

1989

Session Law 89-351

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-351" (1989). *Staff Analysis*. 1144.
<https://ir.law.fsu.edu/staff-analysis/1144>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

B
I
L
L

H
I
S
T
O
R
Y

H 1656 GENERAL BILL/CS/1ST ENG by Public Transportation; Geller; Crotty and others (Compare S 946)
~~Tri-County Commuter Rail Auth. Act~~; creates said act & Tri-County Commuter Rail Authority; provides for membership & establishes terms; provides powers & duties; provides for interagency cooperation & contracts; provides for public & private funding; authorizes issuance of revenue bonds; requires authority to develop an annual operating plan; creates "Central Fla. Commuter Rail Authority Act", etc. Creates Ch. 343; amends 341.303. Effective Date: 07/05/89.

04/04/89 HOUSE Filed -HJ 156
04/06/89 HOUSE Introduction allowed -HJ 162; Introduced, referred to Public Transportation; Finance & Taxation; Appropriations -HJ 166
04/11/89 HOUSE On Committee agenda—Public Transportation, 04/13/89, 3:30 pm, 16-HOB—For ratification to subcommittee
04/13/89 HOUSE Subreferred to Subcommittee on Rail, Fixed Guideway and Bus Transit
04/14/89 HOUSE On subcommittee agenda—Public Transportation, 04/18/89, 4:15 pm, 16-HOB
04/18/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS
04/20/89 HOUSE On Committee agenda—Public Transportation, 04/24/89, 3:45 pm, 16-HOB
04/24/89 HOUSE Preliminary Committee Action by Public Transportation: Favorable as a CS
05/03/89 HOUSE Comm. Report: CS by Public Transportation -HJ 371; CS read first time -HJ 369; Now in Finance & Taxation -HJ 371; On Committee agenda—Finance & Taxation, 05/05/89, 8:30 am, 413-C—For ratification to subcommittee
05/16/89 HOUSE Withdrawn from Finance & Taxation -HJ 498; Now in Appropriations
05/22/89 HOUSE Withdrawn from Appropriations -HJ 556; Placed on Calendar
05/26/89 HOUSE Placed on Special Order Calendar
05/31/89 HOUSE Read second time -HJ 897; Amendments adopted; Read third time; CS passed as amended; YEAS 93 NAYS 23 -HJ 898
05/31/89 SENATE In Messages
06/02/89 SENATE Received -SJ 870; Substituted for SB 946; CS passed; YEAS 38 NAYS 0 -SJ 892
06/02/89 Ordered enrolled
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-351

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: CSHB1656.ANA
DATE: May 1, 1989

89-351

HOUSE OF REPRESENTATIVES
COMMITTEE ON PUBLIC TRANSPORTATION
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/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.

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:

- o One commissioner representative from each of the county commissions of Dade, Broward and Palm Beach counties
- o One citizen member appointed by each of the three county commissions
- o One employee of the DOT, appointed by the DOT secretary , as an ex-officio non-voting member.
- o One commissioner representative from the High Speed Rail Commission, elected by the commission as an ex-officio non-voting member.

- o One citizen member appointed by the Governor.

The Central Florida Commuter Rail Authority would consist of nine board members as follows:

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

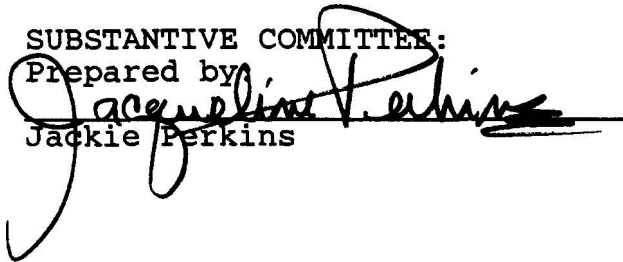
None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

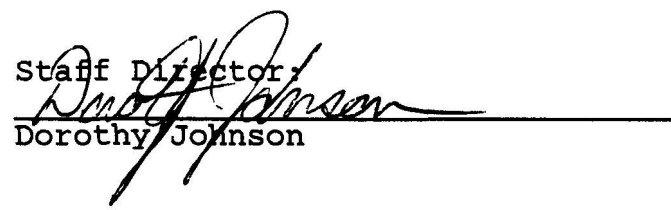
Prepared by

Jackie Perkins



Staff Director:

Dorothy Johnson



REVISED: May 9, 1989BILL NO. SB 946DATE: May 4, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Meredith</u>	<u>Gargiulo</u>	1. <u>TR</u>	<u>FAV/2 Amend.</u>
2. _____	_____	2. <u>FTC</u>	<u>Withdrawn</u>
3. _____	_____	3. <u>AP</u>	<u>Withdrawn</u>
4. _____	_____	4. _____	_____

SUBJECT: Tri-County Commuter Rail Authority Act

BILL NO. AND SPONSOR: SB 946 by Senator Forman, et al

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