

1 A bill to be entitled
2 An act relating to regional transportation authorities;
3 amending s. 120.52, F.S.; revising a definition; amending
4 s. 212.0606, F.S.; requiring deposit into an account of
5 the South Florida Regional Transportation Authority
6 certain proceeds subject to being deposited into the State
7 Transportation Trust Fund and collected within certain
8 counties within the service area of the authority;
9 authorizing certain other regional transportation
10 authorities to elect to receive certain proceeds subject
11 to being deposited into the State Transportation Trust
12 Fund and collected within certain counties within the
13 service area of such authorities; requiring notice to the
14 Department of Revenue of such election; providing an
15 effective date for such election; providing a method for
16 determining amounts due to such authorities; amending s.
17 341.303, F.S.; relieving the department's funding
18 obligation to certain regional transportation authorities
19 to conform; revising the department's obligation to fund
20 certain regional transportation authorities under certain
21 circumstances; amending s. 343.58, F.S.; relieving certain
22 counties of certain funding obligations to the South
23 Florida Regional Transportation Authority under certain
24 circumstances to conform; repealing part III of chapter
25 343, F.S., relating to the Tampa Bay Commuter Transit
26 Authority; providing an effective date.

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

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Section 1. Subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.--As used in this act:

(1) "Agency" means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.

2. Authority, including a regional water supply authority.

3. Board, including the Board of Governors of the State University System and a state university board of trustees when acting pursuant to statutory authority derived from the Legislature.

4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency.

6. Multicounty special district with a majority of its governing board comprised of nonelected persons.

7. Educational units.

8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

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 58 This definition does not include any legal entity or agency
 59 created in whole or in part pursuant to chapter 361, part II,
 60 any metropolitan planning organization created pursuant to s.
 61 339.175, any separate legal or administrative entity created
 62 pursuant to s. 339.175 of which a metropolitan planning
 63 organization is a member, an expressway authority pursuant to
 64 chapter 348 or any transportation authority under chapter 343 or
 65 chapter 349, any legal or administrative entity created by an
 66 interlocal agreement pursuant to s. 163.01(7), unless any party
 67 to such agreement is otherwise an agency as defined in this
 68 subsection, or any multicounty special district with a majority
 69 of its governing board comprised of elected persons; however,
 70 this definition shall include a regional water supply authority.

71 Section 2. Paragraph (a) of subsection (2) of section
 72 212.0606, Florida Statutes, is amended to read:

73 212.0606 Rental car surcharge.--

74 (2) (a) Notwithstanding the provisions of section 212.20,
 75 and less costs of administration, 80 percent of the proceeds of
 76 this surcharge shall be deposited in the State Transportation
 77 Trust Fund, 15.75 percent of the proceeds of this surcharge
 78 shall be deposited in the Tourism Promotional Trust Fund created
 79 in s. 288.122, and 4.25 percent of the proceeds of this
 80 surcharge shall be deposited in the Florida International Trade
 81 and Promotion Trust Fund. Of the proceeds subject to be
 82 deposited into the State Transportation Trust Fund, in fiscal
 83 year 2008-2009 and each year thereafter, the proceeds collected
 84 within each county within the service territory of the South

85 Florida Regional Transportation Authority established under
 86 chapter 343 shall be deposited into an account of the authority.
 87 The Northwest Florida Transportation Corridor Authority and the
 88 Tampa Bay Area Regional Transportation Authority established
 89 under chapter 343 may receive the proceeds deposited into the
 90 State Transportation Trust Fund that are attributed to each
 91 county within the service territory of that authority, by
 92 notifying the department of such election in writing. The
 93 election shall not be effective until the first day of the month
 94 following 60 days after the department receives written
 95 notification from that authority. For the purposes of this
 96 subsection, "proceeds" of the surcharge means all funds
 97 collected and received by the department under this section,
 98 including interest and penalties on delinquent surcharges. The
 99 department shall provide the Department of Transportation rental
 100 car surcharge revenue information for the previous state fiscal
 101 year by September 1 of each year. Monthly proceeds due to each
 102 regional transportation authority under this paragraph shall be
 103 based upon the percentage attributable to each participating
 104 county as determined in this paragraph as of September 1 of the
 105 preceding fiscal year, which shall be used for the subsequent
 106 fiscal year.

107 Section 3. Paragraph (a) of subsection (4) of section
 108 341.303, Florida Statutes, is amended to read:

109 341.303 Funding authorization and appropriations;
 110 eligibility and participation.--

111 (4) FUND PARTICIPATION; SERVICE DEVELOPMENT.--

112 (a) The department may ~~is authorized to~~ fund up to 50
113 percent of the net operating costs of any eligible intercity or
114 commuter rail service development project that is local in
115 scope, not to exceed the local match, except the department has
116 no obligation to provide such funding to any regional
117 transportation authority established pursuant to chapter 343 if
118 such authority receives a recurring dedicated funding source
119 that provides 80 percent of the amount of rental car surcharge
120 proceeds collected pursuant to s. 212.0606(2)(c) in counties
121 within the authority's service territory or an equivalent
122 recurring funding source and after receipt of funds from such
123 recurring dedicated funding source begins. If such receipt of
124 funds begins in the middle of a fiscal year, the department's
125 funding of any of the authority's operating costs pursuant to
126 this paragraph shall be prorated. If the funding source is
127 discontinued for any reason, the department shall have the same
128 authorization to fund net operating costs of the authority as
129 any other commuter rail service in the state.

130 Section 4. Section 343.58, Florida Statutes, is amended to
131 read:

132 343.58 County funding for the South Florida Regional
133 Transportation Authority.--

134 (1) Each county served by the South Florida Regional
135 Transportation Authority must dedicate and transfer not less
136 than \$2.67 million to the authority annually. The recurring
137 annual \$2.67 million must be dedicated by the governing body of
138 each county before October 31 of each fiscal year.

139 (2) ~~If At least \$45 million of a state-authorized, local~~
140 ~~option~~ recurring funding source is dedicated ~~available to~~
141 ~~Broward, Miami Dade, and Palm Beach counties is directed to the~~
142 authority to fund its capital, operating, and maintenance
143 expenses, which source provides at least 80 percent of the
144 amount of rental car surcharge revenues collected pursuant to s.
145 212.0606 in counties within the authority's service territory or
146 is an equivalent recurring funding source, counties within the
147 authority's service territory may be relieved of their funding
148 obligation under subsections (1) and (3). ~~The funding source~~
149 ~~shall be dedicated to the authority only if Broward, Miami Dade,~~
150 ~~and Palm Beach counties impose the local option funding source.~~

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

156 (4) ~~The current funding obligations under subsections (1)~~
157 ~~and (3) shall cease upon commencement of the collection of~~
158 ~~funding from the funding source under subsection (2).~~ If the
159 funding under subsection (2) is discontinued for any reason, the
160 funding obligations under subsections (1) and (3) shall resume
161 when collection from the funding source under subsection (2)
162 ceases. If counties are relieved of any funding obligations
163 under subsections (1) and (3):

164 (a) Payment by the counties shall be on a pro rata basis
165 the first year following collection ~~cessation~~ of the funding
166 under subsection (2).

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167 (b) The authority shall refund a pro rata share of the
168 payments for the current fiscal year made pursuant to the
169 current funding obligations under subsections (1) and (3) as
170 soon as reasonably practicable after it begins to receive funds
171 under subsection (2).

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173 If, by December 31, 2015, the South Florida Regional
174 Transportation Authority has not received federal matching funds
175 based upon the dedication of funds under subsection (1),
176 subsection (1) shall be repealed.

177 Section 5. Sections 343.71, 343.72, 343.73, 343.74,
178 343.75, 343.76, and 343.77, Florida Statutes, are repealed.

179 Section 6. This act shall take effect July 1, 2008.