

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4029 Transportation Corporations

SPONSOR(S): Horner

TIED BILLS: **IDEN./SIM. BILLS:** SB 552

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Johnson	Tinker
2) Economic Affairs Committee	16 Y, 0 N	Johnson	Tinker

SUMMARY ANALYSIS

This bill repeals sections of the Florida Statutes that were never used. Sections 339.401 through 339.421, F.S. creates the "Florida Transportation Corporation Act." This act was created in 1988 to allow certain corporations authorized by the Department of Transportation (DOT) to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems. The act contains statutory provisions related to those corporations. According to DOT, this act has never been used.

Section 11.45(3)(m), F.S., authorizes the Auditor General to audit corporations acting on behalf of DOT pursuant to the Florida Transportation Corporation Act.

The bill repeals the Florida Transportation Corporation Act in ss. 339.401 through 339.421, F.S. The bill also repeals s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Sections 339.401 through 339.421, F.S. creates the "Florida Transportation Corporation Act." This act was created in 1988 to allow certain corporations authorized by the Department of Transportation (DOT) to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems. The act contains various statutory provisions related to the formation, operation, and dissolution of these corporations. According to DOT, this act has never been used.

Section 11.45(3)(m), F.S., authorizes the Auditor General to audit corporations acting on behalf of DOT pursuant to the Florida Transportation Corporation Act.

Proposed Changes

The bill repeals the Florida Transportation Corporation Act in ss. 339.401 through 339.421, F.S. The bill also repeals s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations.

The bill has an effective date of July 1, 2011.

B. SECTION DIRECTORY:

Section 1 Repeals s. 339.401 through 339.421, F.S., relating to the Florida Transportation Corporation Act, definition of terms used in the act, legislative findings and purpose, authorization of corporations, type and structure and income of corporation, contract between DOT and the corporation, articles of incorporation, boards of directors and advisory directors, bylaws, notice of meetings and open records, amendment of articles of incorporation, powers of corporations, use of state property, exemption from taxation, authority to alter or dissolve corporation, dissolution upon completion of purposes, transfer of funds and property upon dissolution, department rules, construction of provisions, and issuance of debt.

Section 2 Repeals s. 11.45(3)(m), F.S., removing a provision for audits of transportation corporations by the Auditor General to conform.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill repeals DOT's rulemaking requirement regarding this Act. DOT will have to repeal its rules regarding these corporations contained in s. 14-35.0011, F.A.C.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES