

By Senator Geller

31-214B-03

1                                   A bill to be entitled  
2           An act relating to public transit; amending s.  
3           343.51, F.S.; providing a short title; amending  
4           s. 343.52, F.S.; revising definitions; amending  
5           s. 343.53, F.S.; redesignating the Tri-County  
6           Commuter Rail Authority as the South Florida  
7           Regional Transportation Authority; providing  
8           for a governing board of the authority;  
9           amending s. 343.54, F.S.; revising powers and  
10          duties of the authority with respect to  
11          planning and operating a transit system within  
12          a specified area of the state; authorizing the  
13          authority to expand its service area into  
14          counties contiguous to the service area of the  
15          authority upon consent of the board of county  
16          commissioners; amending ss. 343.55, 343.56,  
17          343.57, F.S.; providing for the authority to  
18          issue and pay revenue bonds; providing that the  
19          bonds are not debts or pledges of credit of the  
20          state; creating s. 343.58, F.S.; authorizing  
21          the levy of an annual license user fee upon  
22          registration or renewal of registration of a  
23          vehicle registered within the area served by  
24          the authority; providing that the license user  
25          fee may not be imposed unless it is approved by  
26          at least a majority plus one of the members of  
27          the governing body of each of the counties  
28          served by the authority; requiring the  
29          Department of Highway Safety and Motor Vehicles  
30          to remit proceeds of the license user fee to  
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1           the South Florida Regional Transportation  
2           Authority; providing an effective date.

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

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

8           343.51 Short title.--This part may be cited as the  
9 "South Florida Regional Transportation ~~Tri-County Commuter~~  
10 ~~Rail~~ Authority Act."

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

13           343.52 Definitions.--As used in this part, ~~unless the~~  
14 ~~context clearly indicates otherwise,~~the term:

15           (1) "Authority" means the South Florida Regional  
16 Transportation ~~Tri-County Commuter Rail~~ Authority.

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

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

22           (4)~~(3)~~ "Transit system" ~~"Commuter railroad"~~ means a  
23 system used for the transportation of people and goods by  
24 means of, without limitation, a street railway, an elevated  
25 railway having a fixed guideway, a commuter railroad, a  
26 subway, motor vehicles, or motor buses, and includes a  
27 complete system of tracks, ~~guideways,~~ stations, and rolling  
28 stock necessary to effectuate ~~medium-distance to long-distance~~  
29 passenger ~~rail~~ service to or from the surrounding regional  
30 municipalities.

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1           (5)(4) "Transit ~~Commuter rail~~ facilities" means  
2 property, and avenues of access, equipment, or buildings built  
3 and installed in Miami-Dade ~~Dade~~, Broward, and Palm Beach  
4 Counties, which are required to support a transit system for  
5 ~~commuter rail or fixed guideway systems.~~

6           (6)(5) "Member" means the individuals constituting the  
7 board.

8           (7)(6) "Feeder transit services" means a transit  
9 system that transports ~~fixed guideway or bus service to~~  
10 transport passengers to or from rail stations within or across  
11 counties.

12           Section 3. Section 343.53, Florida Statutes, is  
13 amended to read:

14           343.53 South Florida Regional Transportation  
15 ~~Tri-County Commuter Rail Authority.--~~

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

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

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

27           (b) The county commissions of Miami-Dade ~~Dade~~,  
28 Broward, and Palm Beach Counties shall each appoint a citizen  
29 member to the board who is not a member of the county  
30 commission but who is a resident of the county from which he  
31 or she is appointed and a qualified elector of that county.

1 Insofar as practicable, the citizen member shall represent the  
2 business and civic interests of the community.

3 (c) The secretary of the Department of Transportation  
4 shall appoint one of the district secretaries, or his or her  
5 designee, for the districts within ~~which~~ the area served by  
6 the South Florida Regional Transportation Authority tri-county  
7 ~~rail is located~~.

8 (d) The other eight members of the board shall elect,  
9 by a simple majority vote, an at-large member who is a  
10 resident and qualified elector in the area served by the  
11 South Florida Regional Transportation Authority tri-county  
12 ~~rail~~.

13 (e) The Governor shall appoint one member to the board  
14 who is a resident and qualified elector in the area served by  
15 the South Florida Regional Transportation Authority tri-county  
16 ~~rail~~.

17 (3) The terms of the county commissioners on the  
18 governing board of the authority shall be 2 years. All other  
19 members on the governing board of the authority shall be  
20 appointed to serve staggered 4-year terms. Each member shall  
21 hold office until his or her successor has been appointed.

22 (4) A vacancy during a term shall be filled by the  
23 respective appointing authority in the same manner as the  
24 original appointment and only for the balance of the unexpired  
25 term.

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

30 Section 4. Section 343.54, Florida Statutes, is  
31 amended to read:

1           343.54 Powers and duties.--

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

8           (b) It is the express intention of this part that the  
9 authority be authorized to plan, develop, own, purchase,  
10 lease, or otherwise acquire, demolish, construct, improve,  
11 relocate, equip, repair, maintain, operate, and manage a  
12 transit ~~commuter rail~~ system and transit ~~commuter rail~~  
13 facilities; to establish and determine the ~~such~~ policies ~~as~~  
14 ~~may be~~ necessary for the best interest of the operation and  
15 promotion of a transit ~~commuter rail~~ system; and to adopt ~~such~~  
16 rules ~~as may be~~ necessary to govern the operation of a transit  
17 ~~commuter rail~~ system and transit ~~commuter rail~~ facilities.

18           (2) The authority created in this part ~~herein~~ shall be  
19 the successor and assignee of the Tri-County Commuter Rail  
20 Authority ~~Organization (TCRO)~~ and shall inherit all rights,  
21 assets, agreements, appropriations, privileges, and  
22 obligations of the Tri-County Commuter Rail Authority ~~TCRO~~.

23           (3) The authority may exercise all powers necessary,  
24 appurtenant, convenient, or incidental to the carrying out of  
25 the aforesaid purposes, including, but not limited to, the  
26 following rights and powers:

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

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

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

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

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

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

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

14 (h) To adopt bylaws for the regulation of the affairs  
15 and the conduct of the business of the authority. The bylaws  
16 shall provide for quorum and voting requirements, maintenance  
17 of minutes and other official records, and preparation and  
18 adoption of an annual budget.

19 (i) To lease, rent, or contract for the operation or  
20 management of any part of a transit ~~commuter rail~~ system or  
21 transit ~~commuter rail~~ facility, including feeder transit  
22 services and concessions. In awarding a contract, the  
23 authority shall consider, but is not limited to, the  
24 following:

- 25 1. The qualifications of each applicant.
- 26 2. The level of service.
- 27 3. The efficiency, cost, and anticipated revenue.
- 28 4. The construction, operation, and management plan.
- 29 5. The financial ability to provide reliable service.

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1           6. The impact on other transportation modes, including  
2 the ability to interface with other transportation modes and  
3 facilities.

4           (j) To enforce collection of rates, fees, and charges,  
5 and to establish and enforce fines and penalties for  
6 violations of any rules.

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

9           (l) To employ an executive director, attorney, staff,  
10 and consultants.

11           (m) To cooperate with other governmental entities and  
12 to contract with other governmental agencies, including the  
13 Department of Transportation, the Federal Government, regional  
14 planning councils, counties, and municipalities.

15           (n) To enter into joint development agreements.

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

18           (p) To purchase by directly contracting with local,  
19 national, or international insurance companies to provide  
20 liability insurance which the authority is contractually and  
21 legally obligated to provide, the requirements of s.  
22 287.022(1), notwithstanding.

23           (4) The authority shall develop and adopt a plan for  
24 the operation, maintenance, and expansion of the transit  
25 system ~~tri-county commuter rail service~~. Such plan shall  
26 address the authority's plan for the development of public and  
27 private revenue sources, and the service to be provided,  
28 including expansions of current service which are consistent,  
29 to the maximum extent feasible, with approved local government  
30 comprehensive plans. The plan shall be reviewed and updated  
31 annually.

1           (5) The authority, by a resolution of its governing  
2 board, may expand its service area and enter into a  
3 partnership with any county that is contiguous to the service  
4 area of the authority. The board shall determine the  
5 conditions and terms of the partnership, including the number  
6 of representatives of the partnership. However, the authority  
7 may not expand its service area without the consent of the  
8 board of county commissioners representing the proposed  
9 expansion area.

10           Section 5. Section 343.55, Florida Statutes, is  
11 amended to read:

12           343.55 Issuance of revenue bonds.--

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

20           (2) The proceeds of the bonds of each issue shall be  
21 used solely for the payment of the cost of the ~~Tri-County Rail~~  
22 projects for which such bonds shall have been issued, except  
23 as provided in the State Bond Act. Such proceeds shall be  
24 disbursed and used as provided in this part and in such manner  
25 and under such restrictions, if any, as the Division of Bond  
26 Finance may provide in the resolution authorizing the issuance  
27 of such bonds or in the trust agreement securing the same.

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

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1           Section 6. Section 343.56, Florida Statutes, is  
2 amended to read:

3           343.56 Bonds not debts or pledges of credit of  
4 state.--Revenue bonds issued under the provisions of this part  
5 are not debts of the state or pledges of the faith and credit  
6 of the state. Such bonds are payable exclusively from  
7 revenues pledged for their payment. All such bonds shall  
8 contain a statement on their face that the state is not  
9 obligated to pay the same or the interest thereon, except from  
10 the revenues pledged for their payment, and that the faith and  
11 credit of the state is not pledged to the payment of the  
12 principal or interest of such bonds. The issuance of revenue  
13 bonds under the provisions of this part does not directly,  
14 indirectly, or contingently obligate the state to levy or to  
15 pledge any form of taxation whatsoever, or to make any  
16 appropriation for their payment. No state funds shall be used  
17 to pay the principal or interest of any bonds issued to  
18 finance or refinance any portion of the South Florida Regional  
19 Transportation Authority transit ~~Tri-County Rail~~ system, and  
20 all such bonds shall contain a statement on their face to this  
21 effect. However, federal funds being passed through the  
22 department to the South Florida Regional Transportation  
23 Authority ~~Tri-County Rail system~~ and those state matching  
24 funds required by the United States Department of  
25 Transportation as a condition of federal funding may be used  
26 to pay principal and interest of any bonds issued.

27           Section 7. Section 343.57, Florida Statutes, is  
28 amended to read:

29           343.57 Pledge to bondholders not to restrict certain  
30 rights of authority.--The state pledges to and agrees with the  
31 holders of the bonds issued pursuant to this part that the

1 state will not limit or restrict the rights vested in the  
2 authority to construct, reconstruct, maintain, and operate any  
3 ~~Tri-County Rail~~ project as defined in this part, to establish  
4 and collect such fees or other charges as may be convenient or  
5 necessary to produce sufficient revenues to meet the expenses  
6 of maintenance and operation of the ~~Tri-County Rail~~ system,  
7 and to fulfill the terms of any agreements made with the  
8 holders of bonds authorized by this part. The state further  
9 pledges that it will not in any way impair the rights or  
10 remedies of the holders of such bonds until the bonds,  
11 together with interest thereon, are fully paid and discharged.

12 Section 8. Section 343.58, Florida Statutes, is  
13 created to read:

14 343.58 License user fee.--The Legislature authorizes  
15 the levy of an annual license user fee in the amount of \$2 for  
16 the registration or renewal of registration of each vehicle  
17 taxed under s. 320.08 and registered in the area served by the  
18 South Florida Regional Transportation Authority. The annual  
19 license user fee shall take effect in the area served by the  
20 authority upon approval by a vote of at least a majority plus  
21 one of the members of the governing body of each of the  
22 counties served by the authority. Following approval by the  
23 governing body of each of the counties served by the  
24 authority, the fee shall be levied and the Department of  
25 Highway Safety and Motor Vehicles shall remit the proceeds  
26 each month from the license user fee to the South Florida  
27 Regional Transportation Authority. If the governing body of  
28 one or more of the counties fails to approve the levy of the  
29 annual license user fee, the fee may not be imposed within any  
30 county served by the South Florida Regional Transportation  
31 Authority.

1           Section 9. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Renames the Tri-County Commuter Rail Authority as the South Florida Regional Transportation Authority. Provides for the authority to plan and operate a transit system within Miami-Dade, Broward, and Palm Beach Counties. Authorizes the authority to expand its service area into adjoining counties with the consent of the board of county commissioners. Authorizes an annual license user fee for vehicles registered within the area served by the authority if the fee is approved by at least a majority plus one of the members of the governing body of each of the counties served by the authority. (See bill for details.)