



290384

CHAMBER ACTION

Senate

House

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Floor: WD/3R
5/2/2008 4:53 PM

1 Senator Geller moved the following **Senate amendment to House**
2 **amendment (162105)** :

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4 **Senate Amendment (with title amendment)**

5 Between line(s) 396-398

6 and insert:

7 Section 7. Section 212.0606, Florida Statutes, is amended
8 to read:

9 212.0606 Rental car surcharge; discretionary local rental
10 car surcharge.--

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



290384

18 (2) (a) Notwithstanding s. the provisions of section 212.20,
19 and less costs of administration, 80 percent of the proceeds of
20 the this surcharge imposed under subsection (1) shall be
21 deposited in the State Transportation Trust Fund, 15.75 percent
22 of the proceeds of this surcharge shall be deposited in the
23 Tourism Promotional Trust Fund created in s. 288.122, and 4.25
24 percent of the proceeds of this surcharge shall be deposited in
25 the Florida International Trade and Promotion Trust Fund. As used
26 in ~~For the purposes of~~ this subsection, "proceeds" of the
27 surcharge means all funds collected and received by the
28 department under subsection (1) this section, including interest
29 and penalties on delinquent surcharges. The department shall
30 provide the Department of Transportation rental car surcharge
31 revenue information for the previous state fiscal year by
32 September 1 of each year.

33 (b) Notwithstanding any other provision of law, in fiscal
34 year 2007-2008 and each year thereafter, the proceeds deposited
35 in the State Transportation Trust Fund shall be allocated on an
36 annual basis in the Department of Transportation's work program
37 to each department district, except the Turnpike District. The
38 amount allocated for each district shall be based upon the amount
39 of proceeds attributed to the counties within each respective
40 district.

41 (3) (a) In addition to the surcharge imposed under
42 subsection (1), each county containing an airport and a regional
43 transportation authority under chapter 343 may levy a
44 discretionary local surcharge pursuant to county ordinance and
45 subject to approval by a majority vote of the electorate of the
46 county voting in a referendum on the local surcharge of \$2 per
47 day, or any part of a day, upon the lease or rental of a motor



290384

48 vehicle licensed for hire and designed to carry fewer than nine
49 passengers, regardless of whether such motor vehicle is licensed
50 in this state. The surcharge may be applied to only the first 30
51 days of the term of the lease or rental and is subject to all
52 applicable taxes imposed by this chapter.

53 (b) If the ordinance authorizing the imposition of the
54 surcharge is approved by referendum, a certified copy of the
55 ordinance shall be furnished by the county to the department
56 within 10 days after such approval, but no later than November 16
57 prior to the effective date. The notice must specify the time
58 period during which the surcharge will be in effect and must
59 include a copy of the ordinance and such other information as the
60 department requires by rule. Failure to timely provide such
61 notification to the department shall result in delay of the
62 effective date for 1 year. The effective date for any county to
63 impose the surcharge shall be January 1 following the year in
64 which the ordinance was approved by referendum. A local surcharge
65 may not terminate on a date other than December 31.

66 (c) A dealer that collects the local surcharge but fails to
67 report surcharge collections by county, as required by paragraph
68 (4) (b), shall have the surcharge proceeds deposited into the
69 Solid Waste Management Trust Fund and transferred to the Local
70 Option Fuel Tax Trust Fund, which is separate from the county
71 surcharge collection accounts. The department shall distribute
72 funds in this account, less the cost of administration, using a
73 distribution factor determined for each county that levies a
74 surcharge based on the county's latest official population as
75 determined pursuant to s. 186.901 and multiplied by the amount of
76 funds in the account and available for distribution.



290384

77 (d) Notwithstanding s. 212.20, and less the costs of
78 administration, the proceeds of the local surcharge imposed under
79 paragraph (a) shall be transferred to the Local Option Fuel Tax
80 Trust Fund and distributed monthly by the department pursuant to
81 s. 336.025(3)(a)1. or (4)(a) and used solely for costs associated
82 with the construction, reconstruction, operation, maintenance,
83 and repair of facilities under a commuter rail service program
84 provided by the state or other governmental entity. The revenue
85 generated by the local surcharge in each county shall be
86 redistributed to the transportation authority of that county. As
87 used in this subsection, "proceeds" of the local surcharge means
88 all funds collected and received by the department under this
89 subsection, including interest and penalties on delinquent
90 surcharges.

91 (4)(3)-(a) Except as provided in this section, the
92 department shall administer, collect, and enforce the surcharge
93 and local surcharge as provided in this chapter.

94 (b) The department shall require dealers to report
95 surcharge collections according to the county to which the
96 surcharge and local surcharge was attributed. For purposes of
97 this section, the surcharge and local surcharge shall be
98 attributed to the county where the rental agreement was entered
99 into.

100 (c) Dealers who collect a ~~the~~ rental car surcharge shall
101 report to the department all surcharge and local surcharge
102 revenues attributed to the county where the rental agreement was
103 entered into on a timely filed return for each required reporting
104 period. The provisions of this chapter which apply to interest
105 and penalties on delinquent taxes shall apply to the surcharge
106 and local surcharge. The surcharge and local surcharge shall not



290384

107 | be included in the calculation of estimated taxes pursuant to s.
108 | 212.11. The dealer's credit provided in s. 212.12 shall not apply
109 | to any amount collected under this section.

110 | ~~(5)~~(4) The surcharge and any local surcharge imposed by
111 | this section does not apply to a motor vehicle provided at no
112 | charge to a person whose motor vehicle is being repaired,
113 | adjusted, or serviced by the entity providing the replacement
114 | motor vehicle.

115 |
116 | ===== T I T L E A M E N D M E N T =====

117 | And the title is amended as follows:

118 | On line(s) 2266, after the first semicolon
119 | insert:

120 | amending s. 212.0606, F.S.; providing for the imposition
121 | by countywide referendum of an additional surcharge on the
122 | lease or rental of a motor vehicle; providing for the
123 | proceeds of the surcharge to be transferred to the Local
124 | Option Fuel Tax Trust Fund and used for the construction
125 | and maintenance of commuter rail service facilities;