

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4007 Transportation Corporations

**SPONSOR(S):** Horner

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

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

### SUMMARY ANALYSIS

The bill repeals sections of Florida law relating to the Florida Transportation Corporation Act ("the Act") that have never been used. This act was created in 1988 to allow certain corporations authorized by the Florida Department of Transportation to secure and obtain rights-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.

The bill does not have a fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES

##### Present Situation

Sections 339.401 through 339.421, F.S., set out the Florida Transportation Corporation Act (“the Act”). The Act was created in 1988 to allow certain corporations authorized by the Department of Transportation (“FDOT”) to secure and obtain rights-of-way for transportation systems and to assist in the planning and design of such systems.<sup>1</sup> According to legislative findings, the following factors contributed to the creation of the Act:

- New transportation facilities and systems were needed to combat present and future traffic congestion;
- Because state funds were limited, design of these facilities and systems required new and alternative means; and
- Authorizing nonprofit corporations to act on behalf of FDOT was essential to the continued economic growth of the state.<sup>2</sup>

The Act contains various statutory provisions related to the formation, operation, and dissolution of these corporations. According to FDOT, this act has never been used.

##### Effect of Proposed Changes

The bill repeals the 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 repeal provisions of the bill will remove language authorizing certain corporations to act on behalf of FDOT.

The bill has an effective date of July 1, 2012.

#### B. SECTION DIRECTORY:

- Section 1 Repeals s. 339.401 through s. 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 corporations, contracts between FDOT and corporations, 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 corporations, 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.
- Section 3 Provides an effective date.

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<sup>1</sup> s. 3, ch. 88-271, Laws of Florida.

<sup>2</sup> s. 339.403, F.S.

## 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 FDOT's rulemaking requirement regarding the Act. FDOT will have to repeal its rules regarding these corporations contained in ch. 14-35.0011, F.A.C.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.