



408278

LEGISLATIVE ACTION

Senate	.	House
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Floor: WD	.	
03/09/2012 06:41 PM	.	
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Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 322 and 323
insert:

Section 3. 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.



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14 Section 4. Section 343.53, Florida Statutes, is amended to
15 read:

16 343.53 South Florida Regional Transportation Authority.—

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

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

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

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

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

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



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

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

52 ~~2.3.~~ The Governor shall appoint a citizen member to the
53 board who is not a member of the county commission but who is a
54 resident and a qualified elector of that county.

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

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

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

70 (4) A vacancy during a term shall be filled by the
71 respective appointing authority in the same manner as the



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72 original appointment and only for the balance of the unexpired
73 term.

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

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

80 343.54 Powers and duties.—

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

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

90 (5) The authority, by a resolution of its governing board,
91 may expand its service area into Monroe County ~~and enter into a~~
92 ~~partnership with any county that is contiguous to the service~~
93 ~~area of the authority.~~ The board shall determine the conditions
94 and terms of the partnership, except as provided herein.
95 However, the authority may not expand its service area without
96 the consent of the board of county commissioners representing
97 the proposed expansion area, and a county may not be added to
98 the service area except in the year that federal reauthorization
99 legislation for transportation funds is enacted. The authority
100 may not expand into any county other than Monroe County without



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101 the department's prior written approval.

102 Section 6. Section 343.56, Florida Statutes, is amended to
103 read:

104 343.56 Bonds not debts or pledges of credit of state.-
105 Revenue bonds issued under the provisions of this part are not
106 debts of the state or pledges of the faith and credit of the
107 state. Such bonds are payable exclusively from revenues pledged
108 for their payment. All such bonds shall contain a statement on
109 their face that the state is not obligated to pay the same or
110 the interest thereon, except from the revenues pledged for their
111 payment, and that the faith and credit of the state is not
112 pledged to the payment of the principal or interest of such
113 bonds. The issuance of revenue bonds under the provisions of
114 this part does not directly, indirectly, or contingently
115 obligate the state to levy or to pledge any form of taxation
116 whatsoever, or to make any appropriation for their payment. No
117 state funds shall be used or pledged to pay the principal or
118 interest of any bonds issued to finance or refinance any portion
119 of the South Florida Regional Transportation Authority transit
120 system, and all such bonds shall contain a statement on their
121 face to this effect. ~~However, federal funds being passed through~~
122 ~~the department to the South Florida Regional Transportation~~
123 ~~Authority and those state matching funds required by the United~~
124 ~~States Department of Transportation as a condition of federal~~
125 ~~funding may be used to pay principal and interest of any bonds~~
126 ~~issued.~~

127 Section 7. Section 343.57, Florida Statutes, is amended to
128 read:

129 343.57 Pledge to bondholders not to restrict certain rights



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130 of authority.—The state pledges to and agrees with the holders
131 of the bonds issued pursuant to this part that the state will
132 not limit or restrict the rights vested in the authority to
133 construct, reconstruct, maintain, and operate any project as
134 defined in this part, to establish and collect such fees or
135 other charges as may be convenient or necessary to produce
136 sufficient revenues to meet the expenses of maintenance and
137 operation of the system, and to fulfill the terms of any
138 agreements made with the holders of bonds authorized by this
139 part. The state further pledges that it will not in any way
140 impair the rights or remedies of the holders of such bonds until
141 the bonds, together with interest thereon, are fully paid and
142 discharged. This section or any agreement between the authority
143 and the Department of Transportation may not be construed to
144 require the Legislature to make or continue any appropriation of
145 state funds to the authority, including, but not limited to, the
146 amounts specified in s. 343.58(4), nor shall any holder of bonds
147 have any right to require the Legislature to make or continue
148 any appropriation of state funds.

149 Section 8. Subsection (4) of section 343.58, Florida
150 Statutes, is amended, and subsection (6) is added to that
151 section, to read:

152 343.58 County funding for the South Florida Regional
153 Transportation Authority.—

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



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159 (a)1. or subparagraph (a)2.

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

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

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

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

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

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

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

181 (c)1. Funds provided to the authority by the department
182 under this subsection may not be committed by the authority
183 without the approval of the department, which may not be
184 unreasonably withheld. At least 90 days before advertising any
185 procurement or renewing any existing contract that will rely on
186 state funds for payment, the authority shall notify the
187 department of the proposed procurement or renewal and the



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188 proposed terms thereof. If the department, within 60 days after
189 receipt of notice, objects in writing to the proposed
190 procurement or renewal, specifying its reasons for objection,
191 the authority may not proceed with the proposed procurement or
192 renewal. Failure of the department to object in writing within
193 60 days after notice shall be deemed consent. This requirement
194 does not impair or cause the authority to cancel contracts that
195 exist as of June 30, 2012.

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

203 (d) Funding required by this subsection shall cease upon
204 commencement of an alternate dedicated local funding source
205 sufficient for the authority to meet its responsibilities for
206 operating, maintaining, and dispatching the South Florida Rail
207 Corridor. The authority and the department shall cooperate in
208 the effort to identify and implement such an alternate dedicated
209 local funding source before July 1, 2019. Upon commencement of
210 the alternate dedicated local funding source, the department
211 shall convey to the authority a perpetual commuter rail easement
212 in the South Florida Rail Corridor and all of the department's
213 right, title, and interest in rolling stock, equipment, tracks,
214 and other personal property owned and used by the department for
215 the operation and maintenance of the commuter rail operations in
216 the South Florida Rail Corridor.



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

227 Section 9. Subsection (6) is added to section 373.413,
228 Florida Statutes, to read:

229 373.413 Permits for construction or alteration.-

230 (6) It is the intent of the Legislature that the governing
231 board or department exercise flexibility in the permitting of
232 stormwater management systems associated with the construction
233 or alteration of systems serving state transportation projects
234 and facilities. Because of the unique limitations of linear
235 facilities, the governing board or department shall balance the
236 expenditure of public funds for stormwater treatment for state
237 transportation projects and facilities with the benefits to the
238 public in providing the most cost-efficient and effective method
239 of achieving the treatment objectives. In consideration thereof,
240 the governing board or department shall allow alternatives to
241 onsite treatment, including, but not limited to, regional
242 stormwater treatment systems. The Department of Transportation
243 is responsible for treating stormwater generated from state
244 transportation projects but is not responsible for the abatement
245 of pollutants and flows entering its stormwater management



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246 systems from offsite sources; however, this subsection does not
247 prohibit the Department of Transportation from receiving and
248 managing such pollutants and flows when cost-effective and
249 prudent. Further, in association with right-of-way acquisition
250 for state transportation projects, the Department of
251 Transportation is responsible for providing stormwater treatment
252 and attenuation for the acquired right-of-way but is not
253 responsible for modifying permits for adjacent lands affected by
254 right-of-way acquisition when it is not the permittee. The
255 governing board or department may establish, by rule, specific
256 criteria to implement the management and treatment alternatives
257 and activities under this subsection.

258
259 ===== T I T L E A M E N D M E N T =====

260 And the title is amended as follows:

261 Delete line 9
262 and insert:

263 specified terms and conditions; amending s. 343.52,
264 F.S.; revising the definition of the term "area
265 served" for purposes of provisions for the South
266 Florida Regional Transportation Authority; revising a
267 provision for expansion of the area; amending s.
268 343.53, F.S.; revising membership of and criteria for
269 appointment to the board of the South Florida Regional
270 Transportation Authority; amending s. 343.54, F.S.;
271 requiring a two-thirds vote of such board to privatize
272 certain functions; revising a provision authorizing
273 such authority to expand its service area; amending s.
274 343.56, F.S., relating to bonds of the authority;



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275 removing a provision for the use of certain funds for
276 payment of principal and interest on bonds; amending
277 s. 343.57, F.S., relating to a state pledge to
278 bondholders; providing for construction; providing
279 that a bondholder had no right to require the
280 Legislature to make any appropriation of state funds;
281 amending s. 343.58, F.S.; providing conditions for
282 funds provided to such authority by the department;
283 providing for certain funding to cease upon
284 commencement of an alternate dedicated local funding
285 source; amending s. 373.413, F.S.; providing
286 legislative intent regarding flexibility in the
287 permitting of stormwater management systems; requiring
288 the cost of stormwater treatment for a transportation
289 project to be balanced with benefits to the public;
290 requiring that alternatives to onsite treatment be
291 allowed; specifying responsibilities of the department
292 relating to abatement of pollutants and permits for
293 adjacent lands impacted by right-of-way acquisition;
294 authorizing water management districts and the
295 Department of Environmental Protection to adopt rules;
296 amending s. 373.4137,