

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Zapata offered the following:

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3 **Amendment to Senate Amendment (045176) (with title**
4 **amendment)**

5 On page 118, line(s) 29,
6 insert:

7 Section 98. Paragraph (d) of subsection (2) of section
8 348.0003, Florida Statutes, is amended to read:

9 348.0003 Expressway authority; formation; membership.--

10 (2) The governing body of an authority shall consist of
11 not fewer than five nor more than nine voting members. The
12 district secretary of the affected department district shall
13 serve as a nonvoting member of the governing body of each
14 authority located within the district. Each member of the
15 governing body must at all times during his or her term of

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16 office be a permanent resident of the county which he or she is
17 appointed to represent.

18 (d) Notwithstanding any provision to the contrary in this
19 subsection, in any county as defined in s. 125.011(1), the
20 governing body of an authority shall consist of up to 7 ~~13~~
21 members, and the following provisions of this paragraph shall
22 apply specifically to such authority. Except for the district
23 secretary of the department, the members must be residents of
24 the county. Two ~~Seven~~ voting members shall be county
25 commissioners appointed by the chair of the governing body of
26 the county. One voting member shall be a mayor of a municipality
27 within the county and shall be appointed by the Miami-Dade
28 County League of Cities. Two ~~At the discretion of the governing~~
29 ~~body of the county, up to two of the members appointed by the~~
30 ~~governing body of the county may be elected officials residing~~
31 ~~in the county. Five~~ voting members of the authority shall be
32 appointed by the Governor. One member shall be the district
33 secretary of the department serving in the district that
34 contains such county and shall be an ex officio, voting member
35 of the authority. One member shall be the chair of the Miami-
36 Dade legislative delegation, or another member of the delegation
37 appointed by the chair, and shall be an ex officio, nonvoting
38 member of the authority. This member shall be an ex officio
39 ~~voting member of the authority. If the governing board of an~~
40 ~~authority includes any member originally appointed by the~~
41 ~~governing body of the county as a nonvoting member, when the~~
42 ~~term of such member expires, that member shall be replaced by a~~
43 ~~member appointed by the Governor until the governing body of the~~

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44 ~~authority is composed of seven members appointed by the~~
45 ~~governing body of the county and five members appointed by the~~
46 ~~Governor.~~ The qualifications, terms of office, and obligations
47 and rights of members of the authority shall be determined by
48 resolution or ordinance of the governing body of the county in a
49 manner that is consistent with subsections (3) and (4).

50 Section 99. Paragraph (f) of subsection (2) of section
51 348.0004, Florida Statutes, is amended to read:

52 348.0004 Purposes and powers.--

53 (2) Each authority may exercise all powers necessary,
54 appurtenant, convenient, or incidental to the carrying out of
55 its purposes, including, but not limited to, the following
56 rights and powers:

57 (f)1. To fix, alter, charge, establish, and collect tolls,
58 rates, fees, rentals, and other charges for the services and
59 facilities system, which tolls, rates, fees, rentals, and other
60 charges must always be sufficient to comply with any covenants
61 made with the holders of any bonds issued pursuant to the
62 Florida Expressway Authority Act. However, such right and power
63 may be assigned or delegated by the authority to the department.
64 Notwithstanding s. 338.165 or any other provision of law to the
65 contrary, in any county as defined in s. 125.011(1), to the
66 extent surplus revenues exist, they may be used for purposes
67 enumerated in subsection (7), provided the expenditures are
68 consistent with the metropolitan planning organization's adopted
69 long-range plan. Notwithstanding any other provision of law to
70 the contrary, but subject to any contractual requirements
71 contained in documents securing any outstanding indebtedness

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72 payable from tolls, in any county as defined in s. 125.011(1),
73 the board of county commissioners may, by ordinance adopted on
74 or before September 30, 1999, alter or abolish existing tolls
75 and currently approved increases thereto if the board provides a
76 local source of funding to the county expressway system for
77 transportation in an amount sufficient to replace revenues
78 necessary to meet bond obligations secured by such tolls and
79 increases.

80 2. Prior to raising tolls or establishing any new point of
81 toll collection by either cash payment or electronic toll
82 collection, an expressway authority in any county as defined in
83 s. 125.011(1) shall provide, where applicable, the county
84 commission, city commission, and metropolitan planning
85 organization in the affected area with written justification for
86 the proposed toll increase or new toll collection point. Each
87 local governmental entity and metropolitan planning organization
88 shall agenda the justification issue at its next available
89 public meeting and shall have 30 days after the date of that
90 meeting to request a public hearing on the proposed toll
91 increase or new toll collection point. Copies of the written
92 justification must also be provided to each member of the
93 Legislature who represents a district affected by the proposed
94 toll increase or new collection point, and the copies must be
95 provided at the same time as the information is submitted to the
96 local governmental entity. Within 60 days after receiving a
97 public hearing request from a local governmental entity or
98 metropolitan planning organization, the expressway authority
99 shall hold at least two public hearings in the area to be

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100 affected by its proposal. The public hearings shall be
 101 advertised in a newspaper of general circulation, as defined in
 102 s. 97.021(16), in the affected county. Notice of the public
 103 hearing must be provided to each member of the Legislature who
 104 represents a district affected by the proposed toll increase or
 105 new collection point. During the public hearings, the expressway
 106 authority shall, at a minimum, present an in-depth cost-benefit
 107 analysis of the proposed toll increase, present an in-depth
 108 description of the transportation projects to be funded, and
 109 document all questions, suggestions, or other comments offered
 110 by the public. No toll increase shall become effective and no
 111 new point of toll collections shall become operational until 90
 112 days after the last public hearing as required by this paragraph
 113 is held. The provisions of this subsection shall not apply to
 114 any change in the toll rate for the use of any portion of the
 115 expressway system of an authority or any new project undertaken
 116 by the authority that has been approved by the authority prior
 117 to January 1, 2005.

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 119
 120 ===== T I T L E A M E N D M E N T =====

121 On page 130, line 16,
 122 remove: All of said lines,
 123
 124 and insert:
 125 enhanced penalty; amending s. 348.0003, F.S.; changing the
 126 membership of expressway authority governing boards in
 127 certain counties; amending s. 348.0004, F.S.; requiring

HOUSE AMENDMENT

Bill No. HB 1697

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128 notification to certain local governmental entities and
129 metropolitan planning organizations by certain expressway
130 authorities proposing a toll increase or a new point of
131 toll collection; providing procedures for public notice
132 and hearing prior to implementation; providing for
133 application; providing effective dates.

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