

By the Committees on Comprehensive Planning; Transportation;
and Senators Geller, Klein, Villalobos, Dawson, Margolis,
Wasserman Schultz, Campbell and Bullard

316-2463-03

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.; disbanding the Tri-County
6 Commuter Rail Authority and redesignating it as
7 the South Florida Regional Transportation
8 Authority; providing for a governing board of
9 the authority; amending s. 343.54, F.S.;
10 revising powers and duties of the authority
11 with respect to planning and operating a
12 transit system within a specified area of the
13 state; requiring that the authority obtain
14 consent prior to operating an existing system
15 owned by another entity; authorizing the
16 authority to expand its service area into
17 counties contiguous to the service area of the
18 authority under certain circumstances;
19 providing employee rights; continuing the
20 rights of employees to be represented by
21 exclusive representatives; providing funding
22 requirements; amending ss. 343.55, 343.56,
23 343.57, F.S.; providing for the authority to
24 issue and pay revenue bonds; providing that the
25 bonds are not debts or pledges of credit of the
26 state; creating s. 343.58, F.S.; providing for
27 dedicated funding from the counties served by
28 the South Florida Regional Transportation
29 Authority; specifying the amount of continuing
30 funding required; providing a statement of
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1 important state interest; providing an
2 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) Effective July 1, 2003, the Tri-County Commuter
21 Rail Authority shall be discontinued.The governing board of
22 the South Florida Regional Transportation Authority ~~authority~~
23 shall consist of nine voting members, as follows:

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

29 (b) The county commissions of Miami-Dade ~~Dade~~,
30 Broward, and Palm Beach Counties shall each appoint a citizen
31 member to the board who is not a member of the county

1 commission but who is a resident of the county from which he
2 or she is appointed and a qualified elector of that county.
3 Insofar as practicable, the citizen member shall represent the
4 business and civic interests of the community.

5 (c) The secretary of the Department of Transportation
6 shall appoint one of the district secretaries, or his or her
7 designee, for the districts within ~~which~~ the area served by
8 the South Florida Regional Transportation Authority tri-county
9 ~~rail is located~~. The secretary of the Department of
10 Transportation shall make his or her appointment within 30
11 days after July 30, 2003.

12 (d) The Governor shall appoint two members to the
13 board who are residents and qualified electors in the area
14 served by the South Florida Regional Transportation Authority.
15 The Governor shall make his or her appointments within 30 days
16 after July 30, 2003.

17 (e) The board members appointed under paragraphs (c)
18 and (d) may not be residents of the same county. The
19 residential requirement applies only at the time of the
20 initial appointment.

21 (3) The terms of members of the governing board of the
22 authority shall be appointed to 4-year staggered terms, except
23 that the terms of the appointees of the Governor shall be
24 concurrent.

25 ~~(d) The other eight members of the board shall elect,~~
26 ~~by a simple majority vote, an at-large member who is a~~
27 ~~resident and qualified elector in the area served by the~~
28 ~~tri-county rail.~~

29 ~~(e) The Governor shall appoint one member to the board~~
30 ~~who is a resident and qualified elector in the area served by~~
31 ~~the tri-county rail.~~

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

6 (4) A vacancy during a term shall be filled by the
7 respective appointing authority in the same manner as the
8 original appointment and only for the balance of the unexpired
9 term.

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

14 Section 4. Section 343.54, Florida Statutes, is
15 amended to read:

16 343.54 Powers and duties.--

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

23 (b) It is the express intention of this part that the
24 authority be authorized to plan, develop, own, purchase,
25 lease, or otherwise acquire, demolish, construct, improve,
26 relocate, equip, repair, maintain, operate, and manage a
27 transit ~~commuter rail~~ system and transit ~~commuter rail~~
28 facilities; to establish and determine the ~~such~~ policies ~~as~~
29 ~~may be~~ necessary for the best interest of the operation and
30 promotion of a transit ~~commuter rail~~ system; and to adopt ~~such~~
31 rules ~~as may be~~ necessary to govern the operation of a transit

1 ~~commuter rail~~ system and transit ~~commuter rail~~ facilities. It
2 is the intent of the Legislature that the South Florida
3 Regional Transportation Authority shall have overall authority
4 to coordinate, develop, and operate a regional transportation
5 system within the area served.

6 (c) Notwithstanding subsection (3), the South Florida
7 Regional Transportation Authority may not exercise the powers
8 in paragraph (b) with respect to an existing system for
9 transporting people and goods by any means which is owned by
10 another entity without the consent of that entity. However,
11 this paragraph does not preclude the South Florida Regional
12 Transportation Authority from having the primary
13 responsibility to develop and coordinate the transportation
14 systems within the service area of the South Florida Regional
15 Transportation Authority.

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

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

27 Notwithstanding any other provision of law, no action of the
28 authority shall affect the rights of existing transit
29 employees to be represented by their exclusive representatives
30 under certifications issued pursuant to s. 447.307, as of July
31 1, 2003.

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

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

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

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

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

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

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

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

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

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

3 (i) To lease, rent, or contract for the operation or
4 management of any part of a transit ~~commuter rail~~ system or
5 transit ~~commuter rail~~ facility, including feeder transit
6 services and concessions. In awarding a contract, the
7 authority shall consider, but is not limited to, the
8 following:

- 9 1. The qualifications of each applicant.
- 10 2. The level of service.
- 11 3. The efficiency, cost, and anticipated revenue.
- 12 4. The construction, operation, and management plan.
- 13 5. The financial ability to provide reliable service.
- 14 6. The impact on other transportation modes, including
15 the ability to interface with other transportation modes and
16 facilities.

17 (j) To enforce collection of rates, fees, and charges,
18 and to establish and enforce fines and penalties for
19 violations of any rules.

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

22 (l) To employ an executive director, attorney, staff,
23 and consultants.

24 (m) To cooperate with other governmental entities and
25 to contract with other governmental agencies, including the
26 Department of Transportation, the Federal Government, regional
27 planning councils, counties, and municipalities.

28 (n) To enter into joint development agreements.

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

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1 (p) To purchase by directly contracting with local,
2 national, or international insurance companies to provide
3 liability insurance which the authority is contractually and
4 legally obligated to provide, the requirements of s.
5 287.022(1), notwithstanding.

6 (4) The authority shall develop and adopt a plan for
7 the operation, maintenance, and expansion of the transit
8 system ~~tri-county commuter rail service~~. Such plan shall
9 address the authority's plan for the development of public and
10 private revenue sources, and the service to be provided,
11 including expansions of current service which are consistent,
12 to the maximum extent feasible, with approved local government
13 comprehensive plans. The plan shall be reviewed and updated
14 annually.

15 (5) The authority, by a resolution of its governing
16 board, may expand its service area and enter into a
17 partnership with any county that is contiguous to the service
18 area of the authority. The board shall determine the
19 conditions and terms of the partnership, including the number
20 of representatives of the partnership. However, the authority
21 may not expand its service area without the consent of the
22 board of county commissioners representing the proposed
23 expansion area. A county contiguous to the service area of the
24 authority may enter into a partnership with the authority only
25 upon contributing an equal share of funding in time to qualify
26 for federal funding through the reauthorization of the federal
27 transportation act and only in the year that federal
28 reauthorization legislation for transportation funds is
29 enacted.

30 Section 5. Section 343.55, Florida Statutes, is
31 amended to read:

1 343.55 Issuance of revenue bonds.--

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

9 (2) The proceeds of the bonds of each issue shall be
10 used solely for the payment of the cost of the ~~Tri-County Rail~~
11 projects for which such bonds shall have been issued, except
12 as provided in the State Bond Act. Such proceeds shall be
13 disbursed and used as provided in this part and in such manner
14 and under such restrictions, if any, as the Division of Bond
15 Finance may provide in the resolution authorizing the issuance
16 of such bonds or in the trust agreement securing the same.

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

20 Section 6. Section 343.56, Florida Statutes, is
21 amended to read:

22 343.56 Bonds not debts or pledges of credit of
23 state.--Revenue bonds issued under the provisions of this part
24 are not debts of the state or pledges of the faith and credit
25 of the state. Such bonds are payable exclusively from
26 revenues pledged for their payment. All such bonds shall
27 contain a statement on their face that the state is not
28 obligated to pay the same or the interest thereon, except from
29 the revenues pledged for their payment, and that the faith and
30 credit of the state is not pledged to the payment of the
31 principal or interest of such bonds. The issuance of revenue

1 bonds under the provisions of this part does not directly,
2 indirectly, or contingently obligate the state to levy or to
3 pledge any form of taxation whatsoever, or to make any
4 appropriation for their payment. No state funds shall be used
5 to pay the principal or interest of any bonds issued to
6 finance or refinance any portion of the South Florida Regional
7 Transportation Authority transit ~~Tri-County Rail~~ system, and
8 all such bonds shall contain a statement on their face to this
9 effect. However, federal funds being passed through the
10 department to the South Florida Regional Transportation
11 Authority ~~Tri-County Rail system~~ and those state matching
12 funds required by the United States Department of
13 Transportation as a condition of federal funding may be used
14 to pay principal and interest of any bonds issued.

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

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

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1 Section 8. Section 343.58, Florida Statutes, is
2 created to read:

3 343.58 Dedicated funding.--Each county served by the
4 South Florida Regional Transportation Authority must dedicate
5 \$2.67 million to the authority annually for as long as
6 obligated to secure federal funding. The \$2.67 million must be
7 dedicated by the governing bodies by August 1, 2003.
8 Notwithstanding ss. 206.41 and 206.87, such dedicated funding
9 may come from each county's share of the ninth-cent fuel tax,
10 the county local option fuel tax, or any other source of local
11 gas taxes or other nonfederal funds available to the counties.
12 In addition, each county shall continue to fund annually the
13 operations of the South Florida Regional Transportation
14 Authority at an amount not less than \$1.565 million. Such
15 funds shall also be considered a dedicated funding source and
16 must come from nonfederal funds.

17 Section 9. The Legislature finds that a proper and
18 legitimate state purpose is served in the effective and
19 efficient planning and operation of a regional transportation
20 system. The persons served by the regional transportation
21 system must be provided a system that is managed,
22 administered, and funded in an actuarially sound manner as
23 required by Section 14, Article X of the State Constitution,
24 and part VII of chapter 112, Florida Statutes. Therefore, the
25 Legislature determines and declares that this act fulfills an
26 important state interest.

27 Section 10. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 686

4 This CS differs from the CS in the following ways:

- 5 * Eliminates the 'at-large' commissioner and increases from
6 one to two the number of appointees by the Governor;
- 7 * Increases the term, from two to four years, of county
8 commissioners on the authority;
- 9 * Includes intent language, specifying that the authority
10 "shall have overall authority to coordinate, develop, and
11 operate a regional transportation system within the area
12 served"; Requires the authority to obtain the consent of
13 exiting transportation entities before assuming primary
14 responsibility for such services; and provides that the
15 authority will inherit all rights, assets, agreements,
16 appropriations, privileges, and obligations of such
17 transit authorities upon approval of the respective
18 governing bodies;
- 19 * Removes the county option to not fund the authority, and
20 requires counties to continue to annually fund the
21 authority; and
- 22 * contains declare that this act fulfills an important
23 state interest.