

By Senator Geller

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1 A bill to be entitled
2 An act relating to transportation and transit authorities;
3 amending s. 120.52, F.S.; revising the definition of
4 "agency" to exclude any transportation or transit
5 authority established under ch. 343, F.S., from the
6 provisions of the Administrative Procedure Act; amending
7 s. 212.0606, F.S.; requiring a certain percentage of the
8 proceeds from the rental car surcharge collected in
9 counties served by the South Florida Regional
10 Transportation Authority to be deposited in an account
11 held by the authority; requiring the Department of Revenue
12 to provide information regarding such surcharge to the
13 authority each year by a specified date; amending ss.
14 341.303 and 343.58, F.S.; providing that the Department of
15 Transportation is relieved of certain funding obligations
16 if a recurring funding source, including the rental car
17 surcharge, is dedicated to the South Florida Regional
18 Transportation Authority; providing that counties served
19 by the authority may be relieved of their funding
20 obligations under certain circumstances; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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

27 120.52 Definitions.--As used in this act:

28 (1) "Agency" means:

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

31 (b) Each:

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

34 2. Authority, including a regional water supply authority.

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

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

42 5. Regional planning agency.

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

45 7. Educational units.

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

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

52
53 This definition does not include any legal entity or agency
54 created in whole or in part pursuant to part II of chapter 361,
55 ~~part II~~, any metropolitan planning organization created pursuant
56 to s. 339.175, any separate legal or administrative entity
57 created pursuant to s. 339.175 of which a metropolitan planning

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58 organization is a member, an expressway authority pursuant to
59 chapter 348, ~~any~~ ~~or~~ transportation authority under chapter 343 or
60 chapter 349, any legal or administrative entity created by an
61 interlocal agreement pursuant to s. 163.01(7), unless any party
62 to such agreement is otherwise an agency as defined in this
63 subsection, or any multicounty special district with a majority
64 of its governing board comprised of elected persons; however,
65 this definition shall include a regional water supply authority.

66 Section 2. Paragraph (c) is added to subsection (2) of
67 section 212.0606, Florida Statutes, to read:

68 212.0606 Rental car surcharge.--

69 (2)

70 (c) Notwithstanding any other provision of law, in the
71 2008-2009 fiscal year and each subsequent year, 80 percent of the
72 proceeds of the rental car surcharge collected in each county
73 served by the South Florida Regional Transportation Authority
74 shall be deposited in an account held by the authority. The
75 department shall provide the authority revenue information
76 regarding the surcharge for the previous state fiscal year by
77 September 1 of each year.

78 Section 3. Paragraph (a) of subsection (4) of section
79 341.303, Florida Statutes, is amended to read:

80 341.303 Funding authorization and appropriations;
81 eligibility and participation.--

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

83 (a) The department is authorized to fund up to 50 percent
84 of the net operating costs of any eligible intercity or commuter
85 rail service development project that is local in scope, not to
86 exceed the local match. However, the department is not obligated

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87 to provide the South Florida Regional Transportation Authority
88 such funding if a recurring funding source, including 80 percent
89 of the rental car surcharge collected pursuant to s. 212.0606 in
90 counties served by the authority or an equivalent recurring
91 funding source, is dedicated to the authority and collection from
92 such funding source begins. If collection begins in the middle of
93 a fiscal year, funds provided for the authority's net operating
94 costs must be prorated. If the recurring funding source is
95 discontinued for any reason, the department shall resume funding
96 the authority's net operating costs.

97 Section 4. Subsections (2) and (4) of section 343.58,
98 Florida Statutes, are amended to read:

99 343.58 County funding for the South Florida Regional
100 Transportation Authority.--

101 (2) ~~If At least \$45 million of a state-authorized, local~~
102 ~~option recurring funding source is dedicated available to~~
103 ~~Broward, Miami-Dade, and Palm Beach counties is directed to the~~
104 ~~authority to fund its capital, operating, and maintenance~~
105 ~~expenses, including 80 percent of the rental car surcharge~~
106 ~~collected pursuant to s. 212.0606 in counties served by the~~
107 ~~authority or an equivalent recurring funding source, such~~
108 ~~counties are relieved of their funding obligations provided in~~
109 ~~subsection (3).~~ The funding source shall be dedicated to the
110 authority only if Broward, Miami-Dade, and Palm Beach counties
111 impose the local option funding source.

112 (4) ~~The current funding obligations under subsections (1)~~
113 ~~and (3) shall cease upon commencement of the collection of~~
114 ~~funding from the funding source under subsection (2).~~ If the
115 funding under subsection (2) is discontinued for any reason, the

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116 funding obligations under subsections (1) and (3) shall resume
117 when collection from the funding source under subsection (2)
118 ceases. If the counties are relieved of their funding obligations
119 as provided in subsection (3), payment by the counties shall be
120 on a pro rata basis the first year following collection ~~cessation~~
121 of the funding under subsection (2) and the authority shall
122 refund a pro rata share of the payments for the current fiscal
123 year made pursuant to the current funding obligations under
124 subsections (1) and (3) as soon as reasonably practicable after
125 it begins to receive funds under subsection (2). If, by December
126 31, 2015, the South Florida Regional Transportation Authority has
127 not received federal matching funds based upon the dedication of
128 funds under subsection (1), subsection (1) shall be repealed.

129 Section 5. This act shall take effect July 1, 2008.