

Bill No. SB 2524

Barcode 882996

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Clary) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

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

343.54 Powers and duties.--

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1 (1)

2 (b) It is the express intention of this part that the  
3 authority be authorized to plan, develop, own, purchase,  
4 lease, or otherwise acquire, demolish, construct, improve,  
5 relocate, equip, repair, maintain, operate, and manage a  
6 transit system and transit facilities; to establish and  
7 determine the policies necessary for the best interest of the  
8 operation and promotion of a transit system; and to adopt  
9 rules necessary to govern the operation of a transit ~~commuter~~  
10 ~~rail~~ system and transit ~~commuter-rail~~ facilities. It is the  
11 intent of the Legislature that the South Florida Regional  
12 Transportation Authority shall have overall authority to  
13 coordinate, develop, and operate a regional transportation  
14 system within the area served.

15 Section 3. Section 343.55, Florida Statutes, is  
16 amended to read:

17 343.55 ~~Issuance of~~ Revenue bonds.--

18 (1) The authority is authorized to borrow money as  
19 provided by the State Bond Act for the purpose of paying all  
20 or any part of the cost of any one or more projects of the  
21 South Florida Regional Transportation Authority. The principal  
22 of, and the interest on, such bonds shall be payable solely  
23 from revenues pledged for their payment.

24 (2) The proceeds of the bonds of each issue shall be  
25 used solely for the payment of the cost of the projects for  
26 which such bonds shall have been issued, except as provided in  
27 the State Bond Act. Such proceeds shall be disbursed and used  
28 as provided in this part and in such manner and under such  
29 restrictions, if any, as the Division of Bond Finance may  
30 provide in the resolution authorizing the issuance of such  
31 bonds or in the trust agreement securing the same.

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1           (3)(a) The authority may issue bonds from time to time  
 2 which do not pledge the full faith and credit of the state in  
 3 such principal amount as, in the opinion of the authority, is  
 4 necessary to provide sufficient moneys for achieving its  
 5 corporate purposes.

6           (b) The bonds of the authority, whether on original  
 7 issuance or refunding, must be authorized by resolution of the  
 8 authority after a public hearing, may be either term or serial  
 9 bonds in such principal amounts as the authority may  
 10 determine, and shall bear such date or dates, mature at such  
 11 time or times, bear interest at such rate or rates, be in such  
 12 denominations, be in such form, either coupon or fully  
 13 registered, carry such registration, exchangeability, and  
 14 interchangeability privileges, be payable in such medium of  
 15 payment and at such place or places and at such times, be  
 16 subject to such terms of redemption, and be entitled to such  
 17 priorities on the revenues, rates, fees, rentals, or other  
 18 charges or receipts of the authority as such resolution or any  
 19 resolution subsequent thereto may provide. The bonds must be  
 20 executed by such officers as the authority determines under  
 21 the requirements of s. 279.06.

22           (c) The bonds shall be sold by the authority at public  
 23 sale by competitive bid. However, if the authority, after  
 24 receipt of a written recommendation from a financial adviser,  
 25 shall determine by official action after public hearing by a  
 26 two-thirds vote of all voting members of the authority that a  
 27 negotiated sale of the bonds is in the best interest of the  
 28 authority, the authority may negotiate for sale of the bonds  
 29 with the underwriter or underwriters designated by the  
 30 authority. The authority shall provide specific findings in a  
 31 resolution as to the reasons requiring the negotiated sale,

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1 which resolution shall incorporate and have attached thereto  
2 the written recommendation of the financial adviser required  
3 by this paragraph.

4 (d) Any such resolution or resolutions authorizing any  
5 bonds hereunder may contain provisions that are part of the  
6 contract with the holders of the bonds as the authority  
7 determines proper. In addition, the authority may enter into  
8 trust indentures or other agreements with a fiscal agent, or  
9 with any bank or trust company within or without the state, as  
10 security for such bonds and may, under the agreements, assign  
11 and pledge the revenues, rates, fees, rentals, tolls, or other  
12 charges or receipts of the authority.

13 (e) Bonds issued pursuant to this part are negotiable  
14 instruments and have all the qualities and incidents of  
15 negotiable instruments under the law merchant and the  
16 negotiable instruments law of the state. ~~The Division of Bond~~  
17 Finance is authorized to issue revenue bonds on behalf of the  
18 authority to finance or refinance the cost of projects.

19 Section 4. Section 343.58, Florida Statutes, is  
20 amended to read:

21 343.58 ~~County~~ Funding for the South Florida Regional  
22 Transportation Authority.--

23 (1) Each county served by the South Florida Regional  
24 Transportation Authority must dedicate and transfer not less  
25 than \$2.67 million to the authority prior to October 31 of  
26 each fiscal year annually. ~~The recurring annual \$2.67 million~~  
27 must be dedicated by the governing body of each county by  
28 August 1, 2003. Notwithstanding ss. 206.41 and 206.87, such  
29 dedicated funding may come from each county's share of the  
30 ninth-cent fuel tax, the local option fuel tax, or any other  
31 source of local gas taxes or other nonfederal funds available

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1 to the counties. ~~In addition, the Legislature authorizes the~~  
 2 ~~levy of an annual license tax in the amount of \$2 for the~~  
 3 ~~registration or renewal of registration of each vehicle taxed~~  
 4 ~~under s. 320.08 and registered in the area served by the South~~  
 5 ~~Florida Regional Transportation Authority. The annual license~~  
 6 ~~tax shall take effect in any county served by the authority~~  
 7 ~~upon approval by the residents in a county served by the~~  
 8 ~~authority. The annual license tax shall be levied and the~~  
 9 ~~Department of Highway Safety and Motor Vehicles shall remit~~  
 10 ~~the proceeds each month from the tax to the South Florida~~  
 11 ~~Regional Transportation Authority.~~

12 (2) The Legislature authorizes each county served by  
 13 the South Florida Regional Transportation Authority to levy an  
 14 additional title fee in the amount of \$100 for each vehicle  
 15 required to be titled under s. 319.22(1) or s. 319.23(3),  
 16 excluding mobile homes and vessels, and acquired by a person  
 17 residing in the county. Prior to the levy of the additional  
 18 title fee by a county served by the authority, the levy shall  
 19 be approved by a vote of two-thirds of the members of the  
 20 county commission. The additional title fee shall be levied 90  
 21 days after the county commission approves the levy of the  
 22 additional title fee in accordance with this subsection. The  
 23 Department of Highway Safety and Motor Vehicles shall remit to  
 24 the authority all proceeds generated by the additional title  
 25 fee.

26 ~~(3)(2) In addition, Each county served by the South~~  
 27 ~~Florida Regional Transportation Authority shall continue to~~  
 28 ~~annually fund the operations of the South Florida Regional~~  
 29 ~~Transportation authority in an amount not less than \$1.565~~  
 30 ~~million. The recurring annual \$1.565 million must be dedicated~~  
 31 ~~and transferred by each county by October 31 of each fiscal~~

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1 year.

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

5       (5) The current funding obligations in subsections (1)  
6 and (3) shall cease upon commencement of collection of the  
7 additional title fee described in subsection (2). Should the  
8 fee in subsection (2) not meet the funding obligations of any  
9 county served by the South Florida Regional Transportation  
10 Authority as outlined in subsections (1) and (3), that county  
11 shall fund the remaining funding obligations outlined in  
12 subsections (1) and (3) by utilizing the funding options  
13 outlined in subsection (1).

14  
15 If, by December 31, 2011 ~~2009~~, the South Florida Regional  
16 Transportation Authority has not received federal matching  
17 funds based upon the dedication of funds under this section  
18 ~~subsection (1)~~, this section ~~subsection (1)~~ shall be repealed.

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

21       120.52 Definitions.--As used in this act:

22       (1) "Agency" means:

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

25       (b) Each:

26       1. State officer and state department, and each  
27 departmental unit described in s. 20.04.

28       2. Authority, including a regional water supply  
29 authority.

30       3. Board.

31       4. Commission, including the Commission on Ethics and

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1 the Fish and Wildlife Conservation Commission when acting  
2 pursuant to statutory authority derived from the Legislature.

3 5. Regional planning agency.

4 6. Multicounty special district with a majority of its  
5 governing board comprised of nonelected persons.

6 7. Educational units.

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

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

13

14 This definition does not include any legal entity or agency  
15 created in whole or in part pursuant to chapter 361, part II,  
16 any metropolitan planning organization created pursuant to s.  
17 339.175, any separate legal or administrative entity created  
18 pursuant to s. 339.175 of which a metropolitan planning  
19 organization is a member, a regional transportation authority  
20 created pursuant to chapter 343, an expressway authority  
21 pursuant to chapter 348, any legal or administrative entity  
22 created by an interlocal agreement pursuant to s. 163.01(7),  
23 unless any party to such agreement is otherwise an agency as  
24 defined in this subsection, or any multicounty special  
25 district with a majority of its governing board comprised of  
26 elected persons; however, this definition shall include a  
27 regional water supply authority.

28 Section 6. Paragraph (b) of subsection (4) of section  
29 163.3180, Florida Statutes, is amended to read:

30 163.3180 Concurrency.--

31 (4)

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1 (b) The concurrency requirement as implemented in  
2 local comprehensive plans does not apply to public transit  
3 facilities or transit-oriented development master plans. For  
4 the purposes of this paragraph, public transit facilities  
5 include transit stations and terminals, transit station  
6 parking, park-and-ride lots, intermodal public transit  
7 connection or transfer facilities, and fixed bus, guideway,  
8 and rail stations. For the purposes of this paragraph,  
9 transit-oriented development master plans are plans adopted by  
10 a local governing body which graphically depict the locations  
11 of transit stations, roadways, buildings, public spaces, and  
12 civic spaces within a quarter-mile to half-mile radius of the  
13 transit station. As used in this paragraph, the terms  
14 "terminals" and "transit facilities" do not include airports  
15 or seaports or commercial or residential development  
16 constructed in conjunction with a public transit facility,  
17 except as may be constructed within a transit-oriented  
18 development master plan.

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

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 and insert:

28 A bill to be entitled  
29 An act relating to regional transportation  
30 authorities; amending s. 343.52, F.S.; revising  
31 the definition of "transit system" for purposes



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1 of the South Florida Regional Transportation  
2 Authority Act; amending s. 343.54, F.S.;  
3 revising powers and duties of that authority;  
4 removing reference to commuter rail systems;  
5 amending s. 343.55, F.S.; providing for  
6 issuance of revenue bonds authorized by  
7 resolution of the authority; providing for sale  
8 and security of the bonds; providing that the  
9 bonds are negotiable securities; amending s.  
10 343.58, F.S.; revising provisions for funding  
11 for the authority; providing for minimum county  
12 contributions to the authority; removing a  
13 vehicle registration tax levied by the  
14 authority; authorizing an additional title fee  
15 on certain vehicles to be levied by counties  
16 served by the authority; requiring approval of  
17 the additional title fee by super majority vote  
18 of the county commission; requiring counties  
19 served by the authority to annually transfer  
20 certain funds before a certain date; providing  
21 for cessation of specified county funding  
22 contributions and providing for certain  
23 refunding of the contributions under certain  
24 circumstances; revising the timeframe for  
25 repeal of specified funding provisions under  
26 certain circumstances; amending s. 120.52,  
27 F.S.; providing that specified regional  
28 transportation authorities are not agencies  
29 under the Administrative Procedure Act;  
30 amending s. 163.3180, F.S.; providing that  
31 comprehensive plan concurrency requirements do

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1 not apply to transit-oriented development  
2 master plans; providing criteria for such  
3 plans; providing an effective date.  
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