

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           Rail Authority as the South Florida Regional  
7           Transportation Authority; revising provisions  
8           relating to appointment of the governing board  
9           of the authority; amending s. 343.54, F.S.;  
10          revising powers and duties of the authority;  
11          authorizing the authority to expand its service  
12          area into counties contiguous to the service  
13          area of the authority upon consent of the board  
14          of county commissioners; requiring that the  
15          authority obtain consent prior to operating an  
16          existing system owned by another entity;  
17          providing conditions for acquisition of an  
18          existing entity by the authority; authorizing  
19          the authority to expand its service area into  
20          counties contiguous to the service area of the  
21          authority under certain circumstances;  
22          providing funding requirements; amending ss.  
23          343.55, 343.56, 343.57, F.S.; providing for the  
24          authority to issue and pay revenue bonds;  
25          providing that the bonds are not debts or  
26          pledges of credit of the state; amending ss.  
27          112.3148 and 768.28, F.S.; conforming  
28          provisions to changes made by the act; creating  
29          s. 343.58, F.S.; providing for county funding  
30          for the authority; requiring counties served by  
31          the authority to dedicate a specified amount of

1 funding; authorizing a tax on motor vehicle  
2 registration; requiring approval by referendum  
3 for such tax; providing for distribution to the  
4 authority of moneys received for the tax;  
5 providing a statement of important state  
6 interest; providing an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Section 343.51, Florida Statutes, is  
11 amended to read:

12 343.51 Short title.--This part may be cited as the  
13 "South Florida Regional Transportation ~~Tri-County Commuter~~  
14 ~~Rail~~ Authority Act."

15 Section 2. Section 343.52, Florida Statutes, is  
16 amended to read:

17 343.52 Definitions.--As used in this part, ~~unless the~~  
18 ~~context clearly indicates otherwise,~~the term:

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

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

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

26 (4)~~(3)~~ "Transit system"~~"Commuter railroad"~~means a  
27 system used for the transportation of people and goods by  
28 means of, without limitation, a street railway, an elevated  
29 railway having a fixed guideway, a commuter railroad, a  
30 subway, motor vehicles, or motor buses, and includes a  
31 complete system of tracks, ~~guideways,~~stations, and rolling

1 stock necessary to effectuate ~~medium-distance to long-distance~~  
2 passenger rail service to or from the surrounding regional  
3 municipalities.

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

9 ~~(6)(5)~~ "Member" means the individuals constituting the  
10 board.

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

15 Section 3. Section 343.53, Florida Statutes, is  
16 amended to read:

17 343.53 South Florida Regional Transportation  
18 ~~Tri-County Commuter Rail Authority.--~~

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

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

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

30 (b) The county commissions of Miami-Dade ~~Dade~~,  
31 Broward, and Palm Beach Counties shall each appoint a citizen

1 member to the board who is not a member of the county  
2 commission but who is a resident of the county from which he  
3 or she is appointed and a qualified elector of that county.  
4 Insofar as practicable, the citizen member shall represent the  
5 business and civic interests of the community.

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

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

15 1. The county commission of the county shall elect a  
16 commissioner as that commission's representative on the board.  
17 The commissioner must be a member of the county commission  
18 when elected and for the full extent of his or her term.

19 2. The county commission of the county shall appoint a  
20 citizen member to the board who is not a member of the county  
21 commission but who is a resident and a qualified elector of  
22 that county. Insofar as is practicable, the citizen member  
23 shall represent the business and civic interests of the  
24 community.

25 3. The Governor shall appoint a citizen member to the  
26 board who is not a member of the county commission but who is  
27 a resident and a qualified elector of that county.~~The other~~  
28 ~~eight members of the board shall elect, by a simple majority~~  
29 ~~vote, an at-large member who is a resident and qualified~~  
30 ~~elector in the area served by the tri-county rail.~~

31

1           (e) The Governor shall appoint two members ~~one member~~  
2 to the board who are residents and qualified electors ~~is a~~  
3 ~~resident and qualified elector~~ in the area served by the  
4 authority but who are not residents of the same county and  
5 also not residents of the county in which the district  
6 secretary who was appointed pursuant to paragraph (c) is a  
7 resident ~~tri-county rail.~~

8           (3)(a) Members of the governing board of the authority  
9 shall be appointed to serve 4-year staggered terms, except  
10 that the terms of the appointees of the Governor shall be  
11 concurrent.

12           (b) The terms of the board members currently serving  
13 on the authority that is being succeeded by this act shall  
14 expire July 30, 2003, at which time the terms of the members  
15 appointed pursuant to subsection (2) shall commence. The  
16 Governor shall make his or her appointments to the board  
17 within 30 days after July 30, 2003.~~The terms of the county~~  
18 ~~commissioners on the governing board of the authority shall be~~  
19 ~~2 years. All other members on the governing board of the~~  
20 ~~authority shall serve staggered 4-year terms. Each member~~  
21 ~~shall hold office until his or her successor has been~~  
22 ~~appointed.~~

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

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

31

1           Section 4. Section 343.54, Florida Statutes, is  
2 amended to read:

3           343.54 Powers and duties.--

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

10           (b) It is the express intention of this part that the  
11 authority be authorized to plan, develop, own, purchase,  
12 lease, or otherwise acquire, demolish, construct, improve,  
13 relocate, equip, repair, maintain, operate, and manage a  
14 transit ~~commuter rail~~ system and transit ~~commuter rail~~  
15 facilities; to establish and determine the ~~such~~ policies ~~as~~  
16 ~~may be~~ necessary for the best interest of the operation and  
17 promotion of a transit ~~commuter rail~~ system; and to adopt ~~such~~  
18 rules ~~as may be~~ necessary to govern the operation of a transit  
19 commuter rail system and transit commuter rail facilities. It  
20 is the intent of the Legislature that the South Florida  
21 Regional Transportation Authority shall have overall authority  
22 to coordinate, develop, and operate a regional transportation  
23 system within the area served.

24           (c) Notwithstanding subsection (3), the South Florida  
25 Regional Transportation Authority may not exercise the powers  
26 in paragraph (b) with respect to an existing system for  
27 transporting people and goods by any means which is owned by  
28 another entity without the consent of that entity.  
29 Furthermore, if the authority acquires, purchases, operates,  
30 condemns, or inherits an existing entity, the authority shall  
31 also inherit and assume all rights, assets, labor agreements,

1 appropriations, privileges, and obligations of the existing  
2 entity. This paragraph does not preclude the South Florida  
3 Regional Transportation Authority from having the primary  
4 responsibility to develop and coordinate the transportation  
5 systems within the service area of the South Florida Regional  
6 Transportation Authority.

7 (2) The authority created in this part ~~herein~~ shall be  
8 the successor and assignee of the Tri-County Commuter Rail  
9 Authority Organization (~~TCRO~~) and shall inherit all rights,  
10 assets, labor agreements, appropriations, privileges, and  
11 obligations of the Tri-County Commuter Rail Authority ~~TCRO~~.

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

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

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

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

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

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

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

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

3 (h) To adopt bylaws for the regulation of the affairs  
4 and the conduct of the business of the authority. The bylaws  
5 shall provide for quorum and voting requirements, maintenance  
6 of minutes and other official records, and preparation and  
7 adoption of an annual budget.

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

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

22 (j) To enforce collection of rates, fees, and charges,  
23 and to establish and enforce fines and penalties for  
24 violations of any rules.

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

27 (l) To employ an executive director, attorney, staff,  
28 and consultants.

29 (m) To cooperate with other governmental entities and  
30 to contract with other governmental agencies, including the  
31



1 Department of Transportation, the Federal Government, regional  
2 planning councils, counties, and municipalities.

3 (n) To enter into joint development agreements.

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

6 (p) To purchase by directly contracting with local,  
7 national, or international insurance companies to provide  
8 liability insurance which the authority is contractually and  
9 legally obligated to provide, the requirements of s.  
10 287.022(1), notwithstanding.

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

20 (5) The authority, by a resolution of its governing  
21 board, may expand its service area and enter into a  
22 partnership with any county that is contiguous to the service  
23 area of the authority. The board shall determine the  
24 conditions and terms of the partnership, except as provided  
25 herein. However, the authority may not expand its service area  
26 without the consent of the board of county commissioners  
27 representing the proposed expansion area, and a county may not  
28 be added to the service area except in the year that federal  
29 reauthorization legislation for transportation funds is  
30 enacted.

31

1           Section 5. Section 343.55, Florida Statutes, is  
2 amended to read:

3           343.55 Issuance of revenue bonds.--

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

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

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

22           Section 6. Section 343.56, Florida Statutes, is  
23 amended to read:

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

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

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

19 343.57 Pledge to bondholders not to restrict certain  
20 rights of authority.--The state pledges to and agrees with the  
21 holders of the bonds issued pursuant to this part that the  
22 state will not limit or restrict the rights vested in the  
23 authority to construct, reconstruct, maintain, and operate any  
24 ~~Tri-County Rail~~ project as defined in this part, to establish  
25 and collect such fees or other charges as may be convenient or  
26 necessary to produce sufficient revenues to meet the expenses  
27 of maintenance and operation of the ~~Tri-County Rail~~ system,  
28 and to fulfill the terms of any agreements made with the  
29 holders of bonds authorized by this part. The state further  
30 pledges that it will not in any way impair the rights or  
31

1 remedies of the holders of such bonds until the bonds,  
2 together with interest thereon, are fully paid and discharged.

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

5 112.3148 Reporting and prohibited receipt of gifts by  
6 individuals filing full or limited public disclosure of  
7 financial interests and by procurement employees.--

8 (6)(a) Notwithstanding the provisions of subsection  
9 (5), an entity of the legislative or judicial branch, a  
10 department or commission of the executive branch, a water  
11 management district created pursuant to s. 373.069, South  
12 Florida Regional Transportation ~~Tri-County Commuter Rail~~  
13 Authority, the Technological Research and Development  
14 Authority, a county, a municipality, an airport authority, or  
15 a school board may give, either directly or indirectly, a gift  
16 having a value in excess of \$100 to any reporting individual  
17 or procurement employee if a public purpose can be shown for  
18 the gift; and a direct-support organization specifically  
19 authorized by law to support a governmental entity may give  
20 such a gift to a reporting individual or procurement employee  
21 who is an officer or employee of such governmental entity.

22 (b) Notwithstanding the provisions of subsection (4),  
23 a reporting individual or procurement employee may accept a  
24 gift having a value in excess of \$100 from an entity of the  
25 legislative or judicial branch, a department or commission of  
26 the executive branch, a water management district created  
27 pursuant to s. 373.069, South Florida Regional Transportation  
28 ~~Tri-County Commuter Rail~~ Authority, the Technological Research  
29 and Development Authority, a county, a municipality, an  
30 airport authority, or a school board if a public purpose can  
31 be shown for the gift; and a reporting individual or

1 procurement employee who is an officer or employee of a  
2 governmental entity supported by a direct-support organization  
3 specifically authorized by law to support such governmental  
4 entity may accept such a gift from such direct-support  
5 organization.

6 Section 9. Paragraph (d) of subsection (10) of section  
7 768.28, Florida Statutes, is amended to read:

8 768.28 Waiver of sovereign immunity in tort actions;  
9 recovery limits; limitation on attorney fees; statute of  
10 limitations; exclusions; indemnification; risk management  
11 programs.--

12 (10)

13 (d) For the purposes of this section, operators,  
14 dispatchers, and providers of security for rail services and  
15 rail facility maintenance providers in the South Florida Rail  
16 Corridor, or any of their employees or agents, performing such  
17 services under contract with and on behalf of the South  
18 Florida Regional Transportation ~~Tri-County Commuter Rail~~  
19 Authority or the Department of Transportation shall be  
20 considered agents of the state while acting within the scope  
21 of and pursuant to guidelines established in said contract or  
22 by rule.

23 Section 10. Section 343.58, Florida Statutes, is  
24 created to read:

25 343.58 County funding for the South Florida Regional  
26 Transportation Authority.--

27 (1) Each county served by the South Florida Regional  
28 Transportation Authority must dedicate \$2.67 million to the  
29 authority annually. The recurring annual \$2.67 million must be  
30 dedicated by the governing body of each county by August 1,  
31 2003. Notwithstanding ss. 206.41 and 206.87, such dedicated

1 funding may come from each county's share of the ninth-cent  
2 fuel tax, the local option fuel tax, or any other source of  
3 local gas taxes or other nonfederal funds available to the  
4 counties. In addition, the Legislature authorizes the levy of  
5 an annual license tax in the amount of \$2 for the registration  
6 or renewal of registration of each vehicle taxed under s.  
7 320.08 and registered in the area served by the South Florida  
8 Regional Transportation Authority. The annual license tax  
9 shall take effect in any county served by the authority upon  
10 approval by the residents in a county served by the authority.  
11 The annual license tax shall be levied and the Department of  
12 Highway Safety and Motor Vehicles shall remit the proceeds  
13 each month from the tax to the South Florida Regional  
14 Transportation Authority.

15 (2) In addition, each county shall continue to  
16 annually fund the operations of the South Florida Regional  
17 Transportation Authority in an amount not less than \$1.565  
18 million. Such funds pursuant to this subsection shall also be  
19 considered a dedicated funding source.

20  
21 If, by December 31, 2009, the South Florida Regional  
22 Transportation Authority has not received federal matching  
23 funds based upon the dedication of funds under subsection (1),  
24 subsection (1) shall be repealed.

25 Section 11. The Legislature finds that a proper and  
26 legitimate state purpose is served in the effective and  
27 efficient planning and operation of a regional transportation  
28 system. Therefore, the Legislature determines and declares  
29 that this act fulfills an important state interest.

30 Section 12. This act shall take effect July 1, 2003.  
31