



1                                   A bill to be entitled  
 2           An act relating to public transit; amending s. 343.51,  
 3           F.S.; revising the short title; amending s. 343.52, F.S.;  
 4           revising definitions; amending s. 343.53, F.S.;  
 5           redesignating the Tri-County Commuter Rail Authority as  
 6           the South Florida Regional Transportation Authority;  
 7           revising provisions relating to appointment of the  
 8           governing board of the authority; amending s. 343.54,  
 9           F.S.; revising powers and duties of the authority;  
 10          providing conditions for acquisition of an existing entity  
 11          by the authority; authorizing the authority to expand its  
 12          service area into counties contiguous to the service area  
 13          of the authority upon consent of the board of county  
 14          commissioners; amending ss. 343.55, 343.56, 343.57,  
 15          112.3148, and 768.28, F.S.; conforming provisions to  
 16          changes made by the act; providing for county funding for  
 17          the authority; authorizing a tax on registration;  
 18          requiring approval by referendum for such tax; providing  
 19          for distribution to the authority of moneys received for  
 20          said tax; providing a statement of important state  
 21          interest; providing an effective date.

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

24  
 25           Section 1.   Section 343.51, Florida Statutes, is amended to  
 26   read:



27           343.51 Part ~~Short~~ title.--This part may be cited as the  
28 "South Florida Regional Transportation Tri-County Commuter Rail  
29 Authority Act."

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

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

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

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



54        ~~(6)~~<sup>(5)</sup> "Member" means the individuals constituting the  
55 board.

56        ~~(7)~~<sup>(6)</sup> "Feeder transit services" means a transit system  
57 that transports fixed guideway or bus service to transport  
58 passengers to or from rail stations within or across counties.

59        Section 3. Section 343.53, Florida Statutes, is amended to  
60 read:

61        343.53 South Florida Regional Transportation ~~Tri-County~~  
62 ~~Commuter Rail~~ Authority.--

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

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

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

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



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

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

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

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

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

103 (e) The Governor shall appoint two members ~~one member~~ to  
104 the board who are residents and qualified electors ~~is a resident~~  
105 ~~and qualified elector~~ in the area served by the authority but  
106 who are not residents of the same county and also not residents  
107 of the county in which the district secretary who was appointed  
108 pursuant to paragraph (c) is a resident ~~tri-county rail~~.



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

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

122           (4) A vacancy during a term shall be filled by the  
123 respective appointing authority in the same manner as the  
124 original appointment and only for the balance of the unexpired  
125 term.

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

130           Section 4. Section 343.54, Florida Statutes, is amended to  
131 read:

132           343.54 Powers and duties.--

133           (1)(a) The authority created and established by this part  
134 shall have the right to own, operate, maintain, and manage a  
135 transit ~~commuter~~ rail system in the tri-county area of Broward,  
136 Miami-Dade ~~Dade~~, and Palm Beach Counties, hereinafter referred



137 to as the South Florida Regional Transportation Authority Tri-  
138 County Rail.

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

153 (c) Notwithstanding subsection (3), the South Florida  
154 Regional Transportation Authority may not exercise the powers in  
155 paragraph (b) in regard to an existing system for transporting  
156 people and goods by any means owned by another entity without  
157 the consent of such entity. Furthermore, if the authority  
158 acquires, purchases, operates, condemns, or inherits an existing  
159 entity, it shall also inherit and assume all rights, assets,  
160 labor agreements, appropriations, privileges, and obligations of  
161 the existing entity. This paragraph does not preclude the South  
162 Florida Regional Transportation Authority from having the  
163 primary responsibility to develop and coordinate transportation



164 systems within the South Florida Regional Transportation  
165 Authority service area.

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

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

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

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

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

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

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

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



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

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

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

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

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

214 (k) To advertise and promote transit ~~commuter-rail~~  
215 systems, transit facilities, and activities of the authority.

216 (l) To employ an executive director, attorney, staff, and  
217 consultants.





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

222 (n) To enter into joint development agreements.

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

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

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

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



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

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

251 343.55 Issuance of revenue bonds.--

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

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

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

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

271 343.56 Bonds not debts or pledges of credit of  
272 state.--Revenue bonds issued under the provisions of this part  
273 are not debts of the state or pledges of the faith and credit of



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

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

296 343.57 Pledge to bondholders not to restrict certain  
297 rights of authority.--The state pledges to and agrees with the  
298 holders of the bonds issued pursuant to this part that the state  
299 will not limit or restrict the rights vested in the authority to  
300 construct, reconstruct, maintain, and operate any ~~Tri-County~~  
301 ~~Rail~~ project as defined in this part, to establish and collect



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

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

312 112.3148 Reporting and prohibited receipt of gifts by  
313 individuals filing full or limited public disclosure of  
314 financial interests and by procurement employees.--

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



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

344 Section 9. Paragraph (d) of subsection (10) of section  
345 768.28, Florida Statutes, is amended to read:

346 768.28 Waiver of sovereign immunity in tort actions;  
347 recovery limits; limitation on attorney fees; statute of  
348 limitations; exclusions; indemnification; risk management  
349 programs.--

350 (10)

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



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

360 Section 10. County funding for the South Florida Regional  
361 Transportation Authority.--

362 (1) Each county served by the South Florida Regional  
363 Transportation Authority must dedicate \$2.67 million to that  
364 authority annually. The recurring annual \$2.67 million must be  
365 dedicated by the governing body of each county by August 1,  
366 2003. Notwithstanding ss. 206.41 and 206.87, Florida Statutes,  
367 such dedicated funding may come from each county's share of the  
368 ninth-cent fuel tax, the local option fuel tax, or any other  
369 source of local gas taxes or other nonfederal funds available to  
370 the counties. Additionally, the Legislature authorizes the levy  
371 of an annual license tax in the amount of \$2 for the  
372 registration or renewal of registration of each vehicle taxed  
373 under s. 320.08 and registered in the area served by the South  
374 Florida Regional Transportation Authority. The annual license  
375 tax shall take effect in any county served by the authority upon  
376 approval by a vote of at least a majority of qualified electors  
377 who participate in the vote in that respective county. Following  
378 approval by the residents in a county served by the authority,  
379 the annual license tax shall be levied and the Department of  
380 Highway Safety and Motor Vehicles shall remit the proceeds each  
381 month from the tax to the South Florida Regional Transportation  
382 Authority.

383 (2) Additionally, each county shall continue to annually  
384 fund the operations of the South Florida Regional Transportation



385 Authority in an amount not less than \$1.565 million. Such funds  
386 pursuant to this subsection shall also be considered a dedicated  
387 funding source.

388  
389 If, by December 31, 2009, the South Florida Regional  
390 Transportation Authority has not received federal matching  
391 dollars based upon the dedication of funds pursuant to  
392 subsection (1), then subsection (1) is repealed.

393       Section 11. The Legislature finds that a proper and  
394 legitimate state purpose is served in the effective and  
395 efficient planning and operation of a regional transportation  
396 system.

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