

## CHAMBER ACTION

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1 The State Infrastructure Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to transportation; amending s. 338.2275,  
8 F.S.; deleting obsolete provisions; revising the maximum  
9 amount of bonds that are available for turnpike projects;  
10 amending s. 212.0606, F.S.; providing for the imposition  
11 by countywide referendum of an additional surcharge on the  
12 lease or rental of a motor vehicle; providing an  
13 exception; providing procedures and requirements for  
14 imposing the surcharge; providing for time of effect of  
15 the surcharge; providing for a methodology for  
16 distribution of certain funds by the Department of Revenue  
17 to certain counties; providing for the proceeds of the  
18 surcharge to be transferred to the Local Option Fuel Tax  
19 Trust Fund and used for the construction and maintenance  
20 of state roads; amending s. 343.54, F.S.; revising  
21 language relating to powers and duties of the South  
22 Florida Regional Transportation Authority; deleting the  
23 term "commuter rail"; amending s. 343.55, F.S.; providing

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24 |       pledge to bondholders that the state will not alter  
 25 |       certain rights vested in the authority that affect the  
 26 |       rights of bondholders while bonds are outstanding;  
 27 |       amending s. 343.58, F.S.; revising provisions for funding  
 28 |       of the authority; requiring counties served by the  
 29 |       authority to annually transfer certain funds before a  
 30 |       certain date; removing provisions for sources of that  
 31 |       funding; removing authorization for a vehicle registration  
 32 |       tax; providing for a certain funding source for capital,  
 33 |       operating, and maintenance expenses; revising county  
 34 |       funding amounts to fund operations; providing for  
 35 |       cessation of specified county funding contributions and  
 36 |       providing for certain refunding of the contributions under  
 37 |       certain circumstances; revising timeframe for repeal of  
 38 |       specified funding provisions under certain circumstances;  
 39 |       providing an effective date.

40

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

42

43 |       Section 1. Subsection (1) of section 338.2275, Florida  
 44 |       Statutes, is amended to read:

45 |       338.2275 Approved turnpike projects.--

46 |       (1) Legislative approval of the department's tentative  
 47 |       work program that contains the turnpike project constitutes  
 48 |       approval to issue bonds as required by s. 11(f), Art. VII of the  
 49 |       State Constitution. No more than \$6 billion of bonds may be  
 50 |       outstanding to fund approved turnpike projects. ~~Turnpike~~  
 51 |       ~~projects approved to be included in future tentative work~~

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52 ~~programs include, but are not limited to, projects contained in~~  
 53 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~  
 54 ~~of bonds may be issued to fund approved turnpike projects.~~

55 Section 2. Section 212.0606, Florida Statutes, is amended  
 56 to read:

57 212.0606 Rental car surcharge.--

58 (1) A surcharge of \$2 ~~\$2.00~~ per day or any part of a day  
 59 is imposed upon the lease or rental of a motor vehicle licensed  
 60 for hire and designed to carry fewer ~~less~~ than nine passengers,  
 61 regardless of whether such motor vehicle is licensed in Florida.  
 62 The surcharge applies to only the first 30 days of the term of  
 63 any lease or rental and. ~~The surcharge~~ is subject to all  
 64 applicable taxes imposed by this chapter.

65 (2) (a) Notwithstanding s. ~~the provisions of section~~  
 66 212.20, and less costs of administration, 80 percent of the  
 67 proceeds of the this surcharge imposed under subsection (1)  
 68 shall be deposited in the State Transportation Trust Fund, 15.75  
 69 percent of the proceeds of this surcharge shall be deposited in  
 70 the Tourism Promotional Trust Fund created in s. 288.122, and  
 71 4.25 percent of the proceeds of this surcharge shall be  
 72 deposited in the Florida International Trade and Promotion Trust  
 73 Fund. As used in ~~For the purposes of~~ this subsection, "proceeds"  
 74 of the surcharge means all funds collected and received by the  
 75 department under subsection (1) ~~this section~~, including interest  
 76 and penalties on delinquent surcharges. The department shall  
 77 provide the Department of Transportation rental car surcharge  
 78 revenue information for the previous state fiscal year by  
 79 September 1 of each year.

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80 (b) Notwithstanding any other provision of law, in fiscal  
81 year 2007-2008 and each year thereafter, the proceeds deposited  
82 in the State Transportation Trust Fund shall be allocated on an  
83 annual basis in the Department of Transportation's work program  
84 to each department district, except the Turnpike District. The  
85 amount allocated for each district shall be based upon the  
86 amount of proceeds attributed to the counties within each  
87 respective district.

88 (3) (a) In addition to the surcharge imposed under  
89 subsection (1), a county may impose by countywide referendum a  
90 local surcharge of \$2 per day or any part of a day upon the  
91 lease or rental of a motor vehicle licensed for hire and  
92 designed to carry fewer than nine passengers, regardless of  
93 whether such motor vehicle is licensed in this state. The local  
94 surcharge may be applied to only the first 30 days of the term  
95 of any lease or rental. The local surcharge shall not apply to  
96 the lease or rental of a motor vehicle by a person for the  
97 period of time required to have a motor vehicle owned by the  
98 person undergo maintenance or repair. The person must provide a  
99 receipt for the cost of the maintenance or repair services and  
100 documentation that the person owns the motor vehicle undergoing  
101 maintenance or repair. The local surcharge is subject to all  
102 applicable taxes imposed by this chapter.

103 (b) If the ordinance authorizing the imposition of the  
104 local surcharge is approved by such referendum, a certified copy  
105 of the ordinance shall be furnished by the county to the  
106 department within 10 days after such approval, but no later than  
107 November 16 prior to the effective date. The notice must specify

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108 | the time period during which the local surcharge will be in  
109 | effect and must include a copy of the ordinance and such other  
110 | information as the department may require by rule. Failure to  
111 | timely provide such notification to the department shall result  
112 | in the delay of the effective date for a period of 1 year. The  
113 | effective date for any county to impose the local surcharge  
114 | shall be January 1 following the year in which the ordinance was  
115 | approved by referendum. A local surcharge may not terminate on a  
116 | date other than December 31.

117 | (c) Any local surcharge proceeds collected by a dealer  
118 | that fails to report surcharge collections by county as required  
119 | by paragraph (4)(b) shall be deposited into the Solid Waste  
120 | Management Trust Fund and then transferred to the Local Option  
121 | Fuel Tax Trust Fund as separate from the county surcharge  
122 | collection accounts. The department shall distribute funds in  
123 | this account, less the cost of administration, using a  
124 | distribution factor determined for each county that levies a  
125 | local surcharge, based upon the county's latest official  
126 | population determined pursuant to s. 186.901 and multiplied by  
127 | the amount of funds in the account and available for  
128 | distribution.

129 | (d) Notwithstanding s. 212.20, and less the costs of  
130 | administration, the proceeds of the local surcharge imposed  
131 | under paragraph (a) shall be transferred to the Local Option  
132 | Fuel Tax Trust Fund for the purposes allowed under s. 206.60 and  
133 | distributed monthly by the department under s. 336.025(3)(a)1.  
134 | or (4)(a). As used in this subsection, "proceeds" of the local  
135 | surcharge means all funds collected and received by the

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136 | department under this subsection, including interest and  
137 | penalties on delinquent local surcharges.

138 |       ~~(4)~~~~(3)~~(a) Except as provided in this section, the  
139 | department shall administer, collect, and enforce the surcharge  
140 | and local surcharge as provided in this chapter.

141 |       (b) The department shall require dealers to report  
142 | surcharge collections according to the county to which the  
143 | surcharge and local surcharge were ~~was~~ attributed. For purposes  
144 | of this section, the surcharge and local surcharge shall be  
145 | attributed to the county where the rental agreement was entered  
146 | into.

147 |       (c) Dealers who collect a ~~the~~ rental car surcharge shall  
148 | report to the department all surcharge and local surcharge  
149 | revenues attributed to the county where the rental agreement was  
150 | entered into on a timely filed return for each required  
151 | reporting period. The provisions of this chapter which apply to  
152 | interest and penalties on delinquent taxes shall apply to the  
153 | surcharge and local surcharge. The surcharge and local surcharge  
154 | shall not be included in the calculation of estimated taxes  
155 | pursuant to s. 212.11. The dealer's credit provided in s. 212.12  
156 | shall not apply to any amount collected under this section.

157 |       ~~(5)~~~~(4)~~ The surcharge and any local surcharge imposed by  
158 | this section do ~~does~~ not apply to a motor vehicle provided at no  
159 | charge to a person whose motor vehicle is being repaired,  
160 | adjusted, or serviced by the entity providing the replacement  
161 | motor vehicle.

162 |       Section 3. Paragraph (b) of subsection (1) of section  
163 | 343.54, Florida Statutes, is amended to read:

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164 343.54 Powers and duties.--

165 (1)

166 (b) It is the express intention of this part that the  
 167 authority be authorized to plan, develop, own, purchase, lease,  
 168 or otherwise acquire, demolish, construct, improve, relocate,  
 169 equip, repair, maintain, operate, and manage a transit system  
 170 and transit facilities; to establish and determine the policies  
 171 necessary for the best interest of the operation and promotion  
 172 of a transit system; and to adopt rules necessary to govern the  
 173 operation of a transit ~~commuter rail~~ system and transit ~~commuter~~  
 174 ~~rail~~ facilities. It is the intent of the Legislature that the  
 175 South Florida Regional Transportation Authority shall have  
 176 overall authority to coordinate, develop, and operate a regional  
 177 transportation system within the area served.

178 Section 4. Subsection (4) is added to section 343.55,  
 179 Florida Statutes, to read:

180 343.55 Issuance of revenue bonds.--

181 (4) The state pledges to and agrees with any person, firm,  
 182 corporation, or federal or state agency subscribing to or  
 183 acquiring the bonds to be issued by the authority for the  
 184 purposes of the South Florida Regional Transportation Authority  
 185 Act that the state will not limit or alter the rights vested in  
 186 the authority under this section until all bonds at any time  
 187 issued and secured by revenues remitted to the authority  
 188 pursuant to s. 343.58, together with the interest thereon, are  
 189 fully paid and discharged insofar as the same affects the rights  
 190 of the holders of bonds issued under this section.

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191 Section 5. Section 343.58, Florida Statutes, is amended to  
192 read:

193 343.58 County funding for the South Florida Regional  
194 Transportation Authority.--

195 (1) Each county served by the South Florida Regional  
196 Transportation Authority must dedicate and transfer not less  
197 than \$2.67 million to the authority annually. The recurring  
198 annual \$2.67 million must be dedicated by the governing body of  
199 each county prior to October 31 of each fiscal year ~~by August 1,~~  
200 ~~2003. Notwithstanding ss. 206.41 and 206.87, such dedicated~~  
201 ~~funding may come from each county's share of the ninth-cent fuel~~  
202 ~~tax, the local option fuel tax, or any other source of local gas~~  
203 ~~taxes or other nonfederal funds available to the counties. In~~  
204 ~~addition, the Legislature authorizes the levy of an annual~~  
205 ~~license tax in the amount of \$2 for the registration or renewal~~  
206 ~~of registration of each vehicle taxed under s. 320.08 and~~  
207 ~~registered in the area served by the South Florida Regional~~  
208 ~~Transportation Authority. The annual license tax shall take~~  
209 ~~effect in any county served by the authority upon approval by~~  
210 ~~the residents in a county served by the authority. The annual~~  
211 ~~license tax shall be levied and the Department of Highway Safety~~  
212 ~~and Motor Vehicles shall remit the proceeds each month from the~~  
213 ~~tax to the South Florida Regional Transportation Authority.~~

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



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219 Broward, Miami-Dade, and Palm Beach Counties each impose the  
220 local-option funding source.

221 (3)(2) In addition, each county shall continue to annually  
222 fund the operations of the South Florida Regional Transportation  
223 Authority in an amount not less than \$4.2 ~~\$1.565~~ million.

224 Revenue raised ~~Such funds~~ pursuant to this subsection shall also  
225 be considered a dedicated funding source.

226 (4) The current funding obligations under subsections (1)  
227 and (3) shall cease upon commencement of the collection of  
228 funding from the funding source under subsection (2). Should the  
229 funding under subsection (2) be discontinued for any reason, the  
230 funding obligations under subsections (1) and (3) shall resume  
231 when collection from the funding source under subsection (2)  
232 ceases. Payment by the counties shall be on a pro rata basis the  
233 first year following cessation of the funding under subsection  
234 (2). The authority shall refund a pro rata share of the payments  
235 for the current fiscal year made pursuant to the current funding  
236 obligations under subsections (1) and (3) as soon as reasonably  
237 practicable after it begins to receive funds under subsection  
238 (2).

239 (5) If, by December 31, 2015 ~~2009~~, the South Florida  
240 Regional Transportation Authority has not received federal  
241 matching funds based upon the dedication of funds under  
242 subsection (1), subsection (1) shall be repealed.

243 Section 6. This act shall take effect July 1, 2006.