes of this section, operators,
 403 dispatchers, and providers of security for rail services and
 404 rail facility maintenance providers in the South Florida Rail
 405 Corridor, or any of their employees or agents, performing such
 406 services under contract with and on behalf of the South Florida



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407 Regional Transportation ~~Tri-County Commuter Rail~~ Authority or
408 the Department of Transportation shall be considered agents of
409 the state while acting within the scope of and pursuant to
410 guidelines established in said contract or by rule.

411 Section 11. If, by January 1, 2006, the South Florida
412 Regional Transportation Authority has not received federal
413 matching dollars based upon the dedication of a portion of the
414 ninth-cent fuel tax under s. 336.021(2), Florida Statutes, as
415 amended by this act, the amendment of that subsection by this
416 act is repealed, and the text of that subsection shall revert to
417 that in existence prior to the effective date of this act,
418 except that any amendments to such text enacted other than by
419 this act shall be preserved and continue to operate to the
420 extent that such amendments are not dependent upon the portions
421 of such text that are repealed pursuant to the provisions of
422 this act.

423 Section 12. This act shall take effect July 1, 2003.