

RESOLUTION NO. 2018-23

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A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO STATE LEGISLATION; SUPPORTING SENATE BILL NUMBER 688 AND ITS EQUIVALENT IN THE HOUSE UNDER BILL NUMBER 243 REQUIRING COUNTIES, EXCEPT UNDER CERTAIN CIRCUMSTANCES, TO USE SURTAX PROCEEDS ONLY FOR SPECIFIED PURPOSES AND PROHIBITING THE USE OF SUCH PROCEEDS FOR NONTRANSIT PURPOSES; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn and Councilmember David Singer, Co-sponsored by Councilmember Karyn Cunningham)

WHEREAS, as population numbers increase for the South Dade region, the Village of Palmetto Bay, along with the neighboring cities to the north and the south, has experienced a significant increase in traffic, specifically on interior non-feeder roads intended for local traffic only; and,

WHEREAS, the lack of mass transit options in the South Dade force residents traveling north and south to drive a single-occupant vehicle, further eroding the congestive traffic conditions that currently exist on the US 1 corridor and Old Cutler Road; and,

WHEREAS, in 2002, county voters approved the ½ penny sales tax to implement the People’s Transportation Plan (PTP) which included plans to build rapid transit lines to West Dade, Kendall, Florida City, Miami Beach, and North Dade and expand bus service, among other intended purposes; and,

WHEREAS, the county has collected more than \$2.8 billion to date but has failed to implement the transit improvements promised as part of the PTP, inclusive of the transit line expansions with only three miles completed in the past sixteen years and the bus fleet expansion, which currently amounts to only 1/3 of where it should be; and,

1 **WHEREAS**, not only was the bus fleet not increased, the existing
2 fleet has not been maintained as promised; and,

3
4 **WHEREAS**, the alarming PTP shortfalls can be directly attributed
5 to the use of the capital funding to pay for operations and maintenance
6 costs of the transportation system; and,

7
8 **WHEREAS**, Senate Bill 688 seeks to make counties accountable
9 to the promises made to its constituency by requiring that surtax
10 proceeds for county and regional transportation systems shall be used
11 only for capital projects, including the acquisition of right-of-ways for
12 rapid transit or bus systems; and,

13
14 **WHEREAS**, the Village Council desires to show its support for
15 Senate Bill 688 in the hopes that Miami-Dade County will honor the
16 promises made to county voters in 2002 with the approval of the ½
17 penny sales tax and allocate the funding for capital improvements and
18 the expansion of Miami-Dade County’s transit system, as originally
19 intended; and,

20
21 **WHEREAS**, the Village Council further encourages Miami-Dade
22 County to identify alternative funding sources and cost-saving methods
23 to fund the operation and maintenance of the system to continue to
24 support the existing ridership numbers of more than 16,000 daily.

25
26 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
27 **OF PALMETTO BAY, FLORIDA, THAT:**

28
29 **Section 1.** The Village Council hereby expresses its support for
30 Florida Senate Bill 688 and its equivalent in the House under Bill 243,
31 which requires that counties use transportation and transit surtax funds
32 only for specified purposes, except under certain circumstances, as
33 further specified on said bill attached hereto as Exhibits A and B
34 respectively, and further prohibits the use of such surtax proceeds for
35 nontransit purposes.

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37 **Section 2.** This Resolution shall take effect immediately upon
38 approval.

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PASSED and ADOPTED this 12th day of February, 2018.

DocuSigned by:
Missy Arocha
6EDC211E5E8C48C...
Attest: _____
Missy Arocha
Village Clerk

DocuSigned by:
Eugene Flinn
3B8854AD569F494...

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

DocuSigned by:
Claudio Riedi, Esq.
4470B200EB374C2...

Claudio Riedi, Esq.
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Karyn Cunningham YES
- Council Member David Singer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois YES
- Mayor Eugene Flinn YES

By Senator Garcia

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A bill to be entitled
An act relating to the charter county and regional
transportation system surtax; amending s. 212.055,
F.S.; requiring counties, except under certain
circumstances, to use surtax proceeds only for
specified purposes; prohibiting the use of such
proceeds for nontransit purposes; providing an
effective date.

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

Section 1. Paragraph (d) of subsection (1) of section
212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent;
authorization and use of proceeds.—It is the legislative intent
that any authorization for imposition of a discretionary sales
surtax shall be published in the Florida Statutes as a
subsection of this section, irrespective of the duration of the
levy. Each enactment shall specify the types of counties
authorized to levy; the rate or rates which may be imposed; the
maximum length of time the surtax may be imposed, if any; the
procedure which must be followed to secure voter approval, if
required; the purpose for which the proceeds may be expended;
and such other requirements as the Legislature may provide.
Taxable transactions and administrative procedures shall be as
provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
SURTAX.—

(d) 1. Except as set forth in subparagraph 2., proceeds from

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30 the surtax shall be applied to as many or as few of the uses
31 enumerated below in whatever combination the county commission
32 deems appropriate:

33 ~~a.1.~~ Deposited by the county in the trust fund and shall be
34 used for the purposes of development, construction, equipment,
35 maintenance, operation, supportive services, including a
36 countywide bus system, on-demand transportation services, and
37 related costs of a fixed guideway rapid transit system;

38 ~~b.2.~~ Remitted by the governing body of the county to an
39 expressway, transit, or transportation authority created by law
40 to be used, at the discretion of such authority, for the
41 development, construction, operation, or maintenance of roads or
42 bridges in the county, for the operation and maintenance of a
43 bus system, for the operation and maintenance of on-demand
44 transportation services, for the payment of principal and
45 interest on existing bonds issued for the construction of such
46 roads or bridges, and, upon approval by the county commission,
47 such proceeds may be pledged for bonds issued to refinance
48 existing bonds or new bonds issued for the construction of such
49 roads or bridges; and

50 ~~3. Used by the county for the development, construction,~~
51 ~~operation, and maintenance of roads and bridges in the county;~~
52 ~~for the expansion, operation, and maintenance of bus and fixed~~
53 ~~guideway systems; for the expansion, operation, and maintenance~~
54 ~~of on-demand transportation services; and for the payment of~~
55 ~~principal and interest on bonds issued for the construction of~~
56 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
57 ~~bridges; and such proceeds may be pledged by the governing body~~
58 ~~of the county for bonds issued to refinance existing bonds or~~

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59 ~~new bonds issued for the construction of such fixed guideway~~
60 ~~rapid transit systems, bus systems, roads, or bridges and no~~
61 ~~more than 25 percent used for nontransit uses; and~~

62 c.4. Used by the county for the planning, development,
63 construction, operation, and maintenance of roads and bridges in
64 the county; for the planning, development, expansion, operation,
65 and maintenance of bus and fixed guideway systems; for the
66 planning, development, construction, expansion, operation, and
67 maintenance of on-demand transportation services; and for the
68 payment of principal and interest on bonds issued for the
69 construction of fixed guideway rapid transit systems, bus
70 systems, roads, or bridges; and such proceeds may be pledged by
71 the governing body of the county for bonds issued to refinance
72 existing bonds or new bonds issued for the construction of such
73 fixed guideway rapid transit systems, bus systems, roads, or
74 bridges and no more than 25 percent used for nontransit uses.
75 Pursuant to an interlocal agreement entered into pursuant to
76 chapter 163, the governing body of the county may distribute
77 proceeds from the tax to a municipality, or an expressway or
78 transportation authority created by law to be expended for the
79 purpose authorized by this paragraph. Any county that has
80 entered into interlocal agreements for distribution of proceeds
81 to one or more municipalities in the county shall revise such
82 interlocal agreements no less than every 5 years in order to
83 include any municipalities that have been created since the
84 prior interlocal agreements were executed.

85 2. To the extent not prohibited by contracts or bond
86 covenants in effect on July 1, 2018, each county, as defined in
87 s. 125.011(1), shall use surtax proceeds only for the following

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88 purposes:

89 a. The planning, design, engineering, and construction of
90 fixed guideway rapid transit systems.

91 b. The acquisition of right-of-way for fixed guideway rapid
92 transit systems, provided that the current owner of the right-
93 of-way is a willing seller or lessor.

94 c. The purchase of buses and other capital costs for a bus
95 system.

96 d. The payment of principal and interest on bonds
97 previously issued related to fixed guideway rapid transit
98 systems or bus systems.

99 e. As security by the governing body of the county to
100 refinance existing bonds or to issue new bonds for the planning,
101 design, engineering, and construction of fixed guideway rapid
102 transit systems or bus systems.

103
104 Surtax proceeds may not be used for nontransit purposes.

105 Section 2. This act shall take effect July 1, 2018.

1 A bill to be entitled

2 An act relating to the charter county and regional
3 transportation system surtax; amending s. 212.055,
4 F.S.; requiring certain counties to use surtax
5 proceeds for specified purposes related to fixed
6 guideway rapid transit systems and bus systems;
7 authorizing the use of surtax proceeds for the
8 purchase of rights-of-way under certain circumstances;
9 authorizing the use of surtax proceeds for refinancing
10 existing bonds; prohibiting the use of such proceeds
11 for certain purposes; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (d) of subsection (1) of section
16 212.055, Florida Statutes, is amended to read:

17 212.055 Discretionary sales surtaxes; legislative intent;
18 authorization and use of proceeds.—It is the legislative intent
19 that any authorization for imposition of a discretionary sales
20 surtax shall be published in the Florida Statutes as a
21 subsection of this section, irrespective of the duration of the
22 levy. Each enactment shall specify the types of counties
23 authorized to levy; the rate or rates which may be imposed; the
24 maximum length of time the surtax may be imposed, if any; the
25 procedure which must be followed to secure voter approval, if

26 | required; the purpose for which the proceeds may be expended;
 27 | and such other requirements as the Legislature may provide.
 28 | Taxable transactions and administrative procedures shall be as
 29 | provided in s. 212.054.

30 | (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
 31 | SURTAX.—

32 | (d) 1. Except as set forth in subparagraph 2., proceeds
 33 | from the surtax shall be applied to as many or as few of the
 34 | uses enumerated below in whatever combination the county
 35 | commission deems appropriate:

36 | a.1. Deposited by the county in the trust fund and shall
 37 | be used for the purposes of development, construction,
 38 | equipment, maintenance, operation, supportive services,
 39 | including a countywide bus system, on-demand transportation
 40 | services, and related costs of a fixed guideway rapid transit
 41 | system;

42 | b.2. Remitted by the governing body of the county to an
 43 | expressway, transit, or transportation authority created by law
 44 | to be used, at the discretion of such authority, for the
 45 | development, construction, operation, or maintenance of roads or
 46 | bridges in the county, for the operation and maintenance of a
 47 | bus system, for the operation and maintenance of on-demand
 48 | transportation services, for the payment of principal and
 49 | interest on existing bonds issued for the construction of such
 50 | roads or bridges, and, upon approval by the county commission,

51 such proceeds may be pledged for bonds issued to refinance
52 existing bonds or new bonds issued for the construction of such
53 roads or bridges; and

54 ~~3. Used by the county for the development, construction,~~
55 ~~operation, and maintenance of roads and bridges in the county;~~
56 ~~for the expansion, operation, and maintenance of bus and fixed~~
57 ~~guideway systems; for the expansion, operation, and maintenance~~
58 ~~of on-demand transportation services; and for the payment of~~
59 ~~principal and interest on bonds issued for the construction of~~
60 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
61 ~~bridges; and such proceeds may be pledged by the governing body~~
62 ~~of the county for bonds issued to refinance existing bonds or~~
63 ~~new bonds issued for the construction of such fixed guideway~~
64 ~~rapid transit systems, bus systems, roads, or bridges and no~~
65 ~~more than 25 percent used for nontransit uses; and~~

66 c.4. Used by the county for the planning, development,
67 construction, operation, and maintenance of roads and bridges in
68 the county; for the planning, development, expansion, operation,
69 and maintenance of bus and fixed guideway systems; for the
70 planning, development, construction, expansion, operation, and
71 maintenance of on-demand transportation services; and for the
72 payment of principal and interest on bonds issued for the
73 construction of fixed guideway rapid transit systems, bus
74 systems, roads, or bridges; and such proceeds may be pledged by
75 the governing body of the county for bonds issued to refinance

76 existing bonds or new bonds issued for the construction of such
77 fixed guideway rapid transit systems, bus systems, roads, or
78 bridges and no more than 25 percent used for nontransit uses.
79 Pursuant to an interlocal agreement entered into pursuant to
80 chapter 163, the governing body of the county may distribute
81 proceeds from the tax to a municipality, or an expressway or
82 transportation authority created by law to be expended for the
83 purpose authorized by this paragraph. Any county that has
84 entered into interlocal agreements for distribution of proceeds
85 to one or more municipalities in the county shall revise such
86 interlocal agreements no less than every 5 years in order to
87 include any municipalities that have been created since the
88 prior interlocal agreements were executed.

89 2. To the extent not prohibited by contracts or bond
90 covenants in effect on July 1, 2018, each county as defined in
91 s. 125.011(1) shall use proceeds of the surtax only for the
92 following purposes:

93 a. The planning, design, engineering, or construction of
94 fixed guideway rapid transit systems.

95 b. The acquisition of rights-of-way for fixed guideway
96 rapid transit systems or for the development of dedicated
97 facilities for autonomous vehicles as defined in s. 316.003,
98 provided that the owner of the right-of-way is a willing seller.

99 c. The payment of principal and interest on bonds
100 previously issued related to fixed guideway rapid transit

101 systems or bus systems.

102 d. As security by the governing body of the county to
103 refinance existing bonds or to issue new bonds for the planning,
104 design, engineering, or construction of fixed guideway rapid
105 transit systems or bus systems.

106
107 Proceeds from the surtax may not be used for salaries or other
108 personnel expenses of the county transportation department.

109 Section 2. This act shall take effect July 1, 2018.