

CHAMBER ACTION

1 The Local Government Council 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; amending s.  
12 343.55, F.S.; providing for issuance of revenue bonds  
13 authorized by resolution of the authority; providing for  
14 sale and security of the bonds; providing that the bonds  
15 are negotiable securities; amending s. 343.58, F.S.;  
16 revising provisions for funding for the authority;  
17 providing for minimum county contributions to the  
18 authority; removing a vehicle registration tax levied by  
19 the authority; authorizing an additional title fee on  
20 certain vehicles to be levied by counties served by the  
21 authority; requiring approval of the additional title fee  
22 by super majority vote of the county commission; requiring  
23 counties served by the authority to annually transfer

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

36 |  
 37 | Be It Enacted by the Legislature of the State of Florida:

38 |  
 39 | Section 1. Subsection (4) of section 343.52, Florida  
 40 | Statutes, is amended to read:

41 | 343.52 Definitions.--As used in this part, the term:

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

50 | Section 2. Paragraph (b) of subsection (1) of section  
 51 | 343.54, Florida Statutes, is amended to read:

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52 | 343.54 Powers and duties.--

53 | (1)

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

66 | Section 3. Subsection (3) of section 343.55, Florida  
 67 | Statutes, is amended to read:

68 | 343.55 ~~Issuance of~~ Revenue bonds.--

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

74 | (b) The bonds of the authority, whether on original  
 75 | issuance or refunding, must be authorized by resolution of the  
 76 | authority after a public hearing, may be either term or serial  
 77 | bonds in such principal amounts as the authority may determine,  
 78 | and shall bear such date or dates, mature at such time or times,  
 79 | bear interest at such rate or rates, be in such denominations,

80 be in such form, either coupon or fully registered, carry such  
 81 registration, exchangeability, and interchangeability  
 82 privileges, be payable in such medium of payment and at such  
 83 place or places and at such times, be subject to such terms of  
 84 redemption, and be entitled to such priorities on the revenues,  
 85 rates, fees, rentals, or other charges or receipts of the  
 86 authority as such resolution or any resolution subsequent  
 87 thereto may provide. The bonds must be executed by such officers  
 88 as the authority determines under the requirements of s. 279.06.

89 (c) Said bonds shall be sold by the authority at public  
 90 sale by competitive bid. However, if the authority, after  
 91 receipt of a written recommendation from a financial adviser,  
 92 shall determine by official action after public hearing by a  
 93 two-thirds vote of all voting members of the authority that a  
 94 negotiated sale of the bonds is in the best interest of the  
 95 authority, the authority may negotiate for sale of the bonds  
 96 with the underwriter or underwriters designated by the  
 97 authority. The authority shall provide specific findings in a  
 98 resolution as to the reasons requiring the negotiated sale,  
 99 which resolution shall incorporate and have attached thereto the  
 100 written recommendation of the financial adviser required by this  
 101 paragraph.

102 (d) Any such resolution or resolutions authorizing any  
 103 bonds hereunder may contain provisions that are part of the  
 104 contract with the holders of the bonds as the authority  
 105 determines proper. In addition, the authority may enter into  
 106 trust indentures or other agreements with a fiscal agent, or  
 107 with any bank or trust company within or without the state, as

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108 security for such bonds and may, under the agreements, assign  
 109 and pledge the revenues, rates, fees, rentals, tolls, or other  
 110 charges or receipts of the authority.

111 (e) Bonds issued pursuant to this part are negotiable  
 112 instruments and have all the qualities and incidents of  
 113 negotiable instruments under the law merchant and the negotiable  
 114 instruments law of the state. ~~The Division of Bond Finance is~~  
 115 ~~authorized to issue revenue bonds on behalf of the authority to~~  
 116 ~~finance or refinance the cost of projects.~~

117 Section 4. Section 343.58, Florida Statutes, is amended to  
 118 read:

119 343.58 ~~County~~ Funding for the South Florida Regional  
 120 Transportation Authority.--

121 (1) Each county served by the South Florida Regional  
 122 Transportation Authority must dedicate and transfer not less  
 123 than \$2.67 million to the authority prior to October 31 of each  
 124 fiscal year annually. ~~The recurring annual \$2.67 million must be~~  
 125 ~~dedicated by the governing body of each county by August 1,~~  
 126 ~~2003.~~ Notwithstanding ss. 206.41 and 206.87, such dedicated  
 127 funding may come from each county's share of the ninth-cent fuel  
 128 tax, the local option fuel tax, or any other source of local gas  
 129 taxes or other nonfederal funds available to the counties. ~~In~~  
 130 ~~addition, the Legislature authorizes the levy of an annual~~  
 131 ~~license tax in the amount of \$2 for the registration or renewal~~  
 132 ~~of registration of each vehicle taxed under s. 320.08 and~~  
 133 ~~registered in the area served by the South Florida Regional~~  
 134 ~~Transportation Authority. The annual license tax shall take~~  
 135 ~~effect in any county served by the authority upon approval by~~

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136 ~~the residents in a county served by the authority. The annual~~  
 137 ~~license tax shall be levied and the Department of Highway Safety~~  
 138 ~~and Motor Vehicles shall remit the proceeds each month from the~~  
 139 ~~tax to the South Florida Regional Transportation Authority.~~

140 (2) The Legislature authorizes each county served by the  
 141 South Florida Regional Transportation Authority to levy an  
 142 additional title fee in the amount of \$100 for each vehicle  
 143 required to be titled under s. 319.22(1) or s. 319.23(3),  
 144 excluding mobile homes and vessels, and acquired by a person  
 145 residing in the county. Prior to the levy of the additional  
 146 title fee by a county served by the authority, the levy shall be  
 147 approved by a super majority vote of two-thirds of the members  
 148 of the county commission. The additional title fee shall be  
 149 levied 90 days after the county commission approves the levy of  
 150 the additional title fee in accordance with this subsection. The  
 151 Department of Highway Safety and Motor Vehicles shall remit to  
 152 the authority all proceeds generated by the additional title  
 153 fee.

154 ~~(3)(2) In addition,~~ Each county served by the South  
 155 Florida Regional Transportation Authority shall continue to  
 156 annually fund the operations of the South Florida Regional  
 157 Transportation authority in an amount not less than \$1.565  
 158 million. The recurring annual \$1.565 million must be dedicated  
 159 and transferred by each county by October 31 of each fiscal  
 160 year.

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

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163       (5) The current funding obligations in subsections (1) and  
 164 (3) shall cease upon commencement of collection of the  
 165 additional title fee described in subsection (2). Should the fee  
 166 in subsection (2) not meet the funding obligations of any county  
 167 served by the South Florida Regional Transportation Authority as  
 168 outlined in subsections (1) and (3), that county shall fund the  
 169 remaining funding obligations outlined in subsections (1) and  
 170 (3) by utilizing the funding options outlined in subsection (1).  
 171 The authority shall refund a pro rata share of payments made  
 172 pursuant to the current funding obligations in subsections (1)  
 173 and (3) as soon as reasonably practicable after it begins to  
 174 receive proceeds of the annual license tax or additional title  
 175 fee described in subsection (2).

176  
 177 If, by December 31, 2011 ~~2009~~, the South Florida Regional  
 178 Transportation Authority has not received federal matching funds  
 179 based upon the dedication of funds under this section ~~subsection~~  
 180 ~~(1)~~, this section ~~subsection (1)~~ shall be repealed.

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

183       120.52 Definitions.--As used in this act:

184       (1) "Agency" means:

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

187       (b) Each:

188       1. State officer and state department, and each  
 189 departmental unit described in s. 20.04.

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

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- 191 3. Board.
- 192 4. Commission, including the Commission on Ethics and the
- 193 Fish and Wildlife Conservation Commission when acting pursuant
- 194 to statutory authority derived from the Legislature.
- 195 5. Regional planning agency.
- 196 6. Multicounty special district with a majority of its
- 197 governing board comprised of nonelected persons.
- 198 7. Educational units.
- 199 8. Entity described in chapters 163, 373, 380, and 582 and
- 200 s. 186.504.

201 (c) Each other unit of government in the state, including

202 counties and municipalities, to the extent they are expressly

203 made subject to this act by general or special law or existing

204 judicial decisions.

205

206 This definition does not include any legal entity or agency

207 created in whole or in part pursuant to chapter 361, part II,

208 any metropolitan planning organization created pursuant to s.

209 339.175, any separate legal or administrative entity created

210 pursuant to s. 339.175 of which a metropolitan planning

211 organization is a member, a regional transportation authority

212 created pursuant to chapter 343, an expressway authority

213 pursuant to chapter 348, any legal or administrative entity

214 created by an interlocal agreement pursuant to s. 163.01(7),

215 unless any party to such agreement is otherwise an agency as

216 defined in this subsection, or any multicounty special district

217 with a majority of its governing board comprised of elected



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218 persons; however, this definition shall include a regional water  
219 supply authority.

220 Section 6. Paragraph (b) of subsection (4) of section  
221 163.3180, Florida Statutes, is amended to read:

222 163.3180 Concurrency.--

223 (4)

224 (b) The concurrency requirement as implemented in local  
225 comprehensive plans does not apply to public transit facilities  
226 or transit-oriented development master plans. For the purposes  
227 of this paragraph, public transit facilities include transit  
228 stations and terminals, transit station parking, park-and-ride  
229 lots, intermodal public transit connection or transfer  
230 facilities, and fixed bus, guideway, and rail stations. For the  
231 purposes of this paragraph, transit-oriented development master  
232 plans are plans adopted by a local governing body that  
233 graphically depict the locations of transit stations, roadways,  
234 buildings, public spaces, and civic spaces within a quarter-mile  
235 to half-mile radius of the transit station. As used in this  
236 paragraph, the terms "terminals" and "transit facilities" do not  
237 include airports or seaports or commercial or residential  
238 development constructed in conjunction with a public transit  
239 facility, except as may be constructed within a transit-oriented  
240 development master plan.

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