

Bill No. CS for CS for CS for SB 460

Barcode 971814

CHAMBER ACTION

Senate

House

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Senator Klein moved the following amendment:

**Senate Amendment (with title amendment)**

On page 24, between lines 29 and 30,

insert:

Section 9. 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 10. 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 11. 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) The bonds shall be sold by the authority at public  
8 sale by competitive bid. However, if the authority, after  
9 receipt of a written recommendation from a financial adviser,  
10 determines by official action, after a public hearing by a  
11 two-thirds vote of all voting members of the authority, that a  
12 negotiated sale of the bonds is in the best interest of the  
13 authority, the authority may negotiate for sale of the bonds  
14 with the underwriter or underwriters designated by the  
15 authority. The authority shall provide specific findings in a  
16 resolution as to the reasons requiring the negotiated sale,  
17 which resolution shall incorporate and have attached thereto  
18 the written recommendation of the financial adviser required  
19 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 12. Section 343.58, Florida Statutes, is  
5 amended to read:

6 343.58 ~~County~~ Funding for the South Florida Regional  
7 Transportation Authority.--

8 (1) Each county served by the South Florida Regional  
9 Transportation Authority must dedicate and transfer not less  
10 than \$2.67 million to the authority prior to October 31 of  
11 each fiscal year annually. ~~The recurring annual \$2.67 million~~  
12 ~~must be dedicated by the governing body of each county by~~  
13 ~~August 1, 2003.~~ Notwithstanding ss. 206.41 and 206.87, such  
14 dedicated funding may come from each county's share of the  
15 ninth-cent fuel tax, the local option fuel tax, or any other  
16 source of local gas taxes or other nonfederal funds available  
17 to the counties. ~~In addition, the Legislature authorizes the~~  
18 ~~levy of an annual license tax in the amount of \$2 for the~~  
19 ~~registration or renewal of registration of each vehicle taxed~~  
20 ~~under s. 320.08 and registered in the area served by the South~~  
21 ~~Florida Regional Transportation Authority. The annual license~~  
22 ~~tax shall take effect in any county served by the authority~~  
23 ~~upon approval by the residents in a county served by the~~  
24 ~~authority. The annual license tax shall be levied and the~~  
25 ~~Department of Highway Safety and Motor Vehicles shall remit~~  
26 ~~the proceeds each month from the tax to the South Florida~~  
27 ~~Regional Transportation Authority.~~

28 (2) ~~In addition,~~ Each county served by the South  
29 Florida Regional Transportation Authority shall continue to  
30 annually fund the operations of the ~~South Florida Regional~~  
31 ~~Transportation~~ authority in an amount not less than \$1.565

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1 million. The recurring annual \$1.565 million must be dedicated  
2 and transferred by each county by October 31 of each fiscal  
3 year.

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

7  
8 If, by December 31, 2011 ~~2009~~, the South Florida Regional  
9 Transportation Authority has not received federal matching  
10 funds based upon the dedication of funds under this section  
11 ~~subsection (1)~~, this section subsection (1) shall be repealed.

12 Section 13. Subsection (1) of section 120.52, Florida  
13 Statutes, is amended to read:

14 120.52 Definitions.--As used in this act:

15 (1) "Agency" means:

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

18 (b) Each:

19 1. State officer and state department, and each  
20 departmental unit described in s. 20.04.

21 2. Authority, including a regional water supply  
22 authority.

23 3. Board.

24 4. Commission, including the Commission on Ethics and  
25 the Fish and Wildlife Conservation Commission when acting  
26 pursuant to statutory authority derived from the Legislature.

27 5. Regional planning agency.

28 6. Multicounty special district with a majority of its  
29 governing board comprised of nonelected persons.

30 7. Educational units.

31 8. Entity described in chapters 163, 373, 380, and 582

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1 and s. 186.504.

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

6  
7 This definition does not include any legal entity or agency  
8 created in whole or in part pursuant to chapter 361, part II,  
9 any metropolitan planning organization created pursuant to s.  
10 339.175, any separate legal or administrative entity created  
11 pursuant to s. 339.175 of which a metropolitan planning  
12 organization is a member, a regional transportation authority  
13 created pursuant to chapter 343, an expressway authority  
14 pursuant to chapter 348, any legal or administrative entity  
15 created by an interlocal agreement pursuant to s. 163.01(7),  
16 unless any party to such agreement is otherwise an agency as  
17 defined in this subsection, or any multicounty special  
18 district with a majority of its governing board comprised of  
19 elected persons; however, this definition shall include a  
20 regional water supply authority.

21 Section 14. Paragraph (b) of subsection (4) of section  
22 163.3180, Florida Statutes, is amended to read:

23 163.3180 Concurrency.--

24 (4)

25 (b) The concurrency requirement as implemented in  
26 local comprehensive plans does not apply to public transit  
27 facilities or transit-oriented development master plans. For  
28 the purposes of this paragraph, public transit facilities  
29 include transit stations and terminals, transit station  
30 parking, park-and-ride lots, intermodal public transit  
31 connection or transfer facilities, and fixed bus, guideway,

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1 and rail stations. For the purposes of this paragraph,  
 2 transit-oriented development master plans are plans adopted by  
 3 a local governing body that graphically depict the locations  
 4 of transit stations, roadways, buildings, public spaces, and  
 5 civic spaces within a quarter-mile to half-mile radius of the  
 6 transit station. As used in this paragraph, the terms  
 7 "terminals" and "transit facilities" do not include airports  
 8 or seaports or commercial or residential development  
 9 constructed in conjunction with a public transit facility,  
 10 except as may be constructed within a transit-oriented  
 11 development master plan.

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

15 And the title is amended as follows:

16        On page 3, line 4, after the semicolon,

17

18 insert:

19        amending s. 343.52, F.S.; revising the  
 20        definition of "transit system" for purposes of  
 21        the South Florida Regional Transportation  
 22        Authority Act; amending s. 343.54, F.S.;  
 23        revising powers and duties of that authority;  
 24        removing reference to commuter rail systems;  
 25        amending s. 343.55, F.S.; providing for  
 26        issuance of revenue bonds authorized by  
 27        resolution of the authority; providing for sale  
 28        and security of the bonds; providing that the  
 29        bonds are negotiable securities; amending s.  
 30        343.58, F.S.; revising provisions for funding  
 31        for the authority; providing for minimum county

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1 contributions to the authority; removing a  
2 vehicle registration tax levied by the  
3 authority; requiring counties served by the  
4 authority to annually transfer certain funds  
5 before a certain date; revising timeframe for  
6 repeal of specified funding provisions under  
7 certain circumstances; amending s. 120.52,  
8 F.S.; providing that specified regional  
9 transportation authorities are not agencies  
10 under the Administrative Procedure Act;  
11 amending s. 163.3180, F.S.; providing that  
12 comprehensive plan concurrency requirements do  
13 not apply to transit-oriented development  
14 master plans; providing criteria for such  
15 plans;

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