

1 343.51 Short title.--This part may be cited as the
2 "South Florida Regional Transportation Tri-County Commuter
3 Rail Authority Act."

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

6 343.52 Definitions.--As used in this part, ~~unless the~~
7 ~~context clearly indicates otherwise,~~the term:

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

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

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

15 (4)~~(3)~~ "Transit system"~~"Commuter railroad"~~means a
16 system used for the transportation of people and goods by
17 means of, without limitation, a street railway, an elevated
18 railway having a fixed guideway, a commuter railroad, a
19 subway, motor vehicles, or motor buses, and includes a
20 complete system of tracks, guideways, stations, and rolling
21 stock necessary to effectuate medium-distance to long-distance
22 passenger rail service to or from the surrounding regional
23 municipalities.

24 (5)~~(4)~~ "Transit Commuter rail facilities" means
25 property, and avenues of access, equipment, or buildings built
26 and installed in Miami-Dade ~~Dade~~, Broward, and Palm Beach
27 Counties, which are required to support a transit system for
28 commuter rail or fixed guideway systems.

29 (6)~~(5)~~ "Member" means the individuals constituting the
30 board.

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1 (7)(6) "Feeder transit services" means a transit
2 system that transports fixed guideway or bus service to
3 transport passengers to or from rail stations within or across
4 counties.

5 Section 3. Section 343.53, Florida Statutes, is
6 amended to read:

7 343.53 South Florida Regional Transportation
8 ~~Tri-County Commuter Rail~~ Authority.--

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

13 (2) Effective July 1, 2003, the Tri-County Commuter
14 Rail Authority shall be discontinued.The governing board of
15 the South Florida Regional Transportation Authority ~~authority~~
16 shall consist of nine voting members, as follows:

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

22 (b) The county commissions of Miami-Dade ~~Dade~~,
23 Broward, and Palm Beach Counties shall each appoint a citizen
24 member to the board who is not a member of the county
25 commission but who is a resident of the county from which he
26 or she is appointed and a qualified elector of that county.
27 Insofar as practicable, the citizen member shall represent the
28 business and civic interests of the community.

29 (c) The secretary of the Department of Transportation
30 shall appoint one of the district secretaries, or his or her
31 designee, for the districts within ~~which~~ the area served by

1 the South Florida Regional Transportation Authority ~~tri-county~~
2 ~~rail is located.~~

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

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

12 (f) The board members appointed under paragraphs (c),
13 (d), and (e) may not be residents of the same county.

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

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

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

27 Section 4. Section 343.54, Florida Statutes, is
28 amended to read:

29 343.54 Powers and duties.--

30 (1)(a) The authority created and established by this
31 part shall have the right to own, operate, maintain, and

1 manage a transit ~~commuter rail~~ system in the tri-county area
2 of Broward, Miami-Dade ~~Dade~~, and Palm Beach Counties,
3 hereinafter referred to as the South Florida Regional
4 Transportation Authority ~~Tri-County Rail~~.

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

15 (c) The authority shall inherit all rights, assets,
16 agreements, appropriations, privileges, and obligations of all
17 transit agencies in Miami-Dade, Broward, and Palm Beach
18 Counties upon approval of the respective governing bodies.

19 (d) If the authority acquires, purchases, operates,
20 condemns, or inherits an existing transit system, the
21 authority shall guarantee the rights, privileges, benefits,
22 and other employee protective conditions and remedies as
23 provided in 49 U.S.C. 5333(b), and arrangements made
24 thereunder, shall apply to transit employees affected by
25 action of the authority authorized under this bill.

26 (2) The authority created in this part ~~herein~~ shall be
27 the successor and assignee of the Tri-County Commuter Rail
28 Authority Organization ~~(TCRO)~~ and shall inherit all rights,
29 assets, agreements, appropriations, privileges, and
30 obligations of the Tri-County Commuter Rail Authority ~~TCRO~~.

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

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

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

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

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

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

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

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

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

28 (i) To lease, rent, or contract for the operation or
29 management of any part of a transit ~~commuter rail~~ system or
30 transit ~~commuter rail~~ facility, including feeder transit
31 services and concessions. In awarding a contract, the

1 authority shall consider, but is not limited to, the
2 following:

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

11 (j) To enforce collection of rates, fees, and charges,
12 and to establish and enforce fines and penalties for
13 violations of any rules.

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

16 (l) To employ an executive director, attorney, staff,
17 and consultants.

18 (m) To cooperate with other governmental entities and
19 to contract with other governmental agencies, including the
20 Department of Transportation, the Federal Government, regional
21 planning councils, counties, and municipalities.

22 (n) To enter into joint development agreements.

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

25 (p) To purchase by directly contracting with local,
26 national, or international insurance companies to provide
27 liability insurance which the authority is contractually and
28 legally obligated to provide, the requirements of s.
29 287.022(1), notwithstanding.

30 (4) The authority shall develop and adopt a plan for
31 the operation, maintenance, and expansion of the transit

1 system ~~tri-county commuter rail service~~. Such plan shall
2 address the authority's plan for the development of public and
3 private revenue sources, and the service to be provided,
4 including expansions of current service which are consistent,
5 to the maximum extent feasible, with approved local government
6 comprehensive plans. The plan shall be reviewed and updated
7 annually.

8 (5) The authority, by a resolution of its governing
9 board, may expand its service area and enter into a
10 partnership with any county that is contiguous to the service
11 area of the authority. The board shall determine the
12 conditions and terms of the partnership, including the number
13 of representatives of the partnership. However, the authority
14 may not expand its service area without the consent of the
15 board of county commissioners representing the proposed
16 expansion area. A county contiguous to the service area of the
17 authority may enter into a partnership with the authority only
18 upon contributing an equal share of funding in time to qualify
19 for federal funding through the reauthorization of the federal
20 transportation act.

21 Section 5. Section 343.55, Florida Statutes, is
22 amended to read:

23 343.55 Issuance of revenue bonds.--

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

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1 (2) The proceeds of the bonds of each issue shall be
2 used solely for the payment of the cost of the ~~Tri-County Rail~~
3 projects for which such bonds shall have been issued, except
4 as provided in the State Bond Act. Such proceeds shall be
5 disbursed and used as provided in this part and in such manner
6 and under such restrictions, if any, as the Division of Bond
7 Finance may provide in the resolution authorizing the issuance
8 of such bonds or in the trust agreement securing the same.

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

12 Section 6. Section 343.56, Florida Statutes, is
13 amended to read:

14 343.56 Bonds not debts or pledges of credit of
15 state.--Revenue bonds issued under the provisions of this part
16 are not debts of the state or pledges of the faith and credit
17 of the state. Such bonds are payable exclusively from
18 revenues pledged for their payment. All such bonds shall
19 contain a statement on their face that the state is not
20 obligated to pay the same or the interest thereon, except from
21 the revenues pledged for their payment, and that the faith and
22 credit of the state is not pledged to the payment of the
23 principal or interest of such bonds. The issuance of revenue
24 bonds under the provisions of this part does not directly,
25 indirectly, or contingently obligate the state to levy or to
26 pledge any form of taxation whatsoever, or to make any
27 appropriation for their payment. No state funds shall be used
28 to pay the principal or interest of any bonds issued to
29 finance or refinance any portion of the South Florida Regional
30 Transportation Authority transit ~~Tri-County Rail~~ system, and
31 all such bonds shall contain a statement on their face to this

1 effect. However, federal funds being passed through the
2 department to the South Florida Regional Transportation
3 Authority ~~Tri-County Rail system~~ and those state matching
4 funds required by the United States Department of
5 Transportation as a condition of federal funding may be used
6 to pay principal and interest of any bonds issued.

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

9 343.57 Pledge to bondholders not to restrict certain
10 rights of authority.--The state pledges to and agrees with the
11 holders of the bonds issued pursuant to this part that the
12 state will not limit or restrict the rights vested in the
13 authority to construct, reconstruct, maintain, and operate any
14 ~~Tri-County Rail~~ project as defined in this part, to establish
15 and collect such fees or other charges as may be convenient or
16 necessary to produce sufficient revenues to meet the expenses
17 of maintenance and operation of the ~~Tri-County Rail~~ system,
18 and to fulfill the terms of any agreements made with the
19 holders of bonds authorized by this part. The state further
20 pledges that it will not in any way impair the rights or
21 remedies of the holders of such bonds until the bonds,
22 together with interest thereon, are fully paid and discharged.

23 Section 8. Section 343.58, Florida Statutes, is
24 created to read:

25 343.58 Dedicated funding.--Each county served by the
26 South Florida Regional Transportation Authority must dedicate
27 \$2.67 million to the authority annually for as long as
28 obligated to secure federal funding. The \$2.67 million must be
29 dedicated by the governing bodies by August 1, 2003, unless
30 such dedication is voted in the negative by the governing
31 bodies before August 1, 2003. If the governing body of one or

1 more of the counties votes in the negative for the dedicated
2 funds, none of the counties served by the authority will be
3 required to dedicate such funds. Notwithstanding ss. 206.41,
4 and 206.87, such dedicated funding may come from each county's
5 share of the ninth-cent fuel tax, the county local option fuel
6 tax, or any other source of local gas taxes or other funds
7 available to the counties.

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

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 686

13 This CS replaces Tri-Rail with the South Florida Regional
14 Transportation Authority (SFRTA) whose proposed authority
15 would extend to any transit system in the three affected
16 counties with approval by the county commission with authority
17 over the transit agency. The CS discontinues the current
18 Tri-Rail governing board and provides for new appointments for
19 the SFRTA governing board. The appointment process remains the
20 same, however, the FDOT secretary's appointee, the at-large
21 member appointed by the board, and the Governor's appointee
22 may not be residents of the same county.

23 The CS provides Palm Beach, Broward and Miami-Dade Counties
24 must each contribute \$2.67 million annually for as long as
25 obligated to secure federal funding through the
26 reauthorization of the federal transportation act. If any one
27 of the three counties does not vote on the contribution by
28 August 1, 2003, they are then obligated to provide the
29 contribution. However, if any one of the three county
30 commissions votes not to contribute the funds, then none of
31 the counties would be required to contribute.

32 The CS authorizes the authority to expand the service area of
33 the SFRTA beyond Palm Beach, Broward and Miami-Dade Counties
34 and enter into a partnership with contiguous counties with
35 consent from the county commission of that county. However, a
36 county may join the SFRTA only upon contributing an equal
37 share of funding in time to qualify for federal funding
38 through the reauthorization of the federal transportation act.