



CHAMBER ACTION

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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

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 ss. 343.55, 343.56, 343.57, 112.3148, and 768.28, F.S.; conforming provisions to changes made by the act; providing for county funding for the authority; providing an effective date.

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



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

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

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

36 343.52 Definitions.--As used in this part, ~~unless the~~
37 ~~context clearly indicates otherwise,~~ the term:

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

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

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

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

53 (5)~~(4)~~ "Transit Commuter rail facilities" means property,
54 and avenues of access, equipment, or buildings built and
55 installed in Miami-Dade ~~Dade~~, Broward, and Palm Beach Counties,



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56 which are required to support a transit system ~~for commuter rail~~
57 ~~or fixed guideway systems.~~

58 (6)~~(5)~~ "Member" means the individuals constituting the
59 board.

60 (7)~~(6)~~ "Feeder transit services" means a transit system
61 that transports ~~fixed guideway or bus service to transport~~
62 passengers to or from rail stations within or across counties.

63 Section 3. Section 343.53, Florida Statutes, is amended to
64 read:

65 343.53 South Florida Regional Transportation ~~Tri-County~~
66 ~~Commuter Rail~~ Authority.--

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

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

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

78 (b) The county commissions of Miami-Dade ~~Dade~~, Broward,
79 and Palm Beach Counties shall each appoint a citizen member to
80 the board who is not a member of the county commission but who
81 is a resident of the county from which he or she is appointed
82 and a qualified elector of that county. Insofar as practicable,



83 the citizen member shall represent the business and civic
84 interests of the community.

85 (c) The secretary of the Department of Transportation
86 shall appoint one of the district secretaries, or his or her
87 designee, for the districts within which the area served by the
88 authority ~~tri-county rail~~ is located.

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

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

96 2. The county commission of such county shall appoint a
97 citizen member to the board who is not a member of the county
98 commission but who is a resident and a qualified elector of that
99 county. Insofar as practicable, the citizen member shall
100 represent the business and civic interests of the community.

101 3. The Governor shall appoint a citizen member to the
102 board who is not a member of the county commission but who is a
103 resident and a qualified elector of that county. ~~The other eight~~
104 members of the board shall elect, by a simple majority vote, an
105 at-large member who is a resident and qualified elector in the
106 area served by the ~~tri-county rail~~.

107 (e) The Governor shall appoint two members ~~one member~~ to
108 the board who are residents and qualified electors ~~is a resident~~
109 ~~and qualified elector~~ in the area served by the authority but
110 who are not residents of the same county and also not residents



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111 of the county in which the district secretary who was appointed
112 pursuant to paragraph (c) is a resident. The residency
113 requirement under this paragraph shall apply only to initial
114 appointments ~~tri-county rail.~~

115 (3)(a) Members of the governing board of the authority
116 shall serve 4-year staggered terms, except that the terms of the
117 appointees of the Governor shall be concurrent.

118 (b) The terms of the board members currently serving on
119 the authority that is being succeeded by this act shall expire
120 July 30, 2003, at which time the terms of the members appointed
121 pursuant to subsection (2) shall commence. The Governor shall
122 make his or her appointments to the board within 30 days after
123 July 30, 2003. ~~The terms of the county commissioners on the~~
124 ~~governing board of the authority shall be 2 years. All other~~
125 ~~members on the governing board of the authority shall serve~~
126 ~~staggered 4-year terms. Each member shall hold office until his~~
127 ~~or her successor has been appointed.~~

128 (4) A vacancy during a term shall be filled by the
129 respective appointing authority in the same manner as the
130 original appointment and only for the balance of the unexpired
131 term.

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

136 Section 4. Section 343.54, Florida Statutes, is amended to
137 read:

138 343.54 Powers and duties.--



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

145 (b) It is the express intention of this part that the
146 authority be authorized to plan, develop, own, purchase, lease,
147 or otherwise acquire, demolish, construct, improve, relocate,
148 equip, repair, maintain, operate, and manage a transit ~~commuter~~
149 ~~rail~~ system and transit ~~commuter-rail~~ facilities; to establish
150 and determine the ~~such~~ policies ~~as may be~~ necessary for the best
151 interest of the operation and promotion of a transit ~~commuter~~
152 ~~rail~~ system; and to adopt ~~such~~ rules ~~as may be~~ necessary to
153 govern the operation of a transit ~~commuter-rail~~ system and
154 transit ~~commuter-rail~~ facilities. It is the intent of the
155 Legislature that the South Florida Regional Transportation
156 Authority shall have the overall authority to coordinate,
157 develop, and operate a regional transportation system within the
158 area served.

159 (c) Notwithstanding subsection (3), the South Florida
160 Regional Transportation Authority may not exercise the powers in
161 paragraph (b) in regard to an existing system for transporting
162 people and goods by any means owned by another entity without
163 the consent of such entity. This paragraph does not preclude the
164 South Florida Regional Transportation Authority from having the
165 primary responsibility to develop and coordinate transportation



166 systems within the South Florida Regional Transportation
 167 Authority service area.

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

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

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

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

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

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

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

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



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

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

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

- 205 1. The qualifications of each applicant.
- 206 2. The level of service.
- 207 3. The efficiency, cost, and anticipated revenue.
- 208 4. The construction, operation, and management plan.
- 209 5. The financial ability to provide reliable service.
- 210 6. The impact on other transportation modes, including the
211 ability to interface with other transportation modes and
212 facilities.

213 (j) To enforce collection of rates, fees, and charges, and
214 to establish and enforce fines and penalties for violations of
215 any rules.

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

218 (l) To employ an executive director, attorney, staff, and
219 consultants.



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220 (m) To cooperate with other governmental entities and to
 221 contract with other governmental agencies, including the
 222 Department of Transportation, the Federal Government, regional
 223 planning councils, counties, and municipalities.

224 (n) To enter into joint development agreements.

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

227 (p) To purchase by directly contracting with local,
 228 national, or international insurance companies to provide
 229 liability insurance which the authority is contractually and
 230 legally obligated to provide, the requirements of s. 287.022(1),
 231 notwithstanding.

232 (4) The authority shall develop and adopt a plan for the
 233 operation, maintenance, and expansion of the transit system ~~tri-~~
 234 ~~county commuter rail service~~. Such plan shall address the
 235 authority's plan for the development of public and private
 236 revenue sources, and the service to be provided, including
 237 expansions of current service which are consistent, to the
 238 maximum extent feasible, with approved local government
 239 comprehensive plans. The plan shall be reviewed and updated
 240 annually.

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



248 expansion area, and no county may be added to the service area
 249 except in the year when federal reauthorization legislation for
 250 transportation funds is passed.

251 Section 5. Section 343.55, Florida Statutes, is amended to
 252 read:

253 343.55 Issuance of revenue bonds.--

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

260 (2) The proceeds of the bonds of each issue shall be used
 261 solely for the payment of the cost of the ~~Tri-County Rail~~
 262 projects for which such bonds shall have been issued, except as
 263 provided in the State Bond Act. Such proceeds shall be
 264 disbursed and used as provided in this part and in such manner
 265 and under such restrictions, if any, as the Division of Bond
 266 Finance may provide in the resolution authorizing the issuance
 267 of such bonds or in the trust agreement securing the same.

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

271 Section 6. Section 343.56, Florida Statutes, is amended to
 272 read:

273 343.56 Bonds not debts or pledges of credit of
 274 state.--Revenue bonds issued under the provisions of this part
 275 are not debts of the state or pledges of the faith and credit of



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

296 Section 7. Section 343.57, Florida Statutes, is amended to
 297 read:

298 343.57 Pledge to bondholders not to restrict certain
 299 rights of authority.--The state pledges to and agrees with the
 300 holders of the bonds issued pursuant to this part that the state
 301 will not limit or restrict the rights vested in the authority to
 302 construct, reconstruct, maintain, and operate any ~~Tri-County~~
 303 ~~Rail~~ project as defined in this part, to establish and collect



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304 such fees or other charges as may be convenient or necessary to
305 produce sufficient revenues to meet the expenses of maintenance
306 and operation of the ~~Tri-County Rail~~ system, and to fulfill the
307 terms of any agreements made with the holders of bonds
308 authorized by this part. The state further pledges that it will
309 not in any way impair the rights or remedies of the holders of
310 such bonds until the bonds, together with interest thereon, are
311 fully paid and discharged.

312 Section 8. Paragraphs (a) and (b) of subsection (6) of
313 section 112.3148, Florida Statutes, are amended to read:

314 112.3148 Reporting and prohibited receipt of gifts by
315 individuals filing full or limited public disclosure of
316 financial interests and by procurement employees.--

317 (6)(a) Notwithstanding the provisions of subsection (5),
318 an entity of the legislative or judicial branch, a department or
319 commission of the executive branch, a water management district
320 created pursuant to s. 373.069, the South Florida Regional
321 Transportation ~~Tri-County Commuter Rail~~ Authority, the
322 Technological Research and Development Authority, a county, a
323 municipality, an airport authority, or a school board may give,
324 either directly or indirectly, a gift having a value in excess
325 of \$100 to any reporting individual or procurement employee if a
326 public purpose can be shown for the gift; and a direct-support
327 organization specifically authorized by law to support a
328 governmental entity may give such a gift to a reporting
329 individual or procurement employee who is an officer or employee
330 of such governmental entity.



331 (b) Notwithstanding the provisions of subsection (4), a
 332 reporting individual or procurement employee may accept a gift
 333 having a value in excess of \$100 from an entity of the
 334 legislative or judicial branch, a department or commission of
 335 the executive branch, a water management district created
 336 pursuant to s. 373.069, the South Florida Regional
 337 Transportation Tri-County Commuter Rail Authority, the
 338 Technological Research and Development Authority, a county, a
 339 municipality, an airport authority, or a school board if a
 340 public purpose can be shown for the gift; and a reporting
 341 individual or procurement employee who is an officer or employee
 342 of a governmental entity supported by a direct-support
 343 organization specifically authorized by law to support such
 344 governmental entity may accept such a gift from such direct-
 345 support organization.

346 Section 9. Paragraph (d) of subsection (10) of section
 347 768.28, Florida Statutes, is amended to read:

348 768.28 Waiver of sovereign immunity in tort actions;
 349 recovery limits; limitation on attorney fees; statute of
 350 limitations; exclusions; indemnification; risk management
 351 programs.--

352 (10)

353 (d) For the purposes of this section, operators,
 354 dispatchers, and providers of security for rail services and
 355 rail facility maintenance providers in the South Florida Rail
 356 Corridor, or any of their employees or agents, performing such
 357 services under contract with and on behalf of the South Florida
 358 Regional Transportation Tri-County Commuter Rail Authority or



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

362 Section 10. County funding for the South Florida Regional
363 Transportation Authority.--

364 (1) Each county served by the South Florida Regional
365 Transportation Authority must dedicate \$2.67 million to that
366 authority annually. The recurring annual \$2.67 million must be
367 dedicated by the governing body of each county by August 1,
368 2003. Notwithstanding ss. 206.41 and 206.87, Florida Statutes,
369 such dedicated funding may come from each county's share of the
370 ninth-cent fuel tax, the local option fuel tax, or any other
371 source of local gas taxes or other nonfederal funds available to
372 the counties.

373 (2) Additionally, each county shall continue to annually
374 fund the operations of the South Florida Regional Transportation
375 Authority in an amount not less than \$1.565 million. Such funds
376 pursuant to this subsection shall also be considered a dedicated
377 funding source and shall come from nonfederal funds.

378
379 If, by December 31, 2009, the South Florida Regional
380 Transportation Authority has not received federal matching
381 dollars based upon the dedication of funds pursuant to
382 subsection (1), then subsection (1) is repealed.

383 Section 11. This act shall take effect July 1, 2003.