

Bill No. CS for CS for CS for SB 460

Barcode 602452

CHAMBER ACTION

Senate

House

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Senator Geller moved the following amendment:

**Senate Amendment (with title amendment)**

On page 55, between lines 2 and 3,

insert:

Section 12. 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 13. Paragraph (b) of subsection (1) of section 343.54, Florida Statutes, is amended to read:

343.54 Powers and duties.--

(1)

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

14           Section 14. Subsection (3) of section 343.55, Florida  
15 Statutes, is amended to read:

16           343.55 ~~Issuance of~~ Revenue bonds.--

17           (3)(a) The authority may issue bonds from time to time  
18 that do not pledge the full faith and credit of the state in  
19 such principal amount as, in the opinion of the authority, is  
20 necessary to provide sufficient moneys for achieving its  
21 corporate purposes.

22           (b) The bonds of the authority, whether on original  
23 issuance or refunding, must be authorized by resolution of the  
24 authority after a public hearing, may be either term or serial  
25 bonds in such principal amounts as the authority may  
26 determine, and shall bear such date or dates, mature at such  
27 time or times, bear interest at such rate or rates, be in such  
28 denominations, be in such form, either coupon or fully  
29 registered, carry such registration, exchangeability, and  
30 interchangeability privileges, be payable in such medium of  
31 payment and at such place or places and at such times, be

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1 subject to such terms of redemption, and be entitled to such  
2 priorities on the revenues, rates, fees, rentals, or other  
3 charges or receipts of the authority as such resolution or any  
4 resolution subsequent thereto may provide. The bonds must be  
5 executed by such officers as the authority determines under  
6 the requirements of s. 279.06.

7       (c) Said bonds shall be sold by the authority at  
8 public sale by competitive bid. However, if the authority,  
9 after receipt of a written recommendation from a financial  
10 adviser, shall determine by official action after public  
11 hearing by a two-thirds vote of all voting members of the  
12 authority that a negotiated sale of the bonds is in the best  
13 interest of the authority, the authority may negotiate for  
14 sale of the bonds with the underwriter or underwriters  
15 designated by the authority. The authority shall provide  
16 specific findings in a resolution as to the reasons requiring  
17 the negotiated sale, which resolution shall incorporate and  
18 have attached thereto the written recommendation of the  
19 financial adviser required by this paragraph.

20       (d) Any such resolution or resolutions authorizing any  
21 bonds hereunder may contain provisions that are part of the  
22 contract with the holders of the bonds as the authority  
23 determines proper. In addition, the authority may enter into  
24 trust indentures or other agreements with a fiscal agent, or  
25 with any bank or trust company within or without the state, as  
26 security for such bonds and may, under the agreements, assign  
27 and pledge the revenues, rates, fees, rentals, tolls, or other  
28 charges or receipts of the authority.

29       (e) Bonds issued pursuant to this part are negotiable  
30 instruments and have all the qualities and incidents of  
31 negotiable instruments under the law merchant and the

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1 ~~negotiable instruments law of the state. The Division of Bond~~  
 2 ~~Finance is authorized to issue revenue bonds on behalf of the~~  
 3 ~~authority to finance or refinance the cost of projects.~~

4 Section 15. Subsection (1) of section 120.52, Florida  
 5 Statutes, is amended to read:

6 120.52 Definitions.--As used in this act:

7 (1) "Agency" means:

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

10 (b) Each:

11 1. State officer and state department, and each  
 12 departmental unit described in s. 20.04.

13 2. Authority, including a regional water supply  
 14 authority.

15 3. Board.

16 4. Commission, including the Commission on Ethics and  
 17 the Fish and Wildlife Conservation Commission when acting  
 18 pursuant to statutory authority derived from the Legislature.

19 5. Regional planning agency.

20 6. Multicounty special district with a majority of its  
 21 governing board comprised of nonelected persons.

22 7. Educational units.

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

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

29

30 This definition does not include any legal entity or agency  
 31 created in whole or in part pursuant to chapter 361, part II,

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1 any metropolitan planning organization created pursuant to s.  
 2 339.175, any separate legal or administrative entity created  
 3 pursuant to s. 339.175 of which a metropolitan planning  
 4 organization is a member, a regional transportation authority  
 5 created pursuant to chapter 343, an expressway authority  
 6 pursuant to chapter 348, any legal or administrative entity  
 7 created by an interlocal agreement pursuant to s. 163.01(7),  
 8 unless any party to such agreement is otherwise an agency as  
 9 defined in this subsection, or any multicounty special  
 10 district with a majority of its governing board comprised of  
 11 elected persons; however, this definition shall include a  
 12 regional water supply authority.

13 Section 16. Paragraph (b) of subsection (4) of section  
 14 163.3180, Florida Statutes, is amended to read:

15 163.3180 Concurrency.--

16 (4)

17 (b) The concurrency requirement as implemented in  
 18 local comprehensive plans does not apply to public transit  
 19 facilities or transit-oriented development master plans. For  
 20 the purposes of this paragraph, public transit facilities  
 21 include transit stations and terminals, transit station  
 22 parking, park-and-ride lots, intermodal public transit  
 23 connection or transfer facilities, and fixed bus, guideway,  
 24 and rail stations. For the purposes of this paragraph,  
 25 transit-oriented development master plans are plans adopted by  
 26 a local governing body that graphically depict the locations  
 27 of transit stations, roadways, buildings, public spaces, and  
 28 civic spaces within a quarter-mile to half-mile radius of the  
 29 transit station. As used in this paragraph, the terms  
 30 "terminals" and "transit facilities" do not include airports  
 31 or seaports or commercial or residential development

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1 constructed in conjunction with a public transit facility,  
2 except as may be constructed within a transit-oriented  
3 development master plan.

4  
5 (Redesignate subsequent sections.)

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7  
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 4, line 22, after the semicolon,  
11  
12 insert:  
13 amending s. 343.52, F.S.; revising the  
14 definition of "transit system" for purposes of  
15 the South Florida Regional Transportation  
16 Authority Act; amending s. 343.54, F.S.;  
17 revising powers and duties of that authority;  
18 removing reference to commuter rail systems;  
19 amending s. 343.55, F.S.; providing for  
20 issuance of revenue bonds authorized by  
21 resolution of the authority; providing for sale  
22 and security of the bonds; providing that the  
23 bonds are negotiable securities; amending s.  
24 120.52, F.S.; providing that specified regional  
25 transportation authorities are not agencies  
26 under the Administrative Procedure Act;  
27 amending s. 163.3180, F.S.; providing that  
28 comprehensive plan concurrency requirements do  
29 not apply to transit-oriented development  
30 master plans; providing criteria for such  
31 plans;