

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Russell offered the following:

2
3 **Amendment (with title amendment)**

4 On page 8, between line(s) 28 and 29, insert:

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

7 212.0606 Rental car surcharge.--

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

15 (2) (a) Notwithstanding s. ~~the provisions of section~~
16 212.20, and less costs of administration, 80 percent of the
17 proceeds of the this surcharge imposed under subsection (1)
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18 shall be deposited in the State Transportation Trust Fund, 15.75
19 percent of the proceeds of this surcharge shall be deposited in
20 the Tourism Promotional Trust Fund created in s. 288.122, and
21 4.25 percent of the proceeds of this surcharge shall be
22 deposited in the Florida International Trade and Promotion Trust
23 Fund. As used in ~~For the purposes of~~ this subsection, "proceeds"
24 of the surcharge means all funds collected and received by the
25 department under subsection (1) ~~this section~~, including interest
26 and penalties on delinquent surcharges. The department shall
27 provide the Department of Transportation rental car surcharge
28 revenue information for the previous state fiscal year by
29 September 1 of each year.

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

38 (3) (a) In addition to the surcharge imposed under
39 subsection (1), a county may provide by ordinance, to be
40 approved by countywide referendum, for the imposition of a local
41 surcharge of \$2 per day or any part of a day upon the lease or
42 rental of a motor vehicle licensed for hire and designed to
43 carry fewer than nine passengers, regardless of whether such
44 motor vehicle is licensed in this state. The local surcharge may
45 be applied to only the first 30 days of the term of any lease or
46 rental. The local surcharge shall not apply to the lease or

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47 rental of a motor vehicle by a person for the period of time
48 required to have a motor vehicle owned by the person undergo
49 maintenance or repair. The person must provide a receipt for the
50 cost of the maintenance or repair services and documentation
51 that the person owns the motor vehicle undergoing maintenance or
52 repair. The local surcharge is subject to all applicable taxes
53 imposed by this chapter.

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

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

80 (d) Notwithstanding s. 212.20, and less the costs of
81 administration, the proceeds of the local surcharge imposed
82 under paragraph (a) shall be transferred to the Local Option
83 Fuel Tax Trust Fund for the purposes allowed under s. 206.60 and
84 distributed monthly by the department under s. 336.025(3)(a)1.
85 or s. 336.025(4)(a), except that the local surcharge proceeds
86 shall be distributed monthly by the department directly to those
87 counties that have entered into interlocal funding agreements
88 with regional transportation authorities created pursuant to
89 chapter 343. As used in this subsection, "proceeds" of the local
90 surcharge means all funds collected and received by the
91 department under this subsection, including interest and
92 penalties on delinquent local surcharges.

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

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

102 (c) Dealers who collect a ~~the~~ rental car surcharge shall
103 report to the department all surcharge and local surcharge
104 revenues attributed to the county where the rental agreement was

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105 entered into on a timely filed return for each required
106 reporting period. The provisions of this chapter which apply to
107 interest and penalties on delinquent taxes shall apply to the
108 surcharge and local surcharge. The surcharge and local surcharge
109 shall not be included in the calculation of estimated taxes
110 pursuant to s. 212.11. The dealer's credit provided in s. 212.12
111 shall not apply to any amount collected under this section.

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

117 Section 8. Paragraph (b) of subsection (1) of section
118 343.54, Florida Statutes, is amended to read:

119 343.54 Powers and duties.--

120 (1)

121 (b) It is the express intention of this part that the
122 authority be authorized to plan, develop, own, purchase, lease,
123 or otherwise acquire, demolish, construct, improve, relocate,
124 equip, repair, maintain, operate, and manage a transit system
125 and transit facilities; to establish and determine the policies
126 necessary for the best interest of the operation and promotion
127 of a transit system; and to adopt rules necessary to govern the
128 operation of a transit ~~commuter rail~~ system and transit ~~commuter~~
129 ~~rail~~ facilities. It is the intent of the Legislature that the
130 South Florida Regional Transportation Authority shall have
131 overall authority to coordinate, develop, and operate a regional
132 transportation system within the area served.

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133 Section 9. Subsection (4) is added to section 343.55,
134 Florida Statutes, to read:

135 343.55 Issuance of revenue bonds.--

136 (4) The state pledges to and agrees with any person, firm,
137 corporation, or federal or state agency subscribing to or
138 acquiring the bonds to be issued by the authority for the
139 purposes of the South Florida Regional Transportation Authority
140 Act that the state will not limit or alter the rights vested in
141 the authority under this section until all bonds at any time
142 issued and secured by revenues remitted to the authority
143 pursuant to s. 343.58, together with the interest thereon, are
144 fully paid and discharged, insofar as the same affects the
145 rights of the holders of bonds issued under this section.

146 Section 10. Section 343.58, Florida Statutes, is amended
147 to read:

148 343.58 County funding for the South Florida Regional
149 Transportation Authority.--

150 (1) Each county served by the South Florida Regional
151 Transportation Authority must dedicate and transfer not less
152 than \$2.67 million to the authority annually. The recurring
153 annual \$2.67 million must be dedicated by the governing body of
154 each county prior to October 31 of each fiscal year ~~by August 1,~~
155 ~~2003. Notwithstanding ss. 206.41 and 206.87, such dedicated~~
156 ~~funding may come from each county's share of the ninth-cent fuel~~
157 ~~tax, the local option fuel tax, or any other source of local gas~~
158 ~~taxes or other nonfederal funds available to the counties. In~~
159 ~~addition, the Legislature authorizes the levy of an annual~~
160 ~~license tax in the amount of \$2 for the registration or renewal~~
161 ~~of registration of each vehicle taxed under s. 320.08 and~~
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162 ~~registered in the area served by the South Florida Regional~~
163 ~~Transportation Authority. The annual license tax shall take~~
164 ~~effect in any county served by the authority upon approval by~~
165 ~~the residents in a county served by the authority. The annual~~
166 ~~license tax shall be levied and the Department of Highway Safety~~
167 ~~and Motor Vehicles shall remit the proceeds each month from the~~
168 ~~tax to the South Florida Regional Transportation Authority.~~

169 (2) At least \$45 million of the state-authorized, local
170 option rental-car surcharge available to Broward, Miami-Dade,
171 and Palm Beach counties shall be directed to the authority to
172 fund its capital, operating, and maintenance expenses. The
173 funding source shall be dedicated to the authority only if
174 Broward, Miami-Dade, and Palm Beach counties each impose the
175 local-option rental-car surcharge.

176 (3)(2) In addition, each county shall continue to annually
177 fund the operations of the South Florida Regional Transportation
178 Authority in an amount not less than \$4.2 ~~\$1.565~~ million.
179 Revenue raised ~~Such funds~~ pursuant to this subsection shall also
180 be considered a dedicated funding source.

181 (4) The current funding obligations under subsections (1)
182 and (3) shall cease upon commencement of the collection of
183 funding from the funding source under subsection (2). Should the
184 funding under subsection (2) be discontinued for any reason, the
185 funding obligations under subsections (1) and (3) shall resume
186 when collection from the funding source under subsection (2)
187 ceases. Payment by the counties shall be on a pro rata basis the
188 first year following cessation of the funding under subsection
189 (2). The authority shall refund a pro rata share of the payments
190 for the current fiscal year made pursuant to the current funding

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191 obligations under subsections (1) and (3) as soon as reasonably
192 practicable after it begins to receive funds under subsection
193 (2).

194 (5) If, by December 31, 2015 ~~2009~~, the South Florida
195 Regional Transportation Authority has not received federal
196 matching funds based upon the dedication of funds under
197 subsection (1), subsection (1) shall be repealed.

198 Section 11. The Legislature finds that a proper and
199 legitimate state purpose is served in the effective and
200 efficient planning and operation of a regional transportation
201 system. Therefore, the Legislature determines and declares that
202 this act fulfills an important state interest.

203
204

205 ===== T I T L E A M E N D M E N T =====

206 On page 1, between line(s) 18 and 19,
207 insert:

208 amending s. 212.0606, F.S.; providing for the imposition
209 by countywide referendum of an additional surcharge on the
210 lease or rental of a motor vehicle; providing procedures
211 and requirements for imposing the surcharge; providing for
212 time of effect of the surcharge; providing for a
213 distribution and use of funds collected from the
214 surcharge; providing procedures for collection; providing
215 for exceptions; amending s. 343.54, F.S.; revising
216 language relating to powers and duties of the South
217 Florida Regional Transportation Authority; deleting the
218 term "commuter rail"; amending s. 343.55, F.S.; providing
219 pledge to bondholders that the state will not alter

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220 certain rights vested in the authority that affect the
221 rights of bondholders while bonds are outstanding;
222 amending s. 343.58, F.S.; revising provisions for funding
223 of the authority; requiring counties served by the
224 authority to annually transfer certain funds before a
225 certain date; removing provisions for sources of that
226 funding; removing authorization for a vehicle registration
227 tax; providing for a certain funding source for capital,
228 operating, and maintenance expenses; revising county
229 funding amounts to fund operations; providing for
230 cessation of specified county funding contributions and
231 providing for certain refunding of the contributions under
232 certain circumstances; revising timeframe for repeal of
233 specified funding provisions under certain circumstances;
234 providing a statement of important state interest;