

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

BOARD APPOINTMENT SUMMARY

Meeting Date: June 23, 2015

Department: County Administration

Advisory Board: South Florida Regional Transportation Authority

I. EXECUTIVE BRIEF

Motion/Title: Staff recommends motion to approve: appointment of the following individual to the South Florida Regional Transportation Authority (SFRTA) for a term of four (4) years, beginning July 1, 2015 and ending June 30, 2019:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
F. Martin Perry	4	Palm Beach County Resident with Business or Civic Interest	Mayor Vana Vice Mayor Berger Comm. Valeche Comm. Burdick Comm. Abrams Comm. McKinlay

Summary: The SFRTA was created pursuant to Section 343.53, Florida Statutes. The SFRTA is comprised of ten (10) voting members: one (1) county commissioner each from Miami-Dade, Broward and Palm Beach counties; one (1) citizen member (business/civic interest) from each of the three (3) counties; the secretary of the Department of Transportation; and three (3) citizens of the three (3) counties selected by the Governor. On May 8, 2015, staff distributed a memo to the Board of County Commissioners requesting support for the appointment of Mr. Perry or requesting additional nominees for consideration. The Commissioners noted above support the appointment of Mr. Perry. No other nominations were received. Countywide (DR)

Background and Justification: The SFRTA is charged with operating, maintaining and managing a commuter rail system in the tri-county area. The SFRTA has ten (10) members with a diversity count of: seven (7) Caucasian males; one (1) Hispanic male; and one (1) American-Indian. Mr. Perry is a Caucasian male.

Attachments:

1. Email from Marie Horenburger
2. Boards/Committees Application and Résumé for Mr. Perry
3. BCC Memo dated May 8, 2015
4. Current List of SFRTA Board Members
5. Chapter 343.53, Florida Statutes creating the SFRTA

Recommended by:

Patty Hindle
Agenda Coordinator

6/4/15
Date

Legal Sufficiency:

[Signature]
Assistant County Attorney

6/9/15
Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

Patty Hindle

From: mjhorenburger@aol.com
Sent: Thursday, April 30, 2015 3:50 PM
To: Shelley Vana; hvalache@pbcgov.org; Paulette Burdick P.; Steven Abrams; MaryLou Berger; Melissa McKinlay; Priscilla Taylor A.; Robert Weisman; Patty Hindle
Subject: SFRTA/TRI RAIL appointment

It has been an honor and a privilege to serve as Palm Beach County's appointed representative to what was Tri Rail when I began and is now South Florida Regional Transportation Authority.

My service began in 1994, a generation ago. After some soul searching I've decided to term limit myself and not seek reappointment in June. My last meeting will be June 26, 2015. There is no SFRTA meeting in July, so there is time to appoint a new member to take their seat at the meeting the 4th Friday in August.

Thank you for your trust in me and for one of the most interesting experiences of my life.

Sincerely,
Marie Horenburger

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: South Florida Regional Transportation Authority Advisory ☐ Not Advisory ☒

☒ At Large Appointment or ☐ District Appointment /District #: _____

Term of Appointment: 4 Years. From: TBD To: TBD

Seat Requirement: Resident of Palm Beach County/Business and Civic Interest in Community Seat #: 4

☐ *Reappointment or ☒ New Appointment

or ☐ to complete the term of N/A Due to: ☐ resignation ☐ other

Completion of term to expire on: N/A

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: N/A

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: PERRY F. MARTIN
Last First Middle

Occupation/Affiliation: LAWYER
Owner ☐ Employee ☐ Officer ☐

Business Name: PERRY & TAYLOR, P.A.

Business Address: 4500 PEA BLVD., STE 204

City & State: PALM BEACH Gdns, FL Zip Code: 33418

Residence Address: 228 CORAL CAY TERRACE

City & State: PALM BEACH Gdns, FL Zip Code: 33418

Home Phone: () Business Phone: (561) 721-3300 Ext. 102

Cell Phone: (561) 309-1610 Fax: (561) 721-2111

Email Address: fmpervic@perrytaylorlaw.com

Mailing Address Preference: ☒ Business ☐ Residence

Have you ever been convicted of a felony: Yes _____ No ☒

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: ☒ Male ☐ Female
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
Example: (R#XX-XX/PO XX)	Parks & Recreation	General Maintenance	10/01/00-09/30/2100
NONE			
(Attach Additional Sheet(s), if necessary)			
OR			
NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

☒ By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS on 5/6 20 15

☐ By attending a live presentation given on _____, 20____

AND

☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: [Signature] Printed Name: F. MARTIN PERRY Date: 5/6/15

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
Patty Hindle, County Administration
301 N. Olive Avenue, Suite 1101, West Palm Beach County, FL 33401
Phone (561) 355-3229/Fax (561) 355-3982/Email: phindle@pbcgov.org

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: [Signature] Date: _____

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 01/14/2014

Section II Continued:

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☒ By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: F. Martin Perry Printed Name: F. MARTIN PERRY Date: 5/6/15

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Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Mary Lou Beger Date: 6-3-2015

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Section II Continued:

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*Applicant's Signature: F. Martin Perry Printed Name: F. MARTIN PERRY Date: 5/6/15

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Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: Paul R. Valente Date: 5/12/15

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Revised 01/14/2014

Section II Continued:

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*Applicant's Signature: F. Martin Perry Printed Name: F. MARTIN PERRY Date: 5/6/15

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Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: Lauretta Burdick Date: 5-14-2015

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Revised 01/14/2014

Section II Continued:

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*Applicant's Signature: F. Martin Perry Printed Name: F. MARTIN PERRY Date: 5/6/15

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Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: S. Abrams 5/19/15 Date: 5/19/15

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Revised 01/14/2014

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*Applicant's Signature: F. Martin Perry Printed Name: F. MARTIN PERRY Date: 5/6/15

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Appointment to be made at BCC Meeting on:

Commissioner's Signature: Melissa McKinley Date: 5/11/15

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Revised 01/14/2014

Mr. Perry is the founding member of the law firm, Perry & Taylor, P.A., and has extensive experience in commercial litigation, with an emphasis on mechanic's lien, construction and zoning litigation. He also has extensive experience in major real estate transactions and land development, as well as planning, zoning and land-use law. For two years, he served as zoning counsel to Palm Beach County.

Mr. Perry is a member of the Florida Bar, the American Bar Association and the Palm Beach County Bar Association, of which he served as president of the Young Lawyers Section from 1973-1974. He has served on the Palm Beach County Impact Fee Review Committee from 1993-2003, Palm Beach County Convention Center Advisory Committee from 1994-1995 and the Palm Beach County Land Use Advisory Board Policy Development Task Force from 1997-1998.

Active in the community, Mr. Perry is a member of The Economic Council of Palm Beach County and has served that organization as both a director and member of the Executive Committee; is a "Director for Life" of the Boys and Girls Clubs of Palm Beach County, Inc., of which he served as President from 1988-1991; is a founding member, past President and a Director of the Law Enforcement Assistance Foundation; has been a Director of the Pine Jog Environmental Education Center; has been a Director and is currently a Trustee of the Chamber of Commerce of the Palm Beaches; was appointed by Governor Bob Graham as a Fire Commissioner in the Military Park Fire District and served as its Chair; and was appointed by Governor Charlie Crist to the Governing Board of the South Florida Regional Transportation Authority, which he served on from 2008 – 2012.

He holds a Bachelor of Arts from Gannon University in Erie, Pennsylvania and attended Allegheny College in Meadville, Pennsylvania. In 1966, he was awarded the Juris Doctor Degree by the University of Miami.



**PALM BEACH COUNTY
COUNTY ADMINISTRATION**

County Administration

P.O. Box 1989

West Palm Beach, FL 33402-1989

(561) 355-2030

FAX: (561) 355-3982

www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor

Mary Lou Berger, Vice Mayor

Hal R. Valeche

Paulette Burdick

Steven L. Abrams


Melissa McKinlay

Priscilla A. Taylor

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

 printed on recycled paper

TO: Mayor Shelley Vana & Members of the Board of County Commissioners

FROM: Patty Hindle, Agenda Coordinator
County Administration

DATE: May 8, 2015

RE: SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

The South Florida Regional Transportation Authority (SFRTA) was created pursuant to Section 343.53, Florida Statutes. The SFRTA is comprised of ten (10) voting members: one (1) county commissioner each from Miami-Dade, Broward and Palm Beach counties; one (1) citizen member (business/civic interest) from each of the three counties; the secretary of the Department of Transportation; and three (3) citizens appointed by the governor who are qualified electors in the area served by the authority but who are not residents of the same county. Members are appointed for a term of four (4) years, except that the terms of the Governor's appointees who shall be concurrent.

Marie Horenburger has served on the SFRTA since 2003, and has indicated she will not be seeking reappointment. Mr. F. Martin Perry has expressed a desire to be appointed to represent Palm Beach County. Attached is Mr. Perry's Application and résumé.

The Authority's current diversity, is seven Caucasian males, one Hispanic-American male, and one American-Indian male. Mr. Perry is a Caucasian male.

If you wish to support the appointment of Mr. Perry, please sign and return the enclosed Boards/Committees Application. If you wish to have another nominee considered for appointment, please provide the nominee's contact information.

Staff would like to agenda Mr. Perry's appointment for the June 23, 2015 meeting, so please either return the signed application or provide other nominee(s) contact information no later than June 1, 2015. Any questions, please contact me at 355-3229.

:ph

Attachments

Email from Marie Horenburger
Application w/Résumé for F. Martin Perry
Section 343.53, F.S.
Current Membership Roster



Serving Broward, Miami-Dade and Palm Beach Counties
1-888-GO-SFRTA (467-3782) TDD 1-800-273-7545

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- Meetings
- Strategic Partnerships
- Procurement
- Planning
- JARC/NF Grants
- News
- Resources
- Contact
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Governing Board



STEVEN L. ABRAMS
Palm Beach County Commissioner
Palm Beach County Commission
North Olive, 12th Floor
West Palm Beach, FL 33401
Phone: (561) 355-2204
Fax: (561) 355-4422



BRUNO A. BARREIRO, CHAIR
Miami-Dade County Commissioner
Miami-Dade County Commission
1454 Southwest 1st Street, Suite 130
Miami, FL 33128
Phone: (305) 643-8525
Fax: (305) 643-8528



JAMES A. CUMMINGS, VICE-CHAIR
Broward County Representative
800 N.W. 33rd Street
Pompano Beach, FL 33064
Phone: (954) 788-7918
Fax: (954) 788-7961



ANDREW FREY
Governor's Appointee
800 N.W. 33rd Street
Pompano Beach, FL 33064
Phone: (954) 788-7918
Fax: (954) 788-7961



FRANK FRIONE
Governor's Appointee
800 N.W. 33rd Street
Pompano Beach, FL 33064
Phone: (954) 788-7918
Fax: (954) 788-7961



MARIE HORENBURGER
Palm Beach County Representative
800 N.W. 33rd Street
Pompano Beach, FL 33064
Phone: (954) 788-7918
Fax: (954) 788-7961



NICK A. INAMDAR
Miami-Dade County Representative
800 N.W. 33rd Street
Pompano Beach, FL 33064
Phone: (954) 788-7918
Fax: (954) 788-7961



GERRY O'REILLY
FDOT Secretary District IV
3400 West Commercial Blvd.
Fort Lauderdale, FL 33309
Phone: (954) 777-4411
Fax: (954) 777-4197



TIM RYAN
Broward County Mayor
Broward County Government Center,
Room 409
115 S. Andrews Avenue
Fort Lauderdale, FL 33301
Phone: (954) 357-7007
Fax: (954) 357-5707



JAMES A. SCOTT
Governor's Appointee
Tripp Scott Law Office
110 S.E. 6th Street, 15th Floor
Fort Lauderdale, FL 33301
Phone: (954) 525-7500
Fax: (954) 761-8475

"Regional connectivity is vital for a sustainable and livable South Florida. A network of commuter rail trains and buses provides vital access to north-south and east-west portions of our tri-county area. South Florida Regional Transportation Authority continues to work closely with all local transit agencies so our residents and visitors can get to where they want to go with ease."

Bruno A. Barreiro, Chair
Miami-Dade County Commissioner



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PART II
SOUTH FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

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343.51 Short title.—This part may be cited as the "South Florida Regional Transportation Authority Act."

History.—s. 1, ch. 89-351; s. 1, ch. 2003-159.

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

(1) "Authority" means the South Florida Regional Transportation Authority.

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

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

(4) "Transit system" means a system used for the transportation of people and goods by means of, without limitation, a street railway, an elevated railway having a fixed guideway, a commuter railroad, a subway, motor vehicles, or motor buses, and includes a complete system of tracks, stations, and rolling stock necessary to effectuate passenger service to or from the surrounding regional municipalities.

(5) "Transit facilities" means property, avenues of access, equipment, or buildings built and installed in Miami-Dade, Broward, and Palm Beach Counties which are required to support a transit system.

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

(7) "Feeder transit services" means a transit system that transports passengers to or from stations within or across counties.

History.—s. 1, ch. 89-351; s. 2, ch. 2003-159; s. 62, ch. 2012-174.

343.53 South Florida Regional Transportation Authority.—

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

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

(a) The county commissions of Miami-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 or her term.

(b) The county commissions of Miami-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 or she 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 one of the district secretaries, or his or her designee, for the districts within which the area served by the South Florida Regional Transportation Authority is located, who shall serve ex officio as a voting member.

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

1. The county commission of the county shall 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 or her term.

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

(e) The Governor shall appoint three members to the board who are residents and qualified electors in the area served by the authority but who are not residents of the same county.

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

(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 serve without compensation, but are entitled to reimbursement for travel expenses actually incurred in their duties as provided by law.

History.—s. 1, ch. 89-351; s. 7, ch. 91-418; s. 75, ch. 92-152; s. 508, ch. 95-148; s. 3, ch. 2003-159; s. 63, ch. 2012-174.

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 transit system in the tri-county area of Broward, Miami-Dade, and Palm Beach Counties, hereinafter referred to as the South Florida Regional Transportation Authority.

(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 transit system and transit facilities; to establish and determine the policies necessary for the best interest of the operation and promotion of a transit system; and to adopt rules necessary to govern the operation of a transit system and transit facilities. It is the intent of the Legislature that the South Florida Regional Transportation Authority shall have overall authority to coordinate, develop, and operate a regional transportation system within the area served.

(c) Notwithstanding subsection (3), the South Florida Regional Transportation Authority may not exercise the powers in paragraph (b) with respect to an existing system for transporting people and goods by any means which is owned by another entity without the consent of that entity. Furthermore, if the authority acquires, purchases, operates, condemns, or inherits an existing entity, the authority shall also inherit and assume all rights, assets, labor agreements, appropriations, privileges, and obligations of the existing entity. This paragraph does not preclude the South Florida Regional Transportation Authority from having the primary responsibility to develop and coordinate the transportation systems within the service area of the South Florida Regional Transportation Authority.

(2) The authority created in this part shall be the successor and assignee of the Tri-County Commuter Rail Authority and shall inherit all rights, assets, labor agreements, appropriations, privileges, and obligations of the Tri-County Commuter Rail Authority.

(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 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.

(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 transit system or transit facilities owned or operated by the authority.

(g) To develop and provide feeder transit services to or from stations within or across counties.

(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 transit system or transit 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, including the ability to interface with other transportation modes and facilities.

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

(k) To advertise and promote transit systems, transit facilities, and activities of the authority.

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

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

(n) To enter into joint development agreements.

(o) To accept funds from other governmental sources, and to accept private donations.

(p) To purchase by directly contracting with local, national, or international insurance companies to provide liability insurance which the authority is contractually and legally obligated to provide, the requirements of s. 287.022(1), notwithstanding.

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

(4) The authority shall develop and adopt a plan for the operation, maintenance, and expansion of the transit system. 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 which are consistent, to the maximum extent feasible, with approved local government comprehensive plans. The plan shall be reviewed and updated annually.

(5) The authority, by a resolution of its governing board, may expand its service area into Monroe County. The board shall determine the conditions and terms of the partnership, except as provided herein. However, the authority may not expand its service area without the consent of the board of county commissioners representing the proposed expansion area, and a county may not be added to the service area except in the year that federal reauthorization legislation for transportation funds is enacted. The authority shall not expand into any county other than Monroe County without the department's prior written approval.

History.—s. 1, ch. 89-351; s. 88, ch. 90-136; s. 76, ch. 92-152; s. 4, ch. 2003-159; s. 1, ch. 2007-255; s. 64, ch. 2012-174.

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 projects of the South Florida Regional Transportation Authority. 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 the 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)(a) The authority may issue, reissue, or redeem bonds that do not pledge the full faith and credit of the state in such principal amounts as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its corporate purposes.

(b) The bonds of the authority, whether on original issuance or refunding, must be authorized by resolution of the authority after approval of the issuance of the bonds at a public hearing. These bonds may be term or serial bonds, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, at such times, be in such denominations, be in such form, coupon or fully registered, shall carry registration, have exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as any resolution subsequent thereto may provide. The bonds must be executed by officers as the authority determines under the requirements of s. 279.06.

(c) The authority shall sell the bonds at public sale by competitive bid. However, if the authority receives a written recommendation from a financial adviser and the authority determines, by official action, that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate sale of the bonds with the underwriter designated by the authority, after a public hearing and by a two-thirds vote of all voting members of the authority. The authority shall provide specific findings in a resolution as to the reasons requiring the negotiated sale. This resolution shall incorporate and have attached the written recommendation of the financial adviser required by this subsection.

(d) Any such resolution authorizing any bonds that do not pledge the full faith and credit of the state may contain provisions that are part of the contract with the holders of the bonds as the authority determines proper. In addition, the authority may enter into a trust indenture or other agreement with its fiscal agent or with any bank or trust company within or without the state as security for such bonds and may, under an agreement, assign and pledge the revenues, rates, fees, rentals, tolls, or other charges or receipts of the authority.

(e) Any bond that is issued pursuant to this part is a negotiable instrument and has all the qualities and incidents of a negotiable instrument under the laws governing merchants and negotiable instruments in this state.

History.—s. 1, ch. 89-351; s. 5, ch. 2003-159; s. 2, ch. 2007-255.

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 or pledged to pay the principal or interest of any bonds issued to finance or refinance any portion of the South Florida Regional Transportation Authority transit system, and all such bonds shall contain a statement on their face to this effect.

History.—s. 1, ch. 89-351; s. 21, ch. 2000-266; s. 6, ch. 2003-159; s. 65, ch. 2012-174.

343.57 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 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 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. Nothing in this section or in any agreement between the authority and the Department of Transportation shall be construed to require the Legislature to make or continue any appropriation of state funds to the authority, including, but not limited to, the amounts specified in s. 343.58(4), nor shall any holder of bonds have any right to require the Legislature to make or continue any appropriation of state funds.

History.—s. 1, ch. 89-351; s. 7, ch. 2003-159; s. 66, ch. 2012-174.

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

(1) Each county served by the South Florida Regional Transportation Authority must dedicate and transfer not less than \$2.67 million to the authority annually. The recurring annual \$2.67 million must be dedicated by the governing body of each county before October 31 of each fiscal year. These funds may be used for capital, operations, and maintenance.

(2) At least \$45 million of a state-authorized, local option recurring funding source available to Broward, Miami-Dade, and Palm Beach counties is directed to the authority to fund its capital, operating, and maintenance expenses. The funding source shall be dedicated to the authority only if Broward, Miami-Dade, and Palm Beach counties impose the local option funding source.

(3) In addition, each county shall continue to annually fund the operations of the South Florida Regional Transportation Authority in an amount not less than \$1.565 million. Revenue raised pursuant to this subsection shall also be considered a dedicated funding source.

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

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

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

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

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

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

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

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

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

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

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

(5) The current funding obligations under subsections (1), (3), and (4) shall cease upon commencement of the collection of funding from the funding source under subsection (2). If the funding under subsection (2) is discontinued for any reason, the funding obligations under subsections (1) and (3) shall resume when collection from the funding source under subsection (2) ceases. Payment by the counties shall be on a pro rata basis the first year following cessation of the funding under subsection (2). The authority shall refund a pro rata share of the payments for the current fiscal year made pursuant to the current funding obligations under subsections (1) and (3) as soon as reasonably practicable after it begins to receive funds under subsection (2). If, by December 31, 2015, the South Florida Regional Transportation Authority has not received federal matching funds based upon the dedication of funds under subsection (1), subsection (1) shall be repealed.

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

History.—s. 10, ch. 2003-159; s. 3, ch. 2007-255; s. 4, ch. 2009-271; s. 67, ch. 2012-174.