

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to regional transportation authorities;  
7 amending s. 343.52, F.S.; revising the definition of  
8 "transit system" for purposes of the South Florida  
9 Regional Transportation Authority Act; amending s. 343.54,  
10 F.S.; revising powers and duties of that authority;  
11 removing reference to commuter rail systems; revising  
12 provisions for the authority to expand its service area;  
13 amending s. 343.55, F.S.; providing for issuance of  
14 revenue bonds authorized by resolution of the authority;  
15 providing for sale and security of the bonds; providing  
16 that the bonds are negotiable securities; amending s.  
17 343.58, F.S.; revising provisions for funding for the  
18 authority; providing for minimum county contributions to  
19 the authority; removing a vehicle registration tax levied  
20 by the authority; authorizing a license tax on the  
21 registration of a new vehicle to be levied by the  
22 authority; requiring approval of the new vehicle license  
23 tax by super majority vote of the county commission;

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24 requiring counties served by the authority to annually  
 25 transfer certain funds before a certain date; providing  
 26 for cessation of specified county funding contributions  
 27 and providing for certain refunding of the contributions  
 28 under certain circumstances; revising timeframe for repeal  
 29 of specified funding provisions under certain  
 30 circumstances; amending s. 120.52, F.S.; providing that  
 31 specified regional transportation authorities are not  
 32 agencies under the Administrative Procedure Act; amending  
 33 s. 163.3180, F.S.; providing that comprehensive plan  
 34 concurrency requirements do not apply to transit-oriented  
 35 development master plans; providing criteria for such  
 36 plans; providing an effective date.

37

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

39

40 Section 1. Subsection (4) of section 343.52, Florida  
 41 Statutes, is amended to read:

42 343.52 Definitions.--As used in this part, the term:

43 (4) "Transit system" means a system used for the  
 44 transportation of people and goods by means of, without  
 45 limitation, a street railway, an inland waterway, an elevated  
 46 railway having a fixed guideway, a commuter railroad, a subway,  
 47 motor vehicles, or motor buses, and includes a complete system  
 48 of tracks, stations, and rolling stock necessary to effectuate  
 49 passenger service to or from the surrounding regional  
 50 municipalities.

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51 Section 2. Paragraph (b) of subsection (1) and subsection  
52 (5) of section 343.54, Florida Statutes, are amended to read:

53 343.54 Powers and duties.--  
54 (1)

55 (b) It is the express intention of this part that the  
56 authority be authorized to plan, develop, own, purchase, lease,  
57 or otherwise acquire, demolish, construct, improve, relocate,  
58 equip, repair, maintain, operate, and manage a transit system  
59 and transit facilities; to establish and determine the policies  
60 necessary for the best interest of the operation and promotion  
61 of a transit system; and to adopt rules necessary to govern the  
62 operation of a transit ~~commuter rail~~ system and transit ~~commuter~~  
63 ~~rail~~ facilities. It is the intent of the Legislature that the  
64 South Florida Regional Transportation Authority shall have  
65 overall authority to coordinate, develop, and operate a regional  
66 transportation system within the area served.

67 (5) The authority, by a resolution of its governing board,  
68 may expand its service area and enter into an agreement a  
69 ~~partnership~~ with any county that is contiguous to the service  
70 area of the authority. The board shall determine the conditions  
71 and terms of the agreement ~~partnership~~, except as provided  
72 herein. However, the authority may not expand its service area  
73 without the consent of the board of county commissioners  
74 representing the proposed expansion area, ~~and a county may not~~  
75 ~~be added to the service area except in the year that federal~~  
76 ~~reauthorization legislation for transportation funds is enacted.~~

77 Section 3. Subsection (3) of section 343.55, Florida  
78 Statutes, is amended to read:

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79 |           343.55 ~~Issuance of~~ Revenue bonds.--

80 |           (3)(a) The authority may issue bonds from time to time  
 81 | that do not pledge the full faith and credit of the state in  
 82 | such principal amount as, in the opinion of the authority, is  
 83 | necessary to provide sufficient moneys for achieving its  
 84 | corporate purposes.

85 |           (b) The bonds of the authority, whether on original  
 86 | issuance or refunding, must be authorized by resolution of the  
 87 | authority after a public hearing, may be either term or serial  
 88 | bonds in such principal amounts as the authority may determine,  
 89 | and shall bear such date or dates, mature at such time or times,  
 90 | bear interest at such rate or rates, be in such denominations,  
 91 | be in such form, either coupon or fully registered, carry such  
 92 | registration, exchangeability, and interchangeability  
 93 | privileges, be payable in such medium of payment and at such  
 94 | place or places and at such times, be subject to such terms of  
 95 | redemption, and be entitled to such priorities on the revenues,  
 96 | rates, fees, rentals, or other charges or receipts of the  
 97 | authority as such resolution or any resolution subsequent  
 98 | thereto may provide. The bonds must be executed by such officers  
 99 | as the authority determines under the requirements of s. 279.06.

100 |           (c) Said bonds shall be sold by the authority at public  
 101 | sale by competitive bid. However, if the authority, after  
 102 | receipt of a written recommendation from a financial adviser,  
 103 | shall determine by official action after public hearing by a  
 104 | two-thirds vote of all voting members of the authority that a  
 105 | negotiated sale of the bonds is in the best interest of the  
 106 | authority, the authority may negotiate for sale of the bonds

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107 | with the underwriter or underwriters designated by the  
 108 | authority. The authority shall provide specific findings in a  
 109 | resolution as to the reasons requiring the negotiated sale,  
 110 | which resolution shall incorporate and have attached thereto the  
 111 | written recommendation of the financial adviser required by this  
 112 | paragraph.

113 | (d) Any such resolution or resolutions authorizing any  
 114 | bonds hereunder may contain provisions that are part of the  
 115 | contract with the holders of the bonds as the authority  
 116 | determines proper. In addition, the authority may enter into  
 117 | trust indentures or other agreements with a fiscal agent, or  
 118 | with any bank or trust company within or without the state, as  
 119 | security for such bonds and may, under the agreements, assign  
 120 | and pledge the revenues, rates, fees, rentals, tolls, or other  
 121 | charges or receipts of the authority.

122 | (e) Bonds issued pursuant to this part are negotiable  
 123 | instruments and have all the qualities and incidents of  
 124 | negotiable instruments under the law merchant and the negotiable  
 125 | instruments law of the state. ~~The Division of Bond Finance is~~  
 126 | ~~authorized to issue revenue bonds on behalf of the authority to~~  
 127 | ~~finance or refinance the cost of projects.~~

128 | Section 4. Section 343.58, Florida Statutes, is amended to  
 129 | read:

130 | 343.58 ~~County~~ Funding for the South Florida Regional  
 131 | Transportation Authority.--

132 | (1) Each county served by the South Florida Regional  
 133 | Transportation Authority must dedicate and transfer not less  
 134 | than \$2.67 million to the authority prior to October 31 of each

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135 ~~fiscal year annually. The recurring annual \$2.67 million must be~~  
 136 ~~dedicated by the governing body of each county by August 1,~~  
 137 ~~2003.~~ Notwithstanding ss. 206.41 and 206.87, such dedicated  
 138 funding may come from each county's share of the ninth-cent fuel  
 139 tax, the local option fuel tax, or any other source of local gas  
 140 taxes or other nonfederal funds available to the counties. ~~In~~  
 141 ~~addition, the Legislature authorizes the levy of an annual~~  
 142 ~~license tax in the amount of \$2 for the registration or renewal~~  
 143 ~~of registration of each vehicle taxed under s. 320.08 and~~  
 144 ~~registered in the area served by the South Florida Regional~~  
 145 ~~Transportation Authority. The annual license tax shall take~~  
 146 ~~effect in any county served by the authority upon approval by~~  
 147 ~~the residents in a county served by the authority. The annual~~  
 148 ~~license tax shall be levied and the Department of Highway Safety~~  
 149 ~~and Motor Vehicles shall remit the proceeds each month from the~~  
 150 ~~tax to the South Florida Regional Transportation Authority.~~

151 (2) The Legislature authorizes any county served by the  
 152 South Florida Regional Transportation Authority to levy a new  
 153 vehicle license tax in the amount of \$100 for the registration  
 154 of each new vehicle taxed under s. 320.08 and registered in the  
 155 area served by the authority. The new vehicle license tax shall  
 156 take effect in any county served by the authority upon the  
 157 passage of the new vehicle license tax by a super majority vote  
 158 of two-thirds of the members of the county commission present  
 159 and voting at the time in any county served by the authority.  
 160 Ninety days after passage by the county commission, the new  
 161 vehicle license tax shall be levied and the Department of

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162 Highway Safety and Motor Vehicles shall remit all of the  
 163 proceeds each month from the tax to the authority.

164 (3)(2) — In addition, Each county served by the South  
 165 Florida Regional Transportation Authority shall continue to  
 166 annually fund the operations of the South Florida Regional  
 167 Transportation authority in an amount not less than \$1.565  
 168 million. The recurring annual \$1.565 million must be dedicated  
 169 and transferred by each county by October 31 of each fiscal  
 170 year.

171 (4) Revenues raised ~~Such funds~~ pursuant to this section  
 172 ~~subsection~~ shall also be considered a dedicated funding source.

173 (5) The current funding obligations in subsections (1) and  
 174 (3) shall cease upon commencement of collection of the new  
 175 vehicle license tax described in subsection (2). Should the tax  
 176 in subsection (2) not meet the funding obligations of any county  
 177 served by the South Florida Regional Transportation Authority as  
 178 outlined in subsections (1) and (3), that county shall fund the  
 179 remaining funding obligations outlined in subsections (1) and  
 180 (3) by utilizing the funding options outlined in subsection (1).  
 181 The authority shall refund a pro rata share of payments made  
 182 pursuant to the current funding obligations in subsections (1)  
 183 and (3) as soon as reasonably practicable after it begins to  
 184 receive proceeds of the annual license tax or new vehicle  
 185 license tax described in subsection (2).

186  
 187 If, by December 31, 2011 ~~2009~~, the South Florida Regional  
 188 Transportation Authority has not received federal matching funds

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189 based upon the dedication of funds under this section ~~subsection~~  
 190 ~~(1)~~, this section ~~subsection (1)~~ shall be repealed.

191 Section 5. Subsection (1) of section 120.52, Florida  
 192 Statutes, is amended to read:

193 120.52 Definitions.--As used in this act:

194 (1) "Agency" means:

195 (a) The Governor in the exercise of all executive powers  
 196 other than those derived from the constitution.

197 (b) Each:

198 1. State officer and state department, and each  
 199 departmental unit described in s. 20.04.

200 2. Authority, including a regional water supply authority.

201 3. Board.

202 4. Commission, including the Commission on Ethics and the  
 203 Fish and Wildlife Conservation Commission when acting pursuant  
 204 to statutory authority derived from the Legislature.

205 5. Regional planning agency.

206 6. Multicounty special district with a majority of its  
 207 governing board comprised of nonelected persons.

208 7. Educational units.

209 8. Entity described in chapters 163, 373, 380, and 582 and  
 210 s. 186.504.

211 (c) Each other unit of government in the state, including  
 212 counties and municipalities, to the extent they are expressly  
 213 made subject to this act by general or special law or existing  
 214 judicial decisions.

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216 This definition does not include any legal entity or agency  
 217 created in whole or in part pursuant to chapter 361, part II,  
 218 any metropolitan planning organization created pursuant to s.  
 219 339.175, any separate legal or administrative entity created  
 220 pursuant to s. 339.175 of which a metropolitan planning  
 221 organization is a member, a regional transportation authority  
 222 created pursuant to chapter 343, an expressway authority  
 223 pursuant to chapter 348, any legal or administrative entity  
 224 created by an interlocal agreement pursuant to s. 163.01(7),  
 225 unless any party to such agreement is otherwise an agency as  
 226 defined in this subsection, or any multicounty special district  
 227 with a majority of its governing board comprised of elected  
 228 persons; however, this definition shall include a regional water  
 229 supply authority.

230 Section 6. Paragraph (b) of subsection (4) of section  
 231 163.3180, Florida Statutes, is amended to read:

232 163.3180 Concurrency.--

233 (4)

234 (b) The concurrency requirement as implemented in local  
 235 comprehensive plans does not apply to public transit facilities  
 236 or transit-oriented development master plans. For the purposes  
 237 of this paragraph, public transit facilities include transit  
 238 stations and terminals, transit station parking, park-and-ride  
 239 lots, intermodal public transit connection or transfer  
 240 facilities, and fixed bus, guideway, and rail stations. For the  
 241 purposes of this paragraph, transit-oriented development master  
 242 plans are plans adopted by a local governing body that  
 243 graphically depict the locations of transit stations, roadways,

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244 | buildings, public spaces, and civic spaces within a quarter-mile  
245 | to half-mile radius of the transit station. As used in this  
246 | paragraph, the terms "terminals" and "transit facilities" do not  
247 | include airports or seaports or commercial or residential  
248 | development constructed in conjunction with a public transit  
249 | facility, except as may be constructed within a transit-oriented  
250 | development master plan.

251 | Section 7. This act shall take effect upon becoming a law.