

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Horner offered the following:

Amendment (with title amendment)

Remove lines 3520-3611 and insert:

Section 60. Subsection (3) of section 343.52, Florida Statutes, is amended to read:

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

(3) "Area served" means Miami-Dade, Broward, and Palm Beach Counties. However, this area may be expanded by mutual consent of the authority and the board of county commissioners of Monroe County ~~representing the proposed expansion area. The authority may not expand into any additional counties without the department's prior written approval.~~

Section 61. Section 343.53, Florida Statutes, is amended to read:

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17 343.53 South Florida Regional Transportation Authority.—

18 (1) There is created and established a body politic and
19 corporate, an agency of the state, to be known as the "South
20 Florida Regional Transportation Authority," hereinafter referred
21 to as the "authority."

22 (2) The governing board of the authority shall consist of
23 10 ~~nine~~ voting members, as follows:

24 (a) The county commissions of Miami-Dade, Broward, and
25 Palm Beach Counties shall each elect a commissioner as that
26 commission's representative on the board. The commissioner must
27 be a member of the county commission when elected and for the
28 full extent of his or her term.

29 (b) The county commissions of Miami-Dade, Broward, and
30 Palm Beach Counties shall each appoint a citizen member to the
31 board who is not a member of the county commission but who is a
32 resident of the county from which he or she is appointed and a
33 qualified elector of that county. Insofar as practicable, the
34 citizen member shall represent the business and civic interests
35 of the community.

36 (c) The secretary of the Department of Transportation
37 shall appoint one of the district secretaries, or his or her
38 designee, for the districts within which the area served by the
39 South Florida Regional Transportation Authority is located, who
40 shall serve ex officio as a voting member.

41 (d) If the authority's service area is expanded pursuant
42 to s. 343.54(5), the county containing the new service area
43 shall have two ~~three~~ members appointed to the board as follows:

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44 1. The county commission of the county shall elect a
45 commissioner as that commission's representative on the board.
46 The commissioner must be a member of the county commission when
47 elected and for the full extent of his or her term.

48 ~~2. The county commission of the county shall appoint a~~
49 ~~citizen member to the board who is not a member of the county~~
50 ~~commission but who is a resident and a qualified elector of that~~
51 ~~county. Insofar as is practicable, the citizen member shall~~
52 ~~represent the business and civic interests of the community.~~

53 2.3. The Governor shall appoint a citizen member to the
54 board who is not a member of the county commission but who is a
55 resident and a qualified elector of that county.

56 (e) The Governor shall appoint three ~~two~~ members to the
57 board who are residents and qualified electors in the area
58 served by the authority but who are not residents of the same
59 county ~~and also not residents of the county in which the~~
60 ~~district secretary who was appointed pursuant to paragraph (e)~~
61 ~~is a resident.~~

62 (3)(a) Members of the governing board of the authority
63 shall be appointed to serve 4-year staggered terms, except that
64 the terms of the appointees of the Governor shall be concurrent.

65 ~~(b) The terms of the board members currently serving on~~
66 ~~the authority that is being succeeded by this act shall expire~~
67 ~~July 30, 2003, at which time the terms of the members appointed~~
68 ~~pursuant to subsection (2) shall commence. The Governor shall~~
69 ~~make his or her appointments to the board within 30 days after~~
70 ~~July 30, 2003.~~

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71 (4) A vacancy during a term shall be filled by the
72 respective appointing authority in the same manner as the
73 original appointment and only for the balance of the unexpired
74 term.

75 (5) The members of the authority shall serve without
76 compensation, but are entitled to reimbursement for travel
77 expenses actually incurred in their duties as provided by law.

78 Section 62. Paragraph (q) is added to subsection (3) of
79 section 343.54, Florida Statutes, and subsection (5) of that
80 section is amended, to read:

81 343.54 Powers and duties.—

82 (3) The authority may exercise all powers necessary,
83 appurtenant, convenient, or incidental to the carrying out of
84 the aforesaid purposes, including, but not limited to, the
85 following rights and powers:

86 (q) To privatize any of the administrative functions of
87 the authority existing as of July 1, 2012, by contracting with a
88 private entity or entities to perform any or all of those
89 functions, which shall require a two-thirds vote of the entire
90 membership of the board.

91 (5) The authority, by a resolution of its governing board,
92 may expand its service area into Monroe County ~~and enter into a~~
93 ~~partnership with any county that is contiguous to the service~~
94 ~~area of the authority.~~ The board shall determine the conditions
95 and terms of the partnership, except as provided herein.

96 However, the authority may not expand its service area without
97 the consent of the board of county commissioners representing
98 the proposed expansion area, and a county may not be added to

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99 the service area except in the year that federal reauthorization
100 legislation for transportation funds is enacted. The authority
101 shall not expand into any county other than Monroe County
102 without the department's prior written approval.

103 Section 63. Section 343.56, Florida Statutes, is amended
104 to read:

105 343.56 Bonds not debts or pledges of credit of state.—
106 Revenue bonds issued under the provisions of this part are not
107 debts of the state or pledges of the faith and credit of the
108 state. Such bonds are payable exclusively from revenues pledged
109 for their payment. All such bonds shall contain a statement on
110 their face that the state is not obligated to pay the same or
111 the interest thereon, except from the revenues pledged for their
112 payment, and that the faith and credit of the state is not
113 pledged to the payment of the principal or interest of such
114 bonds. The issuance of revenue bonds under the provisions of
115 this part does not directly, indirectly, or contingently
116 obligate the state to levy or to pledge any form of taxation
117 whatsoever, or to make any appropriation for their payment. No
118 state funds shall be used or pledged to pay the principal or
119 interest of any bonds issued to finance or refinance any portion
120 of the South Florida Regional Transportation Authority transit
121 system, and all such bonds shall contain a statement on their
122 face to this effect. ~~However, federal funds being passed through~~
123 ~~the department to the South Florida Regional Transportation~~
124 ~~Authority and those state matching funds required by the United~~
125 ~~States Department of Transportation as a condition of federal~~

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126 ~~funding may be used to pay principal and interest of any bonds~~
127 ~~issued.~~

128 Section 64. Section 343.57, Florida Statutes, is amended
129 to read:

130 343.57 Pledge to bondholders not to restrict certain
131 rights of authority.—The state pledges to and agrees with the
132 holders of the bonds issued pursuant to this part that the state
133 will not limit or restrict the rights vested in the authority to
134 construct, reconstruct, maintain, and operate any project as
135 defined in this part, to establish and collect such fees or
136 other charges as may be convenient or necessary to produce
137 sufficient revenues to meet the expenses of maintenance and
138 operation of the system, and to fulfill the terms of any
139 agreements made with the holders of bonds authorized by this
140 part. The state further pledges that it will not in any way
141 impair the rights or remedies of the holders of such bonds until
142 the bonds, together with interest thereon, are fully paid and
143 discharged. Nothing in this section or in any agreement between
144 the authority and the Department of Transportation shall be
145 construed to require the Legislature to make or continue any
146 appropriation of state funds to the authority, including, but
147 not limited to, the amounts specified in s. 343.58(4), nor shall
148 any holder of bonds have any right to require the Legislature to
149 make or continue any appropriation of state funds.

150 Section 65. Subsection (4) of section 343.58, Florida
151 Statutes, is amended, and subsection (6) is added to that
152 section, to read:

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153 343.58 County funding for the South Florida Regional
154 Transportation Authority.—

155 (4) Notwithstanding any other provision of law to the
156 contrary and effective July 1, 2010, until as provided in
157 paragraph (d), the department shall transfer annually from the
158 State Transportation Trust Fund to the South Florida Regional
159 Transportation Authority the amounts specified in subparagraph
160 (a)1. or subparagraph (a)2.

161 (a)1. If the authority becomes responsible for maintaining
162 and dispatching the South Florida Rail Corridor:

163 a. \$15 million from the State Transportation Trust Fund to
164 the South Florida Regional Transportation Authority for
165 operations, maintenance, and dispatch; and

166 b. An amount no less than the work program commitments
167 equal to \$27.1 million for fiscal year 2010-2011, as of July 1,
168 2009, for operating assistance to the authority and corridor
169 track maintenance and contract maintenance for the South Florida
170 Rail Corridor.

171 2. If the authority does not become responsible for
172 maintaining and dispatching the South Florida Rail Corridor:

173 a. \$13.3 million from the State Transportation Trust Fund
174 to the South Florida Regional Transportation Authority for
175 operations; and

176 b. An amount no less than the work program commitments
177 equal to \$17.3 million for fiscal year 2010-2011, as of July 1,
178 2009, for operating assistance to the authority.

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179 (b) Funding required by this subsection may not be
180 provided from the funds dedicated to the Florida Rail Enterprise
181 under s. 201.15(1)(c)1.d.

182 (c)1. Funds provided to the authority by the department
183 under this subsection may not be committed by the authority
184 without the approval of the department, which may not be
185 unreasonably withheld. At least 90 days before advertising any
186 procurement or renewing any existing contract that will rely on
187 state funds for payment, the authority shall notify the
188 department of the proposed procurement or renewal and the
189 proposed terms thereof. If the department, within 60 days after
190 receipt of notice, objects in writing to the proposed
191 procurement or renewal, specifying its reasons for objection,
192 the authority may not proceed with the proposed procurement or
193 renewal. Failure of the department to object in writing within
194 60 days after notice shall be deemed consent. This requirement
195 does not impair or cause the authority to cancel contracts that
196 exist as of June 30, 2012.

197 2. To enable the department to evaluate the authority's
198 proposed uses of state funds, the authority shall annually
199 provide the department with its proposed budget for the
200 following authority fiscal year and shall provide the department
201 with any additional documentation or information required by the
202 department for its evaluation of the proposed uses of the state
203 funds.

204 (d) Funding required by this subsection shall cease upon
205 commencement of an alternate dedicated local funding source
206 sufficient for the authority to meet its responsibilities for

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207 operating, maintaining, and dispatching the South Florida Rail
 208 Corridor. The authority and the department shall cooperate in
 209 the effort to identify and implement such an alternate dedicated
 210 local funding source before July 1, 2019. Upon commencement of
 211 the alternate dedicated local funding source, the department
 212 shall convey to the authority a perpetual commuter rail easement
 213 in the South Florida Rail Corridor and all of the department's
 214 right, title, and interest in rolling stock, equipment, tracks,
 215 and other personal property owned and used by the department for
 216 the operation and maintenance of the commuter rail operations in
 217 the South Florida Rail Corridor.

218 (6) Before the authority undertakes any new capital
 219 projects or transit system improvements not approved by the
 220 authority board, and not identified in the authority's 5-year
 221 capital program, on or before July 1, 2012, the authority shall
 222 ensure that the funding available to the authority under this
 223 section, together with any revenues available to the authority,
 224 are currently, and are anticipated to continue to be, sufficient
 225 for the authority to meet its obligations under any agreement
 226 through which federal funds have been or are anticipated to be
 227 received by the authority.

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

232 Remove lines 385-387 and insert:
 233 Transportation Authority; amending s. 343.54, F.S.;

234 requiring a two-thirds vote of such board to privatize

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235 certain functions; revising a provision authorizing
236 such authority to expand its service area; amending s.
237 343.56, F.S., relating to bonds of the authority;
238 removing a provision for the use of certain funds for
239 payment of principal and interest on bonds; amending
240 s. 343.57, F.S., relating to a state pledge to
241 bondholders; providing for construction; providing
242 that a bondholder shall have no right to require the
243 Legislature to make any appropriation of state funds;
244 amending s. 343.58, F.S.; providing conditions for
245 funds provided to such authority by the department;
246 providing for certain funding to cease upon
247 commencement of an alternate dedicated local funding
248 source; creating s. 347.215, F.S.;

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