1988

Session Law 88-351

Florida Senate & House of Representatives

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### COMMITTEE RECORDS

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### Senate/House Journals

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### Committee/Floor Tapes

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### Other Documentation

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I. SUMMARY:

A. PRESENT SITUATION:

Presently there is no statute which authorizes a transportation authority to own, operate or manage the commuter rail system in the tri-county area of Broward, Dade and Palm Beach. However, the Tri-County Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties, currently operates the commuter railroad between Miami and West Palm Beach. The board of this entity is composed of elected officials from each of the three county governments and directs operations of the commuter railroad under contract with the Urban Transit Development Corporation (UTDC).

The interlocal agreement creating TCRO specifies time frames and milestones for evaluating continued operation of the commuter railroad and financial plans for the system's operation. Trackage rights for the operation of the trains are maintained on the FDOT's Southeast Rail Corridor (SFRC).

Pursuant to Section 163.01, F.S., this entity operates as a confederation and sets policy but has no fiscal capabilities. The Tri-County Rail Organization currently receives financial support from state, federal and local sources.

At present there is no commuter rail system operational in the Central Florida area, specifically in Seminole, Orange, Osceola and Brevard Counties.

Currently, section 163.565, F.S., authorizes and empowers any two or more contiguous counties, municipalities, other political subdivisions, or combinations, thereof, in this state, to convene a charter committee for the purpose of developing a charter for a regional transportation authority.
Section 163.568, F.S., provides that the purpose of the authority is to foster the coordination and enhancement of the public transportation system and services provided within the region. The authority is empowered to purchase, own, operate or provide for the operation of, transportation facilities; exercise powers of eminent domain for right-of-way acquisition, or as limited by the authority charter; and to enter into contractual agreements with other governmental agencies, companies and individuals for the provision of transit services.

Any regional transportation authority created under this statute is to be considered a special district and is authorized to levy an ad valorem tax of up to 3 mills in the area affected by the authority. The tax must be approved by the governing body of the area and by referendum.

B. EFFECT OF PROPOSED CHANGES:

HB 1656 would establish the "Tri County Commuter Rail Act" and the "Central Florida Commuter Rail Authority Act". The bill creates the Tri County Rail and Central Florida Commuter Rail Authorities to provide for commuter rail access in Dade, Broward, and Palm Beach counties, and Seminole, Orange, Osceola and Brevard counties, respectively. Each authority would be established as a body politic and corporate and an agency of the state.

The Tri-County Rail Authority Act provides that the authority would be the successor and assignee of the Tri-County Rail Organization (TCRO) and would inherit all rights, assets, agreements, appropriations, privileges and obligations of the TCRO. Moreover, the new authority is directed to develop and adopt a commuter rail service operations plan which is to include the authority's plans for revenue generation as well as current and future commuter rail service levels. This plan is to be reviewed and updated annually.

The Tri-County Rail Authority Board would consist of nine members as follows:

- One commissioner representative from each of the county commissions of Dade, Broward and Palm Beach counties
- One citizen member appointed by each of the three county commissions
- One employee of the DOT, appointed by the DOT secretary, as an ex-officio non-voting member.
- One commissioner representative from the High Speed Rail Commission, elected by the commission as an ex-officio non-voting member.
The Central Florida Commuter Rail Authority would consist of nine board members as follows:

- One commissioner representative from each of the county commissions of Seminole, Orange, Osceola and Brevard counties.
- Four citizen members who are residents of the area, appointed by the Governor.
- One mayor of a city within the area, appointed by the Governor.

Each authority is empowered to own, operate, and manage a commuter rail system and to plan, develop, purchase, lease, demolish, construct, improve, relocate, repair, and maintain the system and facilities and to establish such policies and rules as necessary to govern the operation of the system. Additionally, each authority is given the power of eminent domain, and is authorized to adopt bylaws; enter into contractual agreements; establish rates; employ staff; enter into joint develop agreements; accept public and private donations; and issue bonds.

HB 1656 amends s. 341.303 (4)(d) F.S., to allow for the continuation of eligible service development project funding for a Tri-County Commuter Rail, with an operating ratio of 40% in its second year of operation. And to limit a tri-county rail commuter service development project to 5 years.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.
B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None.

2. Direct Private Sector Benefits:
   None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

   Employment Markets: A long-term commitment to a commuter railroad would tend to enhance and use the density surrounding the stations, increasing the ridership of the system. This development would also increase the utility of the commuter railroad to the traveling public, boosting ridership.

D. FISCAL COMMENTS:

The legislation would remove FDOT from daily involvement/responsibility for the service.

The permanent nature of the Authority would permit others (governments, business and individuals) to make decisions regarding development in and around the operating properties and regarding use and enhancement of the service.

III. LONG RANGE CONSEQUENCES:

House bill 1656 is consistent with Property Rights, Public Facilities Transportation, and Governmental Efficiency policies within the State Comprehensive Plan. The bill complies with s. 187.201 (18)(b) 2 and 4 (20)(b) 2 and 8 by:

o Promoting rehabilitation and reuse of existing facilities as an alternative to new construction.
o Encouraging partnership among state and local governments and the private sector.

o Coordinating transportation investments in major travel corridors to enhance system efficiency.

o Encouraging the utilization of a public transit system.

IV. COMMENTS:

House bill 1656 addresses the Policy Statement recommendations contained in items C-2 of Governmental Efficiency and Effectiveness, by encouraging joint use facilities and public/private partnerships which may prove to be cost effective. Additionally, the bill is consistent with Section III (Transportation) by providing efficient access between major multimodal transportation centers.

The bill does not describe the eminent domain powers available to the authority.

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

[Signatures]

Jackie Perkins

[Signature]

STAFF DIRECTOR:

[Signature]

Dorothy Johnson

STANDARD FORM 1/89
FLORIDA LEGISLATURE

LEGISLATIVE BILL INFORMATION

1989 Regular Session
1989 Special Sessions A, B

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Room 704, 111 West Madison Street — 488-4371
S 945 (CONTINUED)
04/14/89 SENATE Introduced, referred to Judiciary-Criminal; Finance, Taxation and Claims — SJ 139
04/28/89 SENATE Extension of time granted Committee Judiciary-Criminal
05/12/89 SENATE Extension of time granted Committee Judiciary-Criminal
06/26/89 SENATE Extension of time granted Committee Judiciary-Criminal
06/03/89 SENATE Died in Committee on Judiciary-Criminal; Iden./Sim./Compare bill passed, refer to CS/SHB 497 (Ch. 89-191)

S 946 GENERAL BILL by Forman and others (Compare CS/1ST ENG/H 1965)
Tri-County Commuter Rail Auth. creates said act & Tri-County Commuter Rail Authority; provides for membership and establishes terms, provides for filling vacancies; provides powers & duties of authority; provides for interagency cooperation & contracts, provides for public & private funding; authorizes issuance of revenue bonds; directs that bonds are not debits or pledges of credit of state, provides for pledge to bondholders, etc. Effective Date 07/01/89 or upon becoming law, whichever occurs later.
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Transportation, Finance, Taxation and Claims, Appropriations — SJ 139
04/28/89 SENATE Extension of time granted Committee Transportation
05/09/88 SENATE On Committee agenda—Transportation, 05/09/89, 3:15 pm, Room-C-(ILL-32)
05/09/88 SENATE Comm. Report. Favorable with 2 amendment(s) by Transportation — SJ 311
05/11/89 SENATE Now in Finance, Taxation and Claims — SJ 311
05/12/89 SENATE Extension of time granted Committee Finance, Taxation and Claims
05/16/89 SENATE Withdrawn from Finance, Taxation and Claims — SJ 378, Now in Appropriations
05/18/89 SENATE Withdrawn from Appropriations — SJ 386, Placed on Calendar
06/02/89 SENATE Placed on Special Order Calendar — SJ 963, Amendments adopted — SJ 891, Iden./Sim. House Bill substituted, Laid on Table under Rule, Iden./Sim./Compare Bill passed, refer to CS/SHB 1656 (Ch. 89-351) — SJ 892

S 947 GENERAL BILL by Johnson (Identical H 668, Compare H 732, H 1259, CS/1ST ENG/H 488, S 522)
Vessel Operation/Education Course. (THIS BILL COMBINED IN CS/S 493,497) provides that it is unlawful for certain persons to operate certain vessels upon waters of state without completing boating education course; requires such persons to comply with certain navigation rules & to have in possession boating education certification card at all times while operating vessel, provides penalties, etc. Effective Date 10/01/89
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Natural Resources and Conservation — SJ 139
04/27/89 SENATE On Committee agenda—Natural Resources and Conservation, 04/27/89, 10:00 am, Room-2C-(301)
04/28/89 SENATE Extension of time granted Committee Natural Resources and Conservation
05/01/89 SENATE CS combines the bill and 493, Comm. Report. CS by Natural Resources and Conservation — SJ 242
05/02/89 SENATE Original bill laid on Table under Rule, refer to combined CS/SHB 493 (Died in House Message) — SJ 244

S 948 GENERAL BILL by Johnson (Identical H 667, Compare 3RD ENG/H 56, CS/1ST ENG/H 1-8, CS/H 8-8)
Weapons & Firearms adds destructive devices to weapons which may not be improperly exhibited; provides that it is unlawful to possess or discharge weapons & firearms on school property & at school functions; provides definition & exemption, provides penalties; amends provision to conform. Amendments 780 16, 06 Effective Date: 10/01/89
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Judiciary-Criminal; Appropriations — SJ 139
04/20/89 SENATE On Committee agenda—Judiciary-Criminal, 04/24/89, 10:00 am, Room-2C-(301)
04/24/89 SENATE Comm. Report Favorable by Judiciary-Criminal — SJ 210
04/25/89 SENATE Now in Appropriations — SJ 210
05/03/89 SENATE Extension of time granted Committee Appropriations
05/12/89 SENATE On Committee agenda— Appropriations, 05/16/89, 2:00 pm, Room-A-(ILL-37)
05/16/89 SENATE Comm. Report Favorable by Appropriations, placed on Calendar — SJ 380
06/03/89 SENATE Died on Calendar

S 949 GENERAL BILL by Johnson (Identical H 669, Compare H 150, CS/H 1488, CS/2ND ENG/S 1279)
Alcoholic Beverage License/Transfer, revokes language or transfer of licenses to provide for one-time transfer of prelicensing rights obtained as result of quota drawing for such license; provides criteria for approval of such transfer, requires amendment, provides for effect of such transfer, provides for transfer application fee or schedule of such fees; etc. Amendments S 561, S 025. Effective Date 07/01/89 or upon becoming law, whichever occurs later.
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Regulated Industries, Finance, Taxation and Claims, Appropriations — SJ 129
04/28/89 SENATE Extension of time granted Committee Regulated Industries
05/12/89 SENATE Extension of time granted Committee Regulated Industries
05/29/89 SENATE Extension of time granted Committee Regulated Industries
06/03/89 SENATE Died in Committee on Regulated Industries, Iden./Sim./Compare bill passed, refer to CS/SB 1279 (Ch. 89-293)

S 950 GENERAL BILL/CS by Education; Johnson (Similar H 452)
Schools/Shooting of Movies prohibits showing of certain movies in public schools. Amends S 233 165. Effective Date. 07/01/89 or upon becoming law, whichever occurs later.
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Education; Judiciary-Civil, Rules and Calendar — SJ 139
04/28/89 SENATE Extension of time granted Committee Education
05/12/89 SENATE Extension of time granted Committee Education
05/19/89 SENATE On Committee agenda—Education, 05/18/89, 8:00 am, Room-A-(ILL-31)
05/18/89 SENATE Comm. Report. CS by Education — SJ 403
05/19/89 SENATE CS read first time — SJ 408; Now in Judiciary-Civil — SJ 403
05/29/89 SENATE Extension of time granted Committee Judiciary-Civil
06/03/89 SENATE Died in Committee on Judiciary-Civil

S 951 GENERAL BILL by Johnson
Video taping of testimony authorizes court to order videotaping of testimony of certain victims or witnesses who are aged or have certain disabilities, provides that such testimony may be used at trial in lieu of testimony in open court, specifies parties who may file a motion to videotape testimony, specifies parties who must attend videotaping, requires court to make certain findings of fact for the record. Effective Date 10/01/89
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Judiciary-Civil; Judiciary-Criminal — SJ 139
04/28/89 SENATE Extension of time granted Committee Judiciary-Civil
05/12/89 SENATE Extension of time granted Committee Judiciary-Civil
05/29/89 SENATE Extension of time granted Committee Judiciary-Civil
06/03/89 SENATE Died in Committee on Judiciary-Civil

S 952 GENERAL BILL by Johnson (Compare CS/CS/2ND ENG/H 986, CS/CS/2ND ENG/S 1388)
Higher Educ./New College Foundation provides for participation in Trust Fund for New Donors by New College Foundation; provides for participation in Trust Fund for Major Gifts by New College Foundation Amends 240 259, 2506 Effective Date Upon becoming law
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Higher Education, Appropriations — SJ 139
04/28/89 SENATE Extension of time granted Committee Higher Education
05/12/89 SENATE Extension of time granted Committee Higher Education
05/19/89 SENATE On Committee agenda—Higher Education, 05/17/89, 9:00 am, Room-A-(ILL-37)
05/17/89 SENATE Comm. Report Favorable by Higher Education — SJ 380
05/18/89 SENATE Now in Appropriations — SJ 380
05/31/89 SENATE Withdrawn from Appropriations — SJ 629, Placed on Calendar
06/03/89 SENATE Died on Calendar, Iden./Sim./Compare Bill passed, refer to CS/CS/SHB 986 (Ch. 89-367) & CS/CS/SB 1388 (Ch. 89-381)

S 953 GENERAL BILL by Johnson (Similar H 1289)
Governmental Documents/English, requires all official documents issued by state or local governmental entities to be written in English, provides exceptions; requires all public documents issued by state or local governmental to be printed in English. Effective Date: Upon becoming law
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Governmental Operations; Committee on Affairs — SJ 139
04/28/89 SENATE Extension of time granted Committee Governmental Operations
05/11/89 SENATE On Committee agenda—Governmental Operations, 05/07/89, 9:00 am, Room-H-(428)
05/12/89 SENATE Extension of time granted Committee Governmental Operations
05/17/89 SENATE Comm. Report Unfavorable by Governmental Operations, laid on Table under Rule — SJ 381

S 954 GENERAL BILL by Grizzle (Compare CS/CS/H 837, CS/1ST ENG/H 980)
Water Conservation/Reclaimed Waters, requires reuse of reclaimed waters pursuant to rules of D E R & water management districts; prohibits domestic wastewater treatment facilities within certain areas from disposing effluent unless reclamation is claimed pursuant to regulations & criteria; etc. Effective Date 10/01/89
04/04/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Water & Natural Resources; Committee on Affairs — SJ 139
04/28/89 SENATE Extension of time granted Committee Water & Natural Resources
05/11/89 SENATE On Committee agenda—Water & Natural Resources, 05/07/89, 9:00 am, Room-H-(428)
TO: Senate Transportation  
FROM: Legal Research & Drafting Services  
SUBJECT: Rail transportation

Please examine the enclosed preliminary draft and note your preference below:

[ ] Draft is satisfactory. Jacket is signed and enclosed. Please file for introduction.

[ ] I have made changes. Conform accordingly and return to me for my approval at (district) (Tallahassee) office.

[ ] I have made changes. Conform draft accordingly and file for introduction. Jacket is signed and enclosed.

Please attach proof of publication for a LOCAL BILL, if advertisement is a prerequisite for filing.

If you desire a House Companion to this bill, give the House sponsor the draft number as it appears in the box on this page. He, or she, will give the number to House Bill Drafting which will prepare the Companion for introduction in the House.

Date Approved by Senator

April 6, 1984
A bill to be entitled  
An act relating to rail transportation; creating ss. 341.301-341.303, F.S.; establishing the role of the Department of Transportation in rail transportation; providing definitions; providing duties and responsibilities of the department; providing that appropriation requests shall be based on funding required for implementation of the rail component of the 5-year transportation plan; providing for project eligibility, providing levels of state participation in eligible capital and service development projects; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 341.301, Florida Statutes, is created to read:

341.301 Definitions.--As used in ss. 341.302 and 341.303:

(1) "Railroad" or "rail system" means a fixed guideway transportation system consisting of two steel rails held a fixed distance apart and along which vehicles, guided and supported by flanged steel wheels and connected into trains, are propelled.

(2) "Railroad capital improvement project" means a project identified by the rail component of the Florida Transportation Plan which involves the leasing, acquisition, design, construction, reconstruction or improvement to the existing intercity rail transportation system or future...
segments thereof. Included are such items as locomotives and
other rolling stock, tracks, terminals, and rights-of-way for
the continuance or expansion of rail service as necessary to
ensure the continued effectiveness of the state's rail
facilities and systems in meeting mobility and industrial
development needs.

(3) "Rail service development project" means a project
undertaken by a public agency to determine whether a new or
innovative technique or techniques or measures can be utilized
to improve or expand rail service. The project funding
duration shall be limited according to project type and in no
case shall exceed 3 years. Rail service development projects
include those projects and other actions undertaken to enhance
railroad operating efficiency or increased rail service,
including measures that result in improved speed profiles,
operations, or technological applications that lead to
reductions in operating costs and increases in productivity or
service.

(4) "Branch line continuance project" means a project
that involves branch line rehabilitation, new connecting
track, rail banking, and other similar types of projects,
including those specifically identified in the federal
"Railroad Revitalization and Regulatory Reform Act of 1976"
and subsequent amendments thereto.

Section 2. Section 341.302, Florida Statutes, is
created to read:

341 302 Rail program, duties and responsibilities of
the department.--The department, in conjunction with other
governmental units and the private sector, shall develop and
implement a rail program of statewide application designed to
ensure the proper maintenance, safety, revitalization, and

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, the department shall:

1. Provide the overall leadership, coordination, financial, and technical assistance necessary to assure the effective response of the state's rail system to current and anticipated mobility needs.
2. Promote and facilitate the implementation of advanced rail systems including high speed rail and magnetic levitation systems.
3. Based on an analysis of statewide transportation needs, develop and periodically update the rail component of the state transportation plan. The rail component shall include an identification of priorities, programs, and funding levels required to meet statewide needs. The rail component shall be developed in a manner that will assure the maximum use of existing facilities and the optimum integration and coordination of the various modes of transportation, public and private, in the most cost-effective manner possible.
4. As part of the department's 5-year transportation plan, formulate a specific program of projects and financing to respond to identified railroad needs.
5. Provide technical and financial assistance to units of local government to address identified rail transportation needs.
6. Secure and administer federal grants and apportionments for rail projects within this state when necessary to further the statewide program.
7. Develop and administer state standards concerning the safety and performance of rail systems and operations.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
Such standards shall be developed jointly with representatives of affected rail systems, giving full consideration to nationwide industry norms, and shall define the minimum acceptable standards for safety and performance.

(8) Conduct, at a minimum, inspections of track and rolling stock, train signals and related equipment, and train operating practices to determine adherence to the state standards.

(9) Assess penalties, in accordance with the applicable federal regulations, for failure to adhere to the state standards.

(10) Administer rail operating and construction programs which shall include the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade crossings, and the installation of traffic control devices at public grade crossings, including participation in the cost thereof.

(11) Coordinate and facilitate the relocation of railroads from congested urban areas to nonurban areas when determined feasible and desirable from the standpoint of safety, operational efficiency, and economics.

(12) Implement a program of branch line continuance projects when an analysis of the industrial and economic potential of the line indicates public involvement is required to preserve essential rail service and facilities.

(13) Provide new rail services and equipment when:
   (a) Pursuant to the transportation planning process, a public need has been determined to exist;
   (b) The cost of providing such service does not exceed the sum of revenues from fares charged to users, services
purchased by other public agencies, local fund participation, and specific legislative appropriation for this purpose; and

(c) Service cannot be reasonably provided by other governmental or privately-owned rail systems.

The department may own, lease, and otherwise encumber facilities, equipment, and appurtenances thereto as necessary to provide new rail services, or it may provide such service by contract with privately owned service providers.

(14) Furnish required emergency rail transportation service if no other private or public rail transportation operation is available to supply the required service and such service is clearly in the best interest of the people in the communities being served. Such emergency service may be furnished through contractual arrangement, actual operation of state-owned equipment and facilities, or any other means determined appropriate by the secretary.

(15) Assist in the development and implementation of marketing programs for rail services and of information systems directed toward assisting rail systems users.

(16) Conduct research into innovative or potentially effective rail technologies and methods and maintain expertise in state-of-the-art rail developments.

(17) Exercise such other functions, powers, and duties in connection with the rail component of the state transportation plan as may be necessary to develop a safe, efficient, and effective statewide transportation system.

Section 3. Section 341.303, Florida Statutes, is created to read:

341.303 Funding authorization and appropriations; eligibility and participation.--
(1) APPROPRIATIONS REQUESTS.--Rail funds shall be requested on the basis of funding required for implementation of the rail component of the 5-year transportation plan.

(2) PROJECT ELIGIBILITY.--Any project which is necessary to carry out those duties and responsibilities enumerated in s. 341.302, is consistent with the Florida transportation plan, and is contained in the 5-year transportation plan shall be eligible for the expenditure of state funds in accordance with fund participation rates established herein.

(3) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

(a) The department may fund up to 50 percent of the nonfederal and nonprivate share of the costs of any eligible railroad capital improvement project that is local in scope.

(b) The department is authorized to fund up to 100 percent of the cost of any eligible railroad capital improvement project that is statewide in scope or that involves more than one county and no other governmental unit of appropriate jurisdiction exists.

(c) The department is authorized to fund up to 100 percent of any railroad capital improvement project involving the acquisition of rights-of-way for future transportation purposes. Department fund participation in such projects shall be credited as part of the appropriate share of the department's participation in total project cost for any future project involving such rights-of-way.

(4) FUND PARTICIPATION; OPERATING ASSISTANCE.--

(a) The department is authorized to fund up to 50 percent of the net operating cost of any eligible intercity or commuter rail service development project that is local in scope.
(b) The department is authorized to fund up to 100 percent of the net operating costs of any eligible intercity or commuter rail service development project that is statewide in scope, or that involves more than one county and no other governmental unit of appropriate jurisdiction exists.

(c) All such local and statewide service development projects shall be identified in the department's appropriation request in a manner that defines project objectives, assigned operational and financial responsibilities, the time frame required to develop the service, and criteria by which project success can be judged.

(d) Any service development project funded under this section shall continue to be eligible for such funds in the third year of operation only if the project reaches an operating ratio of 60 percent or more during the second year. All intercity and commuter rail service development projects shall be limited to 3 years.

Section 4. This act shall take effect upon becoming a law.
SENATE SUMMARY

Establishes the role of the Department of Transportation in rail transportation. Provides duties and responsibilities of the department. Provides for project eligibility and for a limitation on the level of state participation in capital and service development rail projects.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
A BILL relating to
(Brief statement of subject)

By Senator

By the Committee on TRANSPORTATION

Chairman's signature

By Senator of the District

and

1st District 1972

ORIGINAL SENATE BILL No. 

SENATE ACTION

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and

Secretary of Senate

[ ] Immediately Certified to House
[ ] Laid on Table
[ ] Motion to Reconsider by Senator

[ ] Immediately Certified to Senate
[ ] Laid on Table under Rule
[ ] Motion to Reconsider pending
BILL #: HB 1656

RELATING TO: Tri-County Commuter Rail

SPONSOR(S): Geller

EFFECTIVE DATE: July 1, 1989, or upon becoming a law, whichever occurs later.

COMPANION BILL(S): SB 946

OTHER COMMITTEES OF REFERENCE: (1) Finance & Taxation
(2) Appropriations

I. SUMMARY:

A. PRESENT SITUATION:

Presently there is no statute which authorizes a transportation authority to own, operate or manage the commuter rail system in the tri-county area of Broward, Dade and Palm Beach. However, the Tri-County Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties, currently operates the commuter railroad between Miami and West Palm Beach. The board of this entity is composed of elected officials from each of the three county governments and directs operations of the commuter railroad under contract with the Urban Transit Development Corporation (UTDC).

The interlocal agreement creating TCRO specifies time frames and milestones for evaluating continued operation of the commuter railroad and financial plans for the system's operation. Trackage rights for the operation of the trains are maintained on the FDOT's Southeast Rail Corridor (SFRC).

Pursuant to Section 163.01, F.S., this entity operates as a confederation and sets policy but has no fiscal capabilities. The Tri-County Rail Organization currently receives financial support from state, federal and local sources.

Currently, section 163.565, F.S., authorizes and empowers any two or more contiguous counties, municipalities, other political subdivisions, or combinations, thereof, in this state, to convene a charter committee for the purpose of developing a charter for a regional transportation authority.

Section 163.568, F.S., provides that the purpose of the authority is to foster the coordination and enhancement of the public transportation system and services provided within the region.
The authority is empowered to purchase, own, operate or provide for the operation of, transportation facilities; exercise powers of eminent domain for right-of-way acquisition, or as limited by the authority charter; and to enter into contractual agreements with other governmental agencies, companies and individuals for the provision of transit services.

Any regional transportation authority created under this statute is to be considered a special district and is authorized to levy an ad valorem tax of up to 3 mills in the area affected by the authority. The tax must be approved by the governing body of the area and by referendum.

B. EFFECT OF PROPOSED CHANGES:

HB 1656 would establish the "Tri County Commuter Rail Act" and create the Tri County Rail Authority, to provide for commuter access in Dade, Broward, and Palm Beach counties. The authority is established as a body politic and corporate and an agency of the state.

The governing board of the authority would consist of nine members and is empowered to own, operate, maintain, and manage the Tri County rail system in the area of Dade, Broward, and Palm Beach counties. Board membership would be comprised of three commissioners, (one elected by each of the three county commission's), one employee of the Department of Transportation, a board member of the High Speed Rail Commission, three citizen members from each of the three counties (one appointed by each of the three county commissions), and one citizen member appointed by the Governor.

The authority would be empowered to establish and determine policies and rules necessary to effectuate and govern the operation of the commuter rail system and facilities. This entity would also have the power of eminent domain and could issue revenue bonds to fund capital improvements.

C. SECTION BY SECTION ANALYSIS

SECTION 1 - Entitles the act as the "Tri County Rail Authority Act".

SECTION 2 - Provides definitions for terms used in this act.

SECTION 3 - Creates the Tri-County Rail Authority and provides for the appointment of nine board members as follows:

- Each of the county commission's of Dade, Broward, and Palm Beach, shall elect a commissioner as their representative on the board. The commissions' representative must be a member of the commission when elected and for the full extent of his term.
Each of the three county commissions shall appoint a citizen member who shall be a resident and qualified elector of the county from which he is appointed. If at all practical, the citizen member shall represent the business and civic interest of the community.

One member shall be appointed by the Secretary of the Department of Transportation (DOT) and shall be an employee of the department and a resident and qualified elector in the area served by the tri-county rail.

One member shall be elected by the High Speed Rail Commission as its representative, and shall also be a member of the commission and a resident and qualified elector in the area served by the tri-county rail.

One member shall be appointed by the Governor, and shall be a resident and qualified elector in the area served by the tri-county rail.

SECTION 4 - Empowers the authority to own, operate, and manage a commuter rail system in the tri-county area of Dade, Broward, and Palm Beach. Provides authority for the entity to plan, develop, purchase, lease, demolish, construct, improve, relocate, repair, and maintain the system and facilities and to establish such policies and rules as necessary to govern the operation of the system. Additionally, provides for powers of eminent domain, adoption of bylaws; contractual agreements; establishment of rates; employment of staff; joint develop agreements; and acceptance of public and private donations.

SECTION 5 - Empowers the authority to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects.

SECTION 6 - Provides that revenue bonds issued under the provisions of this act are not debts of the state and that such bonds are payable exclusively from revenues pledged for their payment. No state funds shall be used to support principal or interests payments of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds shall contain a statement on their face to this effect.

SECTION 7 - Provides state's pledge to holders of bonds issued pursuant to this act, not to limit or restrict the rights vested in the authority, nor to impair the rights of the holders of bonds until the bonds, with interest, are fully paid and discharged.
II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None.

2. Direct Private Sector Benefits:
   None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

   Employment Markets: A long-term commitment to a commuter railroad would tend to enhance and use the density surrounding the stations, increasing the ridership of the system. This development would also increase the utility of the commuter railroad to the traveling public, boosting ridership.
D. FISCAL COMMENTS:

The legislation would remove FDOT from daily involvement/responsibility for the service.

The permanent nature of the Authority would permit others (governments, business and individuals) to make decisions regarding development in and around the operating properties and regarding use and enhancement of the service.

III. LONG RANGE CONSEQUENCES:

House bill 1656 is consistent with Property Rights, Public Facilities Transportation, and Governmental Efficiency policies within the State Comprehensive Plan. The bill complies with s. 187.201 (18)(b) 2 and 4 (20)(b) 2 and 8 and (21)(b) 11 and 13 by:

- Promoting rehabilitation and reuse of existing facilities as an alternative to new construction.
- Encouraging partnership among state and local governments and the private sector.
- Coordinating transportation investments in major travel corridors to enhance system efficiency.
- Encouraging the utilization of a public transit system.
- Encouraging governments to seek outside contracting on a competitive bid basis, when cost effective and appropriate.
- Encouraging joint venture solutions to mutual problems between levels of government and private enterprise.

IV. COMMENTS:

House bill 1656 addresses the Policy Statement recommendations contained in items C-2 of Governmental Efficiency and Effectiveness, by encouraging joint use facilities and public/private partnerships which may prove to be cost effective. Additionally, the bill is consistent with Section III (Transportation) by providing efficient access between major multimodal transportation centers.

House bill 1656 does not include language which would indicate whether the Tri-County Rail Authority would be the successor and assignee of the TCRO and inherits all rights, assets, agreements, appropriations, privileges and obligations of the TRCO.

The bill does not describe the eminent domain powers available to the authority.

It is unclear whether the authority would have rights to develop feeder services.
Commuter railroad and commuter rail facilities as defined would possibly restrict the transportation technology used to steel wheel on steel rail. (Does not provide for fixed guideway systems.)

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

Jackie Perkins

Staff Director:

Dorothy Johnson
I. SUMMARY:

A. PRESENT SITUATION:

Presently there is no statute which authorizes a transportation authority to own, operate or manage the commuter rail system in the tri-county area of Broward, Dade and Palm Beach. However, the Tri-County Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties, currently operates the commuter railroad between Miami and West Palm Beach. The board of this entity is composed of elected officials from each of the three county governments and directs operations of the commuter railroad under contract with the Urban Transit Development Corporation (UTDC).

The interlocal agreement creating TCRO specifies time frames and milestones for evaluating continued operation of the commuter railroad and financial plans for the system's operation. Trackage rights for the operation of the trains are maintained on the FDOT's Southeast Rail Corridor (SFRC).

Pursuant to Section 163.01, F.S., this entity operates as a confederation and sets policy but has no fiscal capabilities. The Tri-County Rail Organization currently receives financial support from state, federal and local sources.

Currently, section 163.565, F.S., authorizes and empowers any two or more contiguous counties, municipalities, other political subdivisions, or combinations, thereof, in this state, to convene a charter committee for the purpose of developing a charter for a regional transportation authority.

Section 163.568, F.S., provides that the purpose of the authority is to foster the coordination and enhancement of the public transportation system and services provided within the region.
The authority is empowered to purchase, own, operate or provide for the operation of, transportation facilities; exercise powers of eminent domain for right-of-way acquisition, or as limited by the authority charter; and to enter into contractual agreements with other governmental agencies, companies and individuals for the provision of transit services.

Any regional transportation authority created under this statute is to be considered a special district and is authorized to levy an ad valorem tax of up to 3 mills in the area affected by the authority. The tax must be approved by the governing body of the area and by referendum.

B. EFFECT OF PROPOSED CHANGES:

HB 1656 would establish the "Tri County Commuter Rail Act" and create the Tri County Rail Authority, to provide for commuter access in Dade, Broward, and Palm Beach counties. The authority is established as a body politic and corporate and an agency of the state.

The governing board of the authority would consist of nine members and is empowered to own, operate, maintain, and manage the Tri County rail system in the area of Dade, Broward, and Palm Beach counties. Board membership would be comprised of three commissioners, (one elected by each of the three county commission's), one employee of the Department of Transportation, a board member of the High Speed Rail Commission, three citizen members from each of the three counties (one appointed by each of the three county commissions), and one citizen member appointed by the Governor.

The authority would be empowered to establish and determine policies and rules necessary to effectuate and govern the operation of the commuter rail system and facilities. This entity would also have the power of eminent domain and could issue revenue bonds to fund capital improvements.

C. SECTION BY SECTION ANALYSIS

SECTION 1 - Entitles the act as the "Tri County Rail Authority Act".

SECTION 2 - Provides definitions for terms used in this act.

SECTION 3 - Creates the Tri-County Rail Authority and provides for the appointment of nine board members as follows:

- Each of the county commission's of Dade, Broward, and Palm Beach, shall elect a commissioner as their representative on the board. The commissions' representative must be a member of the commission when elected and for the full extent of his term.
Each of the three county commissions shall appoint a citizen member who shall be a resident and qualified elector of the county from which he is appointed. If at all practical, the citizen member shall represent the business and civic interest of the community.

One member shall be appointed by the Secretary of the Department of Transportation (DOT) and shall be an employee of the department and a resident and qualified elector in the area served by the tri-county rail.

One member shall be elected by the High Speed Rail Commission as its representative, and shall also be a member of the commission and a resident and qualified elector in the area served by the tri-county rail.

One member shall be appointed by the Governor, and shall be a resident and qualified elector in the area served by the tri-county rail.

SECTION 4 - Empowers the authority to own, operate, and manage a commuter rail system in the tri-county area of Dade, Broward, and Palm Beach. Provides authority for the entity to plan, develop, purchase, lease, demolish, construct, improve, relocate, repair, and maintain the system and facilities, including feeder transit services, and to establish such policies and rules as necessary to govern the operation of the system. Additionally, provides for powers of eminent domain, adoption of bylaws; contractual agreements; establishment of rates; employment of staff; joint develop agreements; and acceptance of public and private donations. Requires the authority to develop and adopt a plan for commuter rail service organizations, maintenance and expansion, within one year of the effective date of this act.

SECTION 5 - Empowers the authority to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects.

SECTION 6 - Provides that revenue bonds issued under the provisions of this act are not debts of the state and that such bonds are payable exclusively from revenues pledged for their payment. No state funds shall be used to support principal or interests payments of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds shall contain a statement on their face to this effect.

SECTION 7 - Provides state's pledge to holders of bonds issued pursuant to this act, not to limit or restrict the rights vested in the authority, nor to impair the rights of the holders of bonds until the bonds, with interest, are fully paid and discharged.
II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None.

2. Direct Private Sector Benefits:
   None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

   Employment Markets: A long-term commitment to a commuter railroad would tend to enhance the density surrounding the stations, increasing the ridership of the system. This development would also increase the utility of the commuter railroad to the traveling public, boosting ridership.
D. FISCAL COMMENTS:

The legislation would remove FDOT from daily involvement/responsibility for the service.

The permanent nature of the Authority would permit others (governments, business and individuals) to make decisions regarding development in and around the operating properties and regarding use and enhancement of the service.

III. LONG RANGE CONSEQUENCES:

House bill 1656 is consistent with Property Rights, Public Facilities Transportation, and Governmental Efficiency policies within the State Comprehensive Plan. The bill complies with s. 187.201 (18)(b) 2 and 4 (20)(b) 2 and 8 and (21)(b) 11 and 13 by:

- Promoting rehabilitation and reuse of existing facilities as an alternative to new construction.
- Encouraging partnership among state and local governments and the private sector.
- Coordinating transportation investments in major travel corridors to enhance system efficiency.
- Encouraging the utilization of a public transit system.
- Encouraging governments to seek outside contracting on a competitive bid basis, when cost effective and appropriate.
- Encouraging joint venture solutions to mutual problems between levels of government and private enterprise.

IV. COMMENTS:

House bill 1656 addresses the Policy Statement recommendations contained in items C-2 of Governmental Efficiency and Effectiveness, by encouraging joint use facilities and public/private partnerships which may prove to be cost effective. Additionally, the bill is consistent with Section III (Transportation) by providing efficient access between major multimodal transportation centers.

House bill 1656 does not include language which would indicate whether the Tri-County Rail Authority would be the successor and assignee of the TCRO and inherits all rights, assets, agreements, appropriations, privileges and obligations of the TRCO.

The bill does not describe the eminent domain powers available to the authority.

It is unclear whether the authority would have rights to develop feeder services.
Commuter railroad and commuter rail facilities as defined would possibly restrict the transportation technology used to steel wheel on steel rail. (Does not provide for fixed guideway systems.)

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Jackie Perkins

Staff Director: Dorothy Johnson
I. SUMMARY:

A. Present Situation:

Section 163.01, F.S., authorizes local government units to join together for purposes of making the most efficient use of their powers for providing services and facilities. A joint exercise of power pursuant to this section is made in contract form through an interlocal agreement.

The Tri-County Commuter Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties of Dade, Broward, and Palm Beach, currently operates the commuter railroad between Miami and West Palm Beach.

Pursuant to s. 163.01, F.S., the interlocal agreement provides for a board of directors composed of seven members. The directors are appointed as follows:

-- one county commissioner from each county;
-- one member from each county's metropolitan planning organization; and,
-- one ex officio member from the department (currently, the district secretary for District IV).

Pursuant to the interlocal agreement, the TCRO has specified powers and duties, including:

-- to apply for and accept grants and loans from any source;
-- to enter into contracts with the state or any agency thereof;
-- to sue and be sued;
-- to develop plans, which must be approved by the county commissions of the participating counties; and,
-- to hire consultants.

The interlocal agreement specifically provides that it is the intent of the parties thereto that the TCRO not be a taxing authority, nor shall it have the authority to issue bonds or create any indebtedness for the parties.

The interlocal agreement may be terminated by any of the parties in accordance with procedures set forth in the agreement.

The day to day operations of the commuter rail are managed by the Urban Transit Development Corporation (UTDC) with direction from the Board of Directors of the TCRO. In addition, the UTDC
provides training of employees in the operations and maintenance of equipment of the commuter rail system.

B. Effect of Proposed Changes:

This bill would establish the "Tri County Commuter Rail Authority Act" and would create the Tri-County Commuter Rail Authority. The authority would be established as a body politic and corporate and an agency of the state.

The governing board of the authority would consist of nine members. Board membership would be comprised of three commissioners, (one county commissioner elected by each of the three county commissions), one employee of the Department of Transportation appointed by the secretary and who is a resident of the tri-county area, a member of the High Speed Rail Commission who is a resident of the tri-county area, three citizen members from each of the three counties (one appointed by each of the three county commissions), and one citizen member appointed by the Governor.

The terms of the county commission members would be 2 years. All other members of the governing board of the authority would serve staggered 4-year terms.

The authority would be empowered to own, operate, and manage a commuter rail system in the tri-county area of Dade, Broward, and Palm Beach Counties. The authority would be authorized to plan, develop, purchase, lease, demolish, construct, improve, relocate, repair, and maintain the system and facilities and to establish such policies and rules as necessary to govern the operation of the system. Additionally, the authority is granted all powers necessary, convenient, or incidental to carrying out its purposes, including but not limited to the following powers:

- to exercise the powers of eminent domain;
- to acquire, purchase, or lease property;
- to sell, exchange, or lease real property;
- to establish, alter, and collect rates and fares;
- to enter into contractual agreements, and joint development agreements;
- to accept donations; and
- to employ staff and consultants.

The authority would be authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects.

The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Tri-County Rail projects.

Revenue bonds issued under the provisions of the act would not be debts of the state and such bonds would be payable exclusively from revenues pledged for their payment. No state funds would be used to support principal or interest payments of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds would contain a statement on their face to this effect.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

#1 by Transportation:
Provides for the Central Florida Commuter Rail Authority Act. The Central Florida Commuter Rail Authority would be created to provide commuter rail access in Seminole, Orange, Osceola, and Brevard Counties. Nine board members would be appointed and would have certain specified powers and duties. The authority would be authorized to borrow money as provided in the State Bond Act and the Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance the cost of Central Florida Rail projects.

#2 by Transportation:
Title Amendment
The Committee on Transportation recommended the following amendment which was moved by Senator... and adopted:

Senate Amendment

On page 7, between lines 10 and 11,

TRANSPORTATION

DATE: 5/5/89
TIME: 8:00 AM

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

insert:

Section 8. Short title.--This section may be cited as the "Central Florida Commuter Rail Authority Act."

Definitions.--As used in this section, unless the context clearly indicates otherwise, the term:

(1) "Authority" means the governing body of the authority.

(2) "Board" means the governing body of the authority.

(3) "Commuter railroad" means a complete system of tracks, stations, and rolling stock necessary to effectuate medium-distance to long-distance passenger rail service to or from the surrounding regional municipalities.

(4) "Commuter rail facilities" means property and avenues of access in Seminole, Orange, Osceola, and Brevard Counties, required for commuter rail systems but shall not include any system developed pursuant to the Magnetic Levitation Demonstration Project Act.

(5) "Member" means the individuals constituting the board.

Section 9. Central Florida Commuter Rail Authority.--

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the...
"Central Florida Commuter Rail Authority," hereinafter referred to as the “authority.”

(2) The governing board of the authority shall consist of nine members, as follows:

(a) The commissions of Seminole, Orange, Osceola, and Brevard counties shall each elect a commissioner as that commission’s representative on the board. The commissioner must be a member of the commission when elected and for the full extent of his term.

(b) The Governor shall appoint five members to the board who are residents and qualified electors in the area served by the authority. One of the members appointed by the Governor shall be the mayor of a city within the area served by the authority.

(3) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his successor has been appointed.

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

(5) The members of the authority shall not be entitled to compensation, but shall be reimbursed for traveling expenses actually incurred in their duties as provided by law.

Section 10. Powers and duties.--

(a) The authority created and established by this act shall have the right to own, operate, maintain, and manage a commuter rail system in the tri-county area of Seminole,
Orange, Osceola, and Brevard counties, hereinafter referred to as the Central Florida Rail.

(b) It is the express intention of this act that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a commuter rail system and commuter rail facilities; to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a commuter rail system; and to adopt such rules as may be necessary to govern the operation of a commuter rail system and commuter rail facilities.

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

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain for acquisition of the commuter rail system.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary to desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any
commuter rail system or facilities owned or operated by the authority.

(q) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(h) To lease, rent, or contract for the operation or management of any part of a commuter rail system or commuter rail facility, including concessions. In awarding a contract, the authority shall consider, but is not limited to, the following:

1. The qualifications of each applicant.
2. The level of service.
3. The efficiency, cost, and anticipated revenue.
4. The construction, operation, and management plan.
5. The financial ability to provide reliable service.
6. The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.

(i) To enforce collection of rates, fees, and charges; and to establish and enforce fines and penalties for violations of any rules.

(j) To advertise and promote commuter rail systems, facilities, and activities of the authority.

(k) To employ an executive director, attorney, staff, and consultants.

(l) To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, counties, and municipalities.
(m) To enter into joint development agreements.
(n) To accept funds from other governmental sources, and to accept private donations.

Section 11. Issuance of revenue bonds.--
(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Central Florida Rail projects. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

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

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Central Florida Rail projects.

Section 12. Bonds not debts or pledges of credit of state.--Revenue bonds issued under the provisions of this act are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the

CODING: Words strucken are deletions; words underlined are additions.
principal or interest of such bonds. The issuance of revenue bonds under the provisions of this act does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the Central Florida Rail system, and all such bonds shall contain a statement on their face to this effect.

Section 13. Pledge to bondholders not to restrict certain rights of authority.--The state pledges to and agrees with the holders of the bonds issued pursuant to this act that the state will not limit or restrict the rights vested in the authority to construct, reconstruct, maintain, and operate any Central Florida Rail project as defined in this act, to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the Central Florida Rail system, and to fulfill the terms of any agreements made with the holders of bonds authorized by this act. The state further pledges that it will not in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest thereon, are fully paid and discharged.

(Renumber subsequent section.)
The Committee on Transportation recommended the following amendment which was moved by Senator ... and adopted:

Senate Amendment

On page 7, between lines 10 and 11,

Section 8. Paragraph (d) of subsection (4) of section 341.303, Florida Statutes, 1988 Supplement, is amended to read:

341.303 Funding authorization and appropriations;
eligibility and participation.--
(4) FUND PARTICIPATION; SERVICE DEVELOPMENT.--
(d) Any service development project funded under this section shall continue to be eligible for such funds in the third year of operation only if the project reaches an operating ratio of 60 percent or more during the second year of, for a tri-county commuter rail, an operating ratio of 40 percent or more during the second year. All intercity and commuter rail service development projects shall be limited to 3 years except for a tri-county commuter rail, which shall be limited to 5 years.

(Renumber subsequent section.)

Coding: Words struck are deletions; words underlined are additions.

Amendment No. ___, taken up by committee: Adopted ___ *
Offered by: Failed ___ *

(Amendment No. ____Adopted ___ Failed ___ Date __/__/__ )
I. SUMMARY:

A. Present Situation:

Section 163.01, F.S., authorizes local government units to join together for purposes of making the most efficient use of their powers for providing services and facilities. A joint exercise of power pursuant to this section is made in contract form through an interlocal agreement.

The Tri-County Commuter Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties of Dade, Broward, and Palm Beach, currently operates the commuter railroad between Miami and West Palm Beach.

Pursuant to s. 163.01, F.S., the interlocal agreement provides for a board of directors composed of seven members. The directors are appointed as follows:

-- one county commissioner from each county;
-- one member from each county's metropolitan planning organization; and,
-- one ex officio member from the department (currently, the district secretary for District IV).

Pursuant to the interlocal agreement, the TCRO has specified powers and duties, including:

-- to apply for and accept grants and loans from any source;
-- to enter into contracts with the state or any agency thereof;
-- to sue and be sued;
-- to develop plans, which must be approved by the county commissions of the participating counties; and,
-- to hire consultants.

The interlocal agreement specifically provides that it is the intent of the parties thereto that the TCRO not be a taxing authority, nor shall it have the authority to issue bonds or create any indebtedness for the parties.

The interlocal agreement may be terminated by any of the parties in accordance with procedures set forth in the agreement.

The day to day operations of the commuter rail are managed by the Urban Transit Development Corporation (UTDC) with direction from the Board of Directors of the TCRO. In addition, the UTDC
I. SUMMARY:

A. Present Situation:

Section 163.01, F.S., authorizes local government units to join together for purposes of making the most efficient use of their powers for providing services and facilities. A joint exercise of power pursuant to this section is made in contract form through an interlocal agreement.

The Tri-County Commuter Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties of Dade, Broward, and Palm Beach, currently operates the commuter railroad between Miami and West Palm Beach.

Pursuant to s. 163.01, F.S., the interlocal agreement provides for a board of directors composed of seven members. The directors are appointed as follows:

-- one county commissioner from each county;
-- one member from each county's metropolitan planning organization; and,
-- one ex officio member from the department (currently, the district secretary for District IV).

Pursuant to the interlocal agreement, the TCRO has specified powers and duties, including:

-- to apply for and accept grants and loans from any source;
-- to enter into contracts with the state or any agency thereof;
-- to sue and be sued;
-- to develop plans, which must be approved by the county commissions of the participating counties; and,
-- to hire consultants.

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provides training of employees in the operations and maintenance of equipment of the commuter rail system.

B. Effect of Proposed Changes:

This bill would establish the "Tri County Commuter Rail Authority Act" and would create the Tri-County Commuter Rail Authority. The authority would be established as a body politic and corporate and an agency of the state.

The governing board of the authority would consist of nine members. Board membership would be comprised of three commissioners, (one county commissioner elected by each of the three county commissions), one employee of the Department of Transportation appointed by the secretary and who is a resident of the tri-county area, a member of the High Speed Rail Commission who is a resident of the tri-county area, three citizen members from each of the three counties (one appointed by each of the three county commissions), and one citizen member appointed by the Governor.

The terms of the county commission members would be 2 years. All other members of the governing board of the authority would serve staggered 4-year terms.

The authority would be empowered to own, operate, and manage a commuter rail system in the tri-county area of Dade, Broward, and Palm Beach Counties. The authority would be authorized to plan, develop, purchase, lease, demolish, construct, improve, relocate, repair, and maintain the system and facilities and to establish such policies and rules as necessary to govern the operation of the system. Additionally, the authority is granted all powers necessary, convenient, or incidental to carrying out its purposes, including but not limited to the following powers:

-- to exercise the powers of eminent domain;
-- to acquire, purchase, or lease property;
-- to sell, exchange, or lease real property;
-- to establish, alter, and collect rates and fares;
-- to enter into contractual agreements, and joint development agreements;
-- to accept donations; and
-- to employ staff and consultants.

The authority would be authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects.

The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Tri-County Rail projects.

Revenue bonds issued under the provisions of the act would not be debts of the state and such bonds would be payable exclusively from revenues pledged for their payment. No state funds would be used to support principal or interest payments of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds would contain a statement on their face to this effect.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
MEMORANDUM

DATE: April 25, 1989
TO: SENATE TRANSPORTATION COMMITTEE

FROM: Don Young, Legislative Programs Office
SUBJECT: SB 946 (HB 1656-Identical)

Attached is an evaluation/fiscal note for the bills noted above. If you have any questions, call me at 8-7950.

Please note that our position and priority is conditional pending direction from the Governor's Office.

DY:am
Attachment
DATE: April 14, 1989
BILL NO.: HB 1656 SPONSOR: Geller
SUBJECT: Tri-County Rail Authority
EFFECTIVE DATE: Later of UBL or 7/1/1989 COMPANION BILL: SB 945

EXECUTIVE SUMMARY: (For LPO use, only)

I. SUMMARY

A. PRESENT SITUATION

The Tri-County Rail Organization (TCRO) currently operates the commuter railroad between Miami and West Palm Beach. The TCRO was formed by an interlocal agreement between Dade, Broward and Palm Beach Counties. The commuter railroad directed by TCRO is operated under contract by the Urban Transit Development Corporation (UTDC) plus other minor consultants. Trackage rights for the operation of the trains is maintained on the FDOT's Southeast Florida Rail Corridor (SFRC). The board of the TCRO is composed of elected officials from the three county governments.

The interlocal agreement creating TCRO specifies timeframes, milestones for evaluating continued operation of the commuter railroad and financial plans for the system's operation. The existence of the TCRO is delicate and relies on the continued participation of the local government bodies. Financial arrangements make long-term decisions difficult and also negate most of the growth management type benefits normally associated with these types of transit systems.

B. PROPOSED CHANGES

The proposed legislation would create a new entity, known as the Tri-County Rail Authority for the direction, ownership and
operation of a commuter railroad operation in the same area as TCRO. The commuter railroad is assumed to be the current TCRO operation though it is not specified in the legislation. The new entity would have the authority to bond revenues to cover operating deficits or to fund capital improvements. Additionally, the new entity would have the power of eminent domain. The legislation does create a body that is more permanent in nature, affording the opportunity to make long-term decisions and reap the growth management type benefits normally associated with these types of transportation systems.
II. IMPACTS

A. ECONOMIC IMPACT

Funds required to administer the bill's provisions by appropriation categories (salaries and benefits, expenses, other personal services, operation capital outlay, fixed capital outlay, etc.). Also, funding sources (i.e., general revenue, State Transportation Trust Fund, etc.), and any revenue collections.

| AMOUNT | AMOUNT | AMOUNT |
| YEAR 1 | YEAR 2 | YEAR 3 |
| (FY89-90) | (FY90-91) | (FY91-92) |

1. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

   a. Non-recurring or First Year Start-up Effects: N/A N/A N/A

   b. Recurring or Annualized Continuation Effects: N/A N/A N/A

   c. Long Run Effects Other Than Normal Growth: N/A N/A N/A

   d. Appropriations Consequences: N/A N/A N/A

2. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

   a. Non-recurring or First Year Start-up Effects: N/A N/A N/A

   b. Recurring or Annualized Continuation Effects: N/A N/A N/A

   c. Long Run Effects Other Than Normal Growth: N/A N/A N/A
3. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   a. Direct Private Sector Costs: None
   b. Direct Private Sector Benefits: None
   c. Effects on Competition, Private Enterprise, and Employment Markets: A long-term commitment to a commuter railroad would tend to densify usage of land surrounding the stations, increasing its value. This development would also increase the utility of the commuter railroad to the travelling public, boosting ridership.

4. FISCAL COMMENTS:

B. NON-ECONOMIC IMPACT

1. DOT: The legislation would increase the local commitment to public transportation and remove FDOT from daily involvement/responsibility for the service.

2. OTHERS: The permanent nature of the Authority would permit others (governments, business and individuals) to make decisions regarding development in and around the operating properties and regarding use and enhancement of the service.

III. RECOMMENDED AMENDMENTS

The bill should be amended to designate and provide the power to exploit sources of revenue against which to issue bonds. Fare-box revenues would probably not cover operating expenses for the foreseeable future, let alone provide debt service. Possible revenue sources could be:

* Appropriations from local government bodies although the periodic nature of these revenues would not provide a suitable basis for bonding.

* Special assessments, subject to the approval of the applicable local governing body, on properties in the vicinity of transit stations which receive special benefit by reason of location or operation of the station. Special assessments may be used for bonding under certain circumstances.

* Establishment of tax increment financing districts in the vicinity of the transit stations, subject to the approval of the district boundaries by the applicable
local governing body. These revenues could be used for bonding if a secondary source of revenues is also pledged. Tax increment financing is highly dependent on the success of the system to encourage development in the station areas. Land-use plans and zoning would highly influence the possible size of this revenue source.

* Assess impact fees on development. Although a possible source of revenue, if applied against development adjacent to the transit stations, it could be counter-productive in the development of the service.

* Joint Development Agreements, already mentioned in the legislation could be a substantial source of revenue if applied in a manner similar to that envisioned in the High Speed Rail Act. Revenues could possibly be bonded, or capital gains could be realized from the sale of interests in such developments.

It should be stated that the Authority is the successor and assignee of the TCRO and inherits all rights, assets, agreements, appropriations, privileges, and obligations of the TCRO.

Privileges of Eminent Domain should be limited to the acquisition of new routes and supporting facilities.

It should also be stated that the authority would have rights to develop feeder services.

The definition of Commuter Railroad and Commuter Rail Facilities should be loosened to not restrict the transportation technology used to steel wheel on steel rail.

Provisions should be made in the legislation for the Authority to prepare business and operating plans at the outset, assuming actual control and operation of the commuter railroad at a later date, on or before the expiration of TCRO's service development period (see FY 86-87 General Appropriation Act proviso language regarding TCRO).

IV. COMMENTS
Use additional sheets as needed.
Available from DISOSS library in RFT form (EVALUATION)
Return to Legislative Programs Office (MS-13, Rm 239 Burns Bldg., SC 278-1950).
I. SUMMARY:

A. Present Situation:

Section 163.01, F.S., authorizes local government units to join together for purposes of making the most efficient use of their powers for providing services and facilities. A joint exercise of power pursuant to this section is made in contract form through an interlocal agreement.

The Tri-County Commuter Rail Organization (TCRO), which was formed by an interlocal agreement between the three counties of Dade, Broward, and Palm Beach, currently operates the commuter railroad between Miami and West Palm Beach.

Pursuant to s. 163.01, F.S., the interlocal agreement provides for a board of directors composed of seven members. The directors are appointed as follows:

-- one county commissioner from each county;
-- one member from each county's metropolitan planning organization; and,
-- one ex officio member from the department (currently, the district secretary for District IV).

Pursuant to the interlocal agreement, the TCRO has specified powers and duties, including:

-- to apply for and accept grants and loans from any source;
-- to enter into contracts with the state or any agency thereof;
-- to sue and be sued;
-- to develop plans, which must be approved by the county commissions of the participating counties; and,
-- to hire consultants.

The interlocal agreement specifically provides that it is the intent of the parties thereto that the TCRO not be a taxing authority, nor shall it have the authority to issue bonds or create any indebtedness for the parties.

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The day to day operations of the commuter rail are managed by the Urban Transit Development Corporation (UTDC) with direction from the Board of Directors of the TCRO. In addition, the UTDC
provides training of employees in the operations and maintenance of equipment of the commuter rail system.

B. Effect of Proposed Changes:

This bill would establish the "Tri County Commuter Rail Authority Act" and would create the Tri-County Commuter Rail Authority. The authority would be established as a body politic and corporate and an agency of the state.

The governing board of the authority would consist of nine members. Board membership would be comprised of three commissioners, (one county commissioner elected by each of the three county commissions), one employee of the Department of Transportation appointed by the secretary and who is a resident of the tri-county area, a member of the High Speed Rail Commission who is a resident of the tri-county area, three citizen members from each of the three counties (one appointed by each of the three county commissions), and one citizen member appointed by the Governor.

The terms of the county commission members would be 2 years. All other members of the governing board of the authority would serve staggered 4-year terms.

The authority would be empowered to own, operate, and manage a commuter rail system in the tri-county area of Dade, Broward, and Palm Beach Counties. The authority would be authorized to plan, develop, purchase, lease, demolish, construct, improve, relocate, repair, and maintain the system and facilities and to establish such policies and rules as necessary to govern the operation of the system. Additionally, the authority is granted all powers necessary, convenient, or incidental to carrying out its purposes, including but not limited to the following powers:

-- to exercise the powers of eminent domain;
-- to acquire, purchase, or lease property;
-- to sell, exchange, or lease real property;
-- to establish, alter, and collect rates and fares;
-- to enter into contractual agreements, and joint development agreements;
-- to accept donations; and
-- to employ staff and consultants.

The authority would be authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects.

The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Tri-County Rail projects.

Revenue bonds issued under the provisions of the act would not be debts of the state and such bonds would be payable exclusively from revenues pledged for their payment. No state funds would be used to support principal or interest payments of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds would contain a statement on their face to this effect.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
III. COMMENTS:
None.

IV. AMENDMENTS:

#1 by Transportation:
Provides for the Central Florida Commuter Rail Authority Act. The Central Florida Commuter Rail Authority would be created to provide commuter rail access in Seminole, Orange, Osceola, and Brevard Counties. Nine board members would be appointed and would have certain specified powers and duties. The authority would be authorized to borrow money as provided in the State Bond Act and the Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance the cost of Central Florida Rail projects.

#2 by Transportation:
Title Amendment
A bill to be entitled

An act relating to public transit; creating the
"Tri-County Commuter Rail Authority Act";
providing definitions; creating the Tri-County
Commuter Rail Authority; providing for
membership; establishing terms of members;
providing for filling vacancies; providing
powers and duties of the authority; providing
for interagency cooperation and contracts;
providing for public and private funding;
authorizing issuance of revenue bonds;
directing that bonds are not debts or pledges
of credit of the state; providing for pledge to
bondholders; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited as the
"Tri-County Commuter Rail Authority Act."

Section 2. Definitions.--As used in this act, unless
the context clearly indicates otherwise, the term:

(1) "Authority" means the Tri-County Commuter Rail
Authority

(2) "Board" means the governing body of the authority.

(3) "Commuter railroad" means a complete system of
tracks, stations, and rolling stock necessary to effectuate
medium-distance to long-distance passenger rail service to or
from the surrounding regional municipalities.

(4) "Commuter rail facilities" means property and
avenues of access in Dade, Broward, and Palm Beach Counties,
required for commuter rail systems.
(5) "Member" means the individuals constituting the board.

Section 3. Tri-County Commuter Rail Authority.--

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Tri-County Commuter Rail Authority," hereinafter referred to as the "authority."

(2) The governing board of the authority shall consist of nine members, as follows:

(a) The county commissions of Dade, Broward, and Palm Beach counties shall each elect a commissioner as that commission's representative on the board. The commissioner must be a member of the commission when elected and for the full extent of his term.

(b) The county commissions of Dade, Broward, and Palm Beach counties shall each appoint a citizen member to the board who is not a member of the county commission but who is a resident of the county from which he is appointed and a qualified elector of that county. Insofar as practicable, the citizen member shall represent the business and civic interests of the community.

(c) The Secretary of the Department of Transportation shall appoint as a member of the board an employee of the department who is a resident and qualified elector in the area served by the tri-county rail.

(d) The High-Speed Rail Commission shall elect as a member of the board a member of the commission who is a resident and qualified elector in the area served by the tri-county rail.
(e) The Governor shall appoint one member to the board who is a resident and qualified elector in the area served by the tri-county rail.

(3) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his successor has been appointed.

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

(5) The members of the authority shall not be entitled to compensation, but shall be reimbursed for traveling expenses actually incurred in their duties as provided by law.

Section 4. Powers and duties.—

(a) The authority created and established by this act shall have the right to own, operate, maintain, and manage a commuter rail system in the tri-county area of Broward, Dade, and Palm Beach counties, hereinafter referred to as the Tri-County Rail.

(b) It is the express intention of this act that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a commuter rail system and commuter rail facilities; to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a commuter rail system; and to adopt such rules as may be necessary to govern the operation of a commuter rail system and commuter rail facilities.
(2) The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74, Florida Statutes.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any commuter rail system or facilities owned or operated by the authority.

(g) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(h) To lease, rent, or contract for the operation or management of any part of a commuter rail system or commuter rail facility, including concessions. In awarding a contract, the authority shall consider, but is not limited to, the following:

CODING: Words stricken are deletions; words underlined are additions.
1. The qualifications of each applicant.
2. The level of service.
3. The efficiency, cost, and anticipated revenue.
4. The construction, operation, and management plan.
5. The financial ability to provide reliable service.
6. The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.

(i) To enforce collection of rates, fees, and charges; and to establish and enforce fines and penalties for violations of any rules.
(j) To advertise and promote commuter rail systems, facilities, and activities of the authority.
(k) To employ an executive director, attorney, staff, and consultants.

(l) To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, counties, and municipalities.
(m) To enter into joint development agreements.
(n) To accept funds from other governmental sources, and to accept private donations.

Section 5. Issuance of revenue bonds.--

(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of Tri-County Rail

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projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided in this act and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same.

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Tri-County Rail projects.

Section 6. Bonds not debts or pledges of credit of state.--Revenue bonds issued under the provisions of this act are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this act does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the Tri-County Rail system, and all such bonds shall contain a statement on their face to this effect.

Section 7. Pledge to bondholders not to restrict certain rights of authority.--The state pledges to and agrees with the holders of the bonds issued pursuant to this act that the state will not limit or restrict the rights vested in the

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authority to construct, reconstruct, maintain, and operate any
Tri-County Rail project as defined in this act, to establish
and collect such fees or other charges as may be convenient or
necessary to produce sufficient revenues to meet the expenses
of maintenance and operation of the Tri-County Rail system,
and to fulfill the terms of any agreements made with the
holders of bonds authorized by this act. The state further
pledges that it will not in any way impair the rights or
remedies of the holders of such bonds until the bonds,
together with interest thereon, are fully paid and discharged.

Section 8. This act shall take effect July 1, 1989, or
upon becoming a law, whichever occurs later.

********************

HOUSE SUMMARY

Creates the "Tri-County Commuter Rail Authority Act," to
provide for commuter access in Dade, Broward, and Palm
Beach Counties. Provides definitions. Creates the
authority and provides for membership. Provides powers
and duties. Authorizes interagency cooperation and
contracts. Provides for public and private funding,
Authorizes issuance of revenue bonds which are not debts
or pledges of the credit of the state. Provides that the
state will not limit or restrict the authority from
exercising its rights and duties.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to public transit; creating the
"Tri-County Commuter Rail Authority Act";
providing definitions; creating the Tri-County
Commuter Rail Authority; providing for
membership; establishing terms of members;
providing for filling vacancies; providing
powers and duties of the authority; providing
for interagency cooperation and contracts;
providing for public and private funding;
authorizing issuance of revenue bonds;
directing that bonds are not debts or pledges
of credit of the state; providing for pledge to
bondholders; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited as the
"Tri-County Commuter Rail Authority Act."

Section 2. Definitions.--As used in this act, unless
the context clearly indicates otherwise: the term:
(1) "Authority" means the Tri-County Commuter Rail
Authority;
(2) "Board" means the governing body of the authority;
(3) "Computer railroad" means a complete system of
tracks, stations, and rolling stock necessary to effectuate
medium-distance to long-distance passenger rail service to or
from the surrounding regional municipalities;
(4) "Computer rail facilities" means property and
avenues of access in Dade, Broward, and Palm Beach Counties.

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Section 3. **Tri-County Commuter Rail Authority:**

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Tri-County Commuter Rail Authority," hereinafter referred to as the "authority."

(2) The governing board of the authority shall consist of nine members, as follows:

(a) The county commissions of Dade, Broward, and Palm Beach counties shall each elect a commissioner as that commission's representative on the board. The commissioner must be a member of the commission when elected and for the full extent of his term.

(b) The county commissions of Dade, Broward, and Palm Beach counties shall each appoint a citizen member to the board who is not a member of the county commission but who is a resident of the county from which he is appointed and a qualified elector of that county. Insofar as practicable, the citizen member shall represent the business and civic interests of the community.

(c) The Secretary of the Department of Transportation shall appoint as a member of the board an employee of the department who is a resident and qualified elector in the area served by the tri-county rail.

(d) The High-Speed Rail Commission shall elect as a member of the board a member of the commission who is a resident and qualified elector in the area served by the tri-county rail.
(e) The Governor shall appoint one member to the board who is a resident and qualified elector in the area served by the tri-county rail.

(f) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his successor has been appointed.

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

(h) The members of the authority shall not be entitled to compensation, but shall be reimbursed for traveling expenses actually incurred in their duties as provided by law.

Section 4. Powers and duties.--

(i) (a) The authority created and established by this act shall have the right to own, operate, maintain, and manage a commuter rail system in the tri-county area of Broward, Dade, and Palm Beach counties, hereinafter referred to as the Tri-County Rail.

(b) It is the express intention of this act that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a commuter rail system and commuter rail facilities; to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a commuter rail system; and to adopt such rules as may be necessary to govern the operation of a commuter rail system and commuter rail facilities.

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

(a) To sue and be sued, plead and be pleaded, complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74, Florida Statutes.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for the carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any computer rail system or facilities owned or operated by the authority.

(g) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(h) To lease, rent, or contract for the operation or management of any part of a computer rail system or computer rail facility, including concessions. In awarding a contract, the authority shall consider, but is not limited to, the following:

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2. The level of service.
3. The efficiency, cost, and anticipated revenue.
4. The construction, operation, and management plan.
5. The financial ability to provide reliable service.
6. The impact on other transportation modes and facilities, including the ability to interface with other transportation modes and facilities.
7. To enforce collection of rates, fees, and charges and to establish and enforce fines and penalties for violations of any rules.
8. To advertise and promote commuter rail systems, facilities, and activities of the authority.
9. To employ an executive director, attorney, staff, and consultants.
10. To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, counties, and municipalities.
11. To enter into joint development agreements.
12. To accept funds from other governmental sources, and to accept private donations.

Section 5. Issuance of revenue bonds:

(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of Tri-County Rail projects.

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projects for which such bonds shall have been issued, except
as provided in the State Bond Act. Such proceeds shall be
disbursed and used as provided in this act and in such manner
and under such restrictions, if any, as the Division of Bond
Finance may provide in the resolution authorizing the issuance
of such bonds or in the trust agreement securing the same.

[3] The Division of Bond Finance is authorized to
issue revenue bonds on behalf of the authority to finance or
refinance the cost of Tri-County Rail projects.

Section 6. Bonds not debts of pledge of credit of
state.--Revenue bonds issued under the provisions of this act
are not debts of the State or pledges of the faith and credit
of the State. Such bonds are payable exclusively from
revenues pledged for their payment. All such bonds shall
contain a statement on their face that the State is not
obligated to pay the same or the interest thereon, except from
the revenues pledged for their payment, and that the faith and
credit of the State is not pledged to the payment of the
principal or interest of such bonds. The issuance of revenue
bonds under the provisions of this act does not directly,
indirectly, or contingently obligate the State to levy or to
pledge any form of taxation whatever, or to make any
appropriation for their payment. No state funds shall be used
to pay the principal or interest of any bonds issued to
finance or refinance any portion of the Tri-County Rail
system, and all such bonds shall contain a statement on their
face to this effect.

Section 7. Pledge to bondholders not to restrict
certain rights of authority.--The state pledges to and agrees
with the holders of the bonds issued pursuant to this act that
the state will not limit or restrict the rights vested in the

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authority to construct, reconstruct, maintain, and operate any
Tri-County Rail project as defined in this act, to establish
and collect such fees or other charges as may be convenient or
necessary to produce sufficient revenues to meet the expenses
of maintenance and operation of the Tri-County Rail system,
and to fulfill the terms of any agreements made with the
holders of bonds authorized by this act. The state further
pledges that it will not in any way impair the rights or
remedies of the holders of such bonds until the bonds,
together with interest thereon, are fully paid and discharged.

Section 8. This act shall take effect July 1, 1989, or
upon becoming a law, whichever occurs later.

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HOUSE SUMMARY

Creates the "Tri-County Commuter Rail Authority Act" to
provide for commuter access in Dade, Broward, and Palm
Beach Counties. Provides definitions. Creates the
authority and provides for membership. Provides powers
and duties. authorizes interagency cooperation and
contracts. Provides for public and private funding.
Authorizes issuance of revenue bonds which are not debts
or pledges of the credit of the state. Provides that the
state will not limit or restrict the authority from
exercising its rights and duties.

This publication was produced at an average cost of 1.12 cents
per single page in compliance with the Rules and for
the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to public transportation creating chapter 343, F.S. creating the "Tri-County Commuter Rail Authority Act" providing definitions creating the Tri-County Commuter Rail Authority providing for membership establishing terms of members providing for filling vacancies providing powers and duties of the authority providing for interagency cooperation and contracts providing for public and private funding authorizing issuance of revenue bonds directing that bonds are not debts or pledges of credit of the state requiring the authority to develop an annual operating plan providing for annual review of plan providing for pledge to bondholders creating the "Central Florida Commuter Rail Authority Act" providing definitions creating the Central Florida Commuter Rail Authority providing for membership establishing terms of members providing for filling vacancies providing powers and duties of the authority providing for interagency cooperation and contracts providing for public and private funding authorizing issuance of revenue bonds directing that bonds are not debts or pledges of credit of the state providing for pledge to bondholders amending s. 341.303, F.S. providing that a tri-county commuter rail must have an operating ratio of 40 percent or more

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in the second year and limiting funding to 5
years; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 343, Florida Statutes, consisting
of sections 343.51, 343.52, 343.53, 343.54, 343.55, 343.56,
343.57, 343.61, 343.62, 343.63, 343.64, 343.65, 343.66,
343.67, and 343.68, is created to read:

CHAPTER 343
COMPUTER RAIL AUTHORITIES
PART I
TRI-COUNTY COMPUTER RAIL AUTHORITY

343.51 Short title. -- This part may be cited as the
"Tri-County Computer Rail Authority Act."

343.52 Definitions. -- As used in this part, unless the
context clearly indicates otherwise, the term:

1. "Authority" means the Tri-County Computer Rail
Authority.

2. "Board" means the governing body of the authority.

3. "Commuter railroad" means a complete system of
tracks, guideways, stations, and rolling stock necessary to
effectuate medium-distance to long-distance passenger rail
service to or from the surrounding regional municipalities.

4. "Commuter rail facilities" means property and
avenues of access in Dade, Broward, and Palm Beach Counties,
required for commuter rail or fixed guideway systems.

5. "Member" means the individuals constituting the
board.

6. "Feeder transit service" means fixed guideway or
bus service to transport passengers to rail stations.

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343.63 Tri-County Commuter Rail Authority.--

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Tri-County Commuter Rail Authority," hereinafter referred to as the "authority."

(2) The governing board of the authority shall consist of nine members, as follows:

(a) The county commissioners of Dade, Broward, and Palm Beach counties shall each elect a commissioner as that commission's representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his term.

(b) The county commissioners of Dade, Broward, and Palm Beach counties shall each appoint a citizen member to the board who is not a member of the county commission but who is a resident of the county from which he is appointed and a qualified elector of that county. Insofar as practicable, the citizen member shall represent the business and civic interests of the community.

(c) The Secretary of the Department of Transportation shall appoint as an ex-officio nonvoting member of the board an employee of the department who is a resident and qualified elector in the area served by the tri-county rail.

(d) The High-Speed Rail Commission shall elect as an ex-officio nonvoting member of the board a member of the commission who is a resident and qualified elector in the area served by the tri-county rail.

(e) The Governor shall appoint one member to the board who is a resident and qualified elector in the area served by the tri-county rail.

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(3) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his successor has been appointed.

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

(5) The members of the authority shall not be entitled to compensation, but shall be reimbursed for traveling expenses actually incurred in their duties as provided by law.

343.54 Powers and duties.--

(1)(a) The authority created and established by this part shall have the right to own, operate, maintain, and manage a commuter rail system in the tri-county area of Broward, Dade, and Palm Beach Counties, hereinafter referred to as the Tri-County Rail.

(b) It is the expressed intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a computer rail system and commuter rail facilities to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a commuter rail system and to adopt such rules as may be necessary to govern the operation of a commuter rail system and commuter rail facilities.

(2) The authority created herein shall be the successor and assignee of the Tri-County Rail Organization.
(TCRO) and shall inherit all rights, assets, agreements, appropriations, privileges, and obligations of the TCRO.

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

(a) To sue and be sued, implead and be imploled, complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any computer rail system or facilities owned or operated by the authority.

(g) To develop and provide feeder transit services to rail stations.

(h) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(i) To lease, rent, or contract for the operation or management of any part of a computer rail system or commuter...
rail facility, including feeder transit services and
concessions. In awarding a contract, the authority shall
consider, but is not limited to, the following:
1. The qualifications of each applicant,
2. The level of service,
3. The efficiency, cost, and anticipated revenue,
4. The construction, operation, and management plan,
5. The financial ability to provide reliable service,
6. The impact on other transportation modes and
facilities,
11. To enforce collection of rates, fees, and charges,
and to establish and enforce fines and penalties for
violations of any rules,
18. To advertise and promote commuter rail systems,
facilities, and activities of the authority,
19. To employ an executive director, attorney, staff,
and consultants,
20. To cooperate with other governmental entities and
to contract with other governmental agencies, including the
Department of Transportation, the Federal Government,
counties, and municipalities,
21. To enter into joint development agreements,
24. To accept funds from other governmental sources,
and to accept private donations,
27. The authority shall, by February 1, 1990, develop
and adopt a plan for the operation, maintenance, and expansion
of the tri-county commuter rail service. Such plan shall
address the authority's plan for the development of public and
private revenue sources, and the service to be provided.
including expansions of current service. The plan shall be revised and updated annually.

343.55 Issuance of revenue bonds.--

(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Tri-County Rail projects. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

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

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Tri-County Rail projects.

343.56 Bonds not debts or pledges of credit of state.--Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly.
indirectly, or contingently obligate the state to levy or to
pledge any form of taxation whatsoever, or to make any
appropriation for their payment. No state funds shall be used
to pay the principal or interest of any bonds issued to
finance or refinance any portion of the Tri-County Rail
system, and all such bonds shall contain a statement on their
face to this effect.

332.57 Pledge to bondholders not to restrict certain
rights of authority: The state pledges to and agrees with the
holders of the bonds issued pursuant to this part that the
state will not limit or restrict the rights vested in the
authority to construct, reconstruct, maintain, and operate any
Tri-County Rail project as defined in this part, to establish
and collect such fees or other charges as may be convenient or
necessary to produce sufficient revenues to meet the expenses
of maintenance and operation of the Tri-County Rail system,
and to fulfill the terms of any agreements made with the
holders of bonds authorized by this part. The state further
pledges that it will not in any way impair the rights or
remedies of the holders of such bonds until the bonds,
together with interest thereon, are fully paid and discharged.

PART II

CENTRAL FLORIDA COMMUTER RAIL AUTHORITY

343.61 Short title. This part may be cited as the
"Central Florida Commuter Rail Authority Act."

343.62 Definitions. As used in this part, unless the
context clearly indicates otherwise, the terms:

(1) "Authority" means the Central Florida Commuter
Rail Authority.

(2) "Board" means the governing body of the authority.
(3) "Commuter railroad" means a complete system of tracks, stations, and rolling stock necessary to effectuate medium-distance to long-distance passenger rail service to or from the surrounding regional municipalities.

(4) "Commuter rail facilities" means property and avenues of access in Seminole, Orange, Osceola, and Brevard Counties, required for commuter rail systems.

(5) "Member" means the individuals constituting the board.

343.63 Central Florida Commuter Rail Authority.--

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Central Florida Commuter Rail Authority," hereinafter referred to as the "Authority."

(2) The governing board of the authority shall consist of nine members, as follows:

(a) The county commissioners of Seminole, Orange, Osceola, and Brevard counties shall each elect a commissioner as that commission's representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his term.

(b) The Governor shall appoint five members to the board who are residents and qualified electors in the area served by the authority. One of the members appointed by the Governor shall be the mayor of a city within the area served by the authority.

(3) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his successor has been appointed.

CODING: Words stricken are deletions; words underlined are additions.
[4] A vacancy during a term shall be filled by the
respective appointing authority in the same manner as the
original appointment and only for the balance of the unexpired
term.

[5] The members of the authority shall not be entitled
to compensation, but shall be reimbursed for traveling
expenses actually incurred in their duties as provided by law.

343.64 Powers and duties.--

[1] (a) The authority created and established by this
part shall have the right to own, operate, maintain, and
manage a commuter rail system in the area of Seminole, Orange,
Ocscal, and Brevard counties, hereinafter referred to as the
Central Florida Rail.

(b) It is the express intention of this part that the
authority be authorized to plan, develop, own, purchase,
lease, or otherwise acquire, demolish, construct, improve,
relocate, equip, repair, maintain, operate, and manage a
commuter rail system and commuter rail facilities to
establish and determine such policies as may be necessary for
the best interest of the operation and promotion of a commuter
rail system and to adopt such rules as may be necessary to
govern the operation of a commuter rail system and commuter
rail facilities.

[2] The authority may exercise all powers necessary:
appurtenant, convenient, or incidental to the carrying out of
the aforesaid purposes, including, but not limited to, the
following rights and powers:

(a) To sue and be sued, implead and be impleaded,
complain and defend in all courts in its own name,

(b) To adopt and use a corporate seal.
(g) To have the power of eminent domain for acquisition of the commuter rail system.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any commuter rail system or facilities owned or operated by the authority.

(g) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for sworn and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(h) To lease, rent, or contract for the operation or management of any part of a commuter rail system or commuter rail facility, including concessions. In awarding a contract, the authority shall consider, but is not limited to, the following:

1. The qualifications of each applicant.
2. The level of service.
3. The efficiency, costs, and anticipated revenue.
4. The construction, operation, and management plan.
5. The financial ability to provide reliable service.
6. The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.

CODING: Words stricken are deletions; words underlined are additions.
(a) To enforce collection of rates, fees, and charges; and to establish and enforce fines and penalties for violations of any rules.

(b) To advertise and promote computer rail systems, facilities, and activities of the authority.

(k) To employ an executive director, attorney, staff, and consultants.

(l) To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, counties, and municipalities.

(m) To enter into joint development agreements.

(n) To accept funds from other governmental sources.

and to accept private donations.

363.65 Issuance of revenue bonds.--

(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Central Florida Rail projects. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of Central Florida Rail projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided in this part and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same.
The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Central Florida Rail projects.

Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereof, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the Central Florida Rail system, and all such bonds shall contain a statement on their face to this effect.

The state pledges to and agrees with the holders of the bonds issued pursuant to this part that the state will not limit or restrict the rights vested in the authority to construct, reconstruct, maintain, and operate any Central Florida Rail project as defined in this part, to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the Central Florida Rail system, and to fulfill the terms of any

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agreements made with the holders of bonds authorized by this part. The state further pledges that it will not in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest thereon, are fully paid and discharged.

345.60 Applicability to other laws.--Nothing in this part shall grant any authority or jurisdiction over projects described in ss. 341.401-341.422.

Section 2. Paragraph (d) of subsection (4) of section 341.303, Florida Statutes, 1988 Supplement, is amended to read:

341.303 Funding authorization and appropriations; eligibility and participation.--
(4) FUND PARTICIPATION; SERVICE DEVELOPMENT.--
(d) Any service development project funded under this section shall continue to be eligible for such funds in the third year of operation only if the project reaches an operating ratio of 60 percent or more during the second year, or for a tri-county commuter rail, an operating ratio of 40 percent or more during the second year. All intercity and commuter rail service development projects shall be limited to 3 years except for a tri-county commuter rail, which shall be limited to 5 years.

Section 3. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

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