

By Senator Constantine

22-249A-03

1 A bill to be entitled
 2 An act relating to transportation; providing a
 3 short title; creating the Central Florida Air
 4 and Surface Transportation Authority; providing
 5 definitions; providing powers, duties, and
 6 objectives; providing that the authority shall
 7 serve as the metropolitan planning organization
 8 for Orlando, Seminole, and Osceola Counties;
 9 limiting obligation of the state; guaranteeing
 10 certain rights of the authority; abolishing the
 11 Central Florida Regional Transportation
 12 Authority and Metroplan Orlando and
 13 transferring rights, assets, privileges,
 14 obligations, and liabilities to that authority;
 15 repealing part II of ch. 343, F.S., relating to
 16 the Central Florida Regional Transportation
 17 Authority; providing an effective date.

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

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 21 Section 1. Short title.--This act may be cited as the
 22 "Central Florida Air and Surface Transportation Authority
 23 Act."

24 Section 2. Definitions.--As used in this act, the
 25 term:

26 (1) "Authority" means the Central Florida Air and
 27 Surface Transportation Authority.

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

29 (3) "Member" means an individual serving on the board.

30 (4) "Public Transportation" means transportation of
 31 goods and passengers for hire, as a charter service, or

1 without charge, by means of a street, railway, elevated
2 railway or fixed guideway, commuter railroad, subway, motor
3 vehicle, motor bus or truck, or other means of conveyance
4 operating as a common carrier or otherwise.

5 (5) "Public transportation facilities" means property,
6 equipment, or buildings that are acquired, built, installed,
7 or established for public transportation systems.

8 (6) "Public transportation system" means a combination
9 of real and personal property, structures, improvements,
10 buildings, terminals, parking facilities, equipment, plans,
11 and rights-of-way, public rail and fixed guideway
12 transportation facilities, rail or fixed guideway access to,
13 from, or between other transportation terminals, and commuter
14 railroads and rail facilities used, directly or indirectly,
15 for public transportation by automobile, truck, bus, rapid
16 transit vehicle, light rail, or heavy rail.

17 Section 3. Central Florida Air and Surface
18 Transportation Authority.--

19 (1) There is created a state agency to be known as the
20 Central Florida Air and Surface Transportation Authority.

21 (2) The governing board of the authority shall consist
22 of no more than 14 voting members as follows:

23 (a) Eight elected members from Orange County, one of
24 whom is the chair of the county commission or a county
25 commissioner appointed by the chair, four of whom are county
26 commissioners, and two of whom are elected officials from the
27 largest city in the county, as determined by the most recent
28 federal decennial census, and one of whom shall be an elected
29 official from the second largest city in the county, as
30 determined by the most recent federal decennial census.

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1 (b) Four elected members from Seminole County, one of
2 whom is the chair of the county commission or a county
3 commissioner appointed by the chair, two of whom are county
4 commissioners, and one of whom is an elected official from the
5 largest city in the county, as determined by the most recent
6 federal decennial census.

7 (c) Two elected members from Osceola County, one of
8 whom is the chair of the county commission or a county
9 commissioner appointed by the chair, and one of whom is an
10 elected official from the largest city in the county, as
11 determined by the most recent federal decennial census.

12 (d) A representative of each popularly elected public
13 agency that administers or operates a major mode of
14 transportation in the authority service area.

15 (e) The district Secretary of Transportation, or the
16 district secretary's appointee, who shall serve as the only
17 ex-officio member.

18 (f) A vacancy during a term shall be filled by the
19 respective appointing authority for the balance of the
20 unexpired term in the same manner as the original appointment.

21 (g) The board shall be reapportioned every 10 years
22 beginning in 2010, based upon the most recent federal
23 decennial census.

24 Section 4. Powers and duties.--

25 (1)(a) The authority may own, operate, maintain, and
26 manage a public transportation system in Seminole, Orange, and
27 Osceola Counties.

28 (b) The authority may plan, develop, own, purchase,
29 lease, or otherwise acquire, demolish, construct, improve,
30 relocate, equip, repair, maintain, operate, and manage a
31 regional public transportation system and facilities;

1 establish and determine policies for the operation and
2 promotion of a public transportation system; and adopt rules
3 to govern the operation of the public transportation system
4 and facilities.

5 (2) The authority may exercise all powers necessary,
6 appurtenant, convenient, or incidental to carrying out its
7 purposes, including the following rights and powers:

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

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

11 (c) To have the power of eminent domain for
12 acquisition of the public transportation facilities.

13 (d) To acquire, purchase, hold, lease, or use any
14 franchise or property, real, personal, or mixed, tangible or
15 intangible, or any interest therein, necessary or desirable to
16 implement its purposes.

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

20 (f) To fix, alter, establish, and collect rates,
21 fares, fees, rentals, and other charges for the use of any
22 public transportation system or facilities owned or operated
23 by the authority.

24 (g) To develop and provide feeder transit services to
25 rail stations.

26 (h) To adopt bylaws for the regulation of its affairs
27 and business. The bylaws shall provide for quorum and voting
28 requirements, maintenance of minutes and other official
29 records, and preparation and adoption of an annual budget.

30 (i) To lease, rent, or contract for the operation or
31 management of any act of a public transportation system or

1 facility, including concessions. In awarding a contract, the
2 authority shall consider:

3 1. The qualifications of each applicant;

4 2. The level of service;

5 3. The efficiency, cost, and anticipated revenue;

6 4. The construction, operation, and management plan;

7 5. The financial ability to provide reliable service;

8 and

9 6. The impact on other transportation modes, including
10 the ability to interface with other transportation modes and
11 facilities.

12 (j) To enforce the collection of fares, fees, and
13 charges and to establish and enforce fines and penalties for
14 rule violations.

15 (k) To advertise and promote public transportation
16 systems and facilities and activities of the authority.

17 (l) To cooperate and contract with other governmental
18 entities, including the Department of Transportation, federal
19 agencies, counties, and municipalities.

20 (m) To enter into joint development agreements.

21 (n) To accept funds from other governmental sources
22 and accept private donations.

23 (o) To purchase liability insurance which the
24 authority is contractually or legally obligated to provide,
25 the requirements of section 287.022(1), Florida Statutes,
26 outstanding.

27 (p) To create advisory panels to coordinate rail, bus
28 and other modes of transportation systems considered
29 necessary.

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1 (q) The authority shall be governed by the provisions
2 of chapter 120, Florida Statutes, in actions taken by the
3 board.

4 (3) The authority shall develop and adopt a plan for
5 the development of the Central Florida Rail System, which
6 addresses the plan for the development of public and private
7 revenue sources, funding of capital and operating costs,
8 service to be provided, and the extent to which counties
9 within the area of operation of the authority will be served.
10 The plan shall be reviewed and updated annually and must be
11 consistent, to the maximum extent feasible, with the approved
12 local government comprehensive plans of the local governments
13 served by the authority.

14 (4) The authority may employ an executive director and
15 legal, financial, or other professional staff or consultants,
16 technical experts, engineers, and other employees and may
17 determine the qualifications and fix the compensation of such
18 persons. The authority may establish a personnel system.

19 (5) The authority may delegate to its officers or
20 employees any powers it deems necessary to implement this act,
21 subject to the supervision and control by the authority.

22 (6) With the approval of the Legislature, the board by
23 resolution, may expand its service area and board partnership
24 with any county that is contiguous to its service area. The
25 board may recommend to the Legislature the conditions and
26 terms, including the number of representatives of such
27 partnership. Upon approval of the county commissioners, the
28 board may recommend to the Legislature changes to the board
29 composition.

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