

By the Committees on Community Affairs, General Government
Appropriations and Representatives Westbrook, Wiles, Smith,
Mackey and Boyd

1 A bill to be entitled
2 An act relating to counties; repealing s. 327,
3 ch. 96-410, Laws of Florida, which provides
4 that once a small county meets the population
5 requirements and qualifies for programs under
6 ss. 40.015, 163.05, 163.3177, 163.3187,
7 163.3191, 165.061, 212.055, 218.075, 218.65,
8 252.373, 265.2861, 403.706, and 403.7095, F.S.,
9 it shall retain that qualification until it
10 exceeds a population of 75,000; amending s.
11 34.191, F.S.; authorizing boards of county
12 commissioners to assign collection of past due
13 fines and costs to a private attorney or
14 collection agency and authorizing fees for such
15 purposes; amending ss. 163.05, 163.3177,
16 163.3191, 165.061, 212.055, 218.075, 252.373,
17 288.063, 373.441, 403.4131, 403.706, and
18 403.719, F.S., to increase the maximum
19 population limit to qualify as a small county
20 in provisions that establish a technical
21 assistance program for small counties, that
22 provide that certain elements of a local
23 government comprehensive plan are optional for
24 small counties, that authorize the state land
25 planning agency to enter into agreements with
26 small counties to focus on selected issues or
27 elements when updating their comprehensive
28 plans, that provide population requirements for
29 incorporation of municipalities in small
30 counties, that authorize certain small counties
31 to use proceeds of the local government

1 infrastructure surtax for long-term maintenance
2 costs associated with landfill closure, that
3 authorize the Department of Environmental
4 Protection and water management districts to
5 waive or reduce permit processing fees for
6 small counties under certain conditions, that
7 provide criteria that small counties must meet
8 to qualify for funds from the Emergency
9 Management, Preparedness, and Assistance Trust
10 Fund, that provide that certain small counties
11 are qualified for contracts with the Office of
12 Tourism, Trade, and Economic Development for
13 transportation projects, that require
14 consideration of special provisions when an
15 environmental resource permit program is
16 delegated to small counties, that encourage a
17 regional approach to litter control and
18 prevention programs in small counties, that
19 authorize small counties to provide their
20 residents with the opportunity to recycle in
21 lieu of achieving solid waste reduction goals,
22 and that provide for the use of waste tire
23 grants by small counties; amending s. 403.7061,
24 F.S., to conform; amending s. 218.65, F.S.,
25 relating to emergency and supplemental
26 distributions from the Local Government
27 Half-cent Sales Tax Clearing Trust Fund;
28 revising the population limitation for purposes
29 of provisions which exempt small counties from
30 certain criteria imposed to qualify for an
31 emergency distribution; deleting a requirement

1 that a county must be eligible for an emergency
2 distribution in order to qualify for a
3 supplemental distribution; amending s.
4 403.7095, F.S.; deleting the expiration date
5 for annual solid waste and recycling grants to
6 small counties; providing an effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Section 327 of chapter 96-410, Laws of
11 Florida, is repealed.

12 Section 2. Subsection (4) is added to section 34.191,
13 Florida Statutes, to read:

14 34.191 Fines, forfeitures, and costs.--

15 (4) The board of county commissioners may assign the
16 collection of fines, court costs, and other costs imposed by
17 the court that are past due for 90 days or more to a private
18 attorney or collection agency that is licensed or registered
19 in this state, if the board of county commissioners determines
20 that the assignment is cost-effective and follows established
21 bid practices. The board of county commissioners may
22 authorize a fee to be added to the outstanding balance to
23 offset any collection costs that will be incurred.

24 Section 3. Subsection (3) of section 163.05, Florida
25 Statutes, is amended to read:

26 163.05 Small County Technical Assistance Program.--

27 (3) The purpose of this section is to provide
28 technical assistance to small counties to enable them to
29 implement workable solutions to financial and administrative
30 problems. As used in this section, "small county" means a
31 county that has a population of 75,000 ~~50,000~~ or less.

1 Section 4. Paragraph (i) of subsection (6) of section
2 163.3177, Florida Statutes, is amended to read:

3 163.3177 Required and optional elements of
4 comprehensive plan; studies and surveys.--

5 (6) In addition to the requirements of subsections
6 (1)-(5), the comprehensive plan shall include the following
7 elements:

8 (i) The optional elements of the comprehensive plan in
9 paragraphs (7)(a) and (b) are required elements for those
10 municipalities ~~units of local government~~ having populations
11 greater than 50,000, and those counties having populations
12 greater than 75,000, as determined under s. 186.901.

13 Section 5. Paragraph (a) of subsection (12) of section
14 163.3191, Florida Statutes, is amended to read:

15 163.3191 Evaluation and appraisal of comprehensive
16 plan.--

17 (12)(a) The state land planning agency may enter into
18 a written agreement with a municipality of fewer than 5,000
19 residents or a county with fewer than 75,000 ~~50,000~~ residents
20 so that such a jurisdiction may focus planning resources on
21 selected issues or elements when updating its plan, if the
22 local government includes such a request in its report and the
23 agency approves the request. Approval of the request does not
24 authorize the local government to repeal or render ineffective
25 any existing portion or element of its local plan.

26 Section 6. Paragraph (b) of subsection (1) of section
27 165.061, Florida Statutes, is amended to read:

28 165.061 Standards for incorporation, merger, and
29 dissolution.--

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1 (1) The incorporation of a new municipality, other
2 than through merger of existing municipalities, must meet the
3 following conditions in the area proposed for incorporation:

4 (b) It must have a total population, as determined in
5 the latest official state census, special census, or estimate
6 of population, in the area proposed to be incorporated of at
7 least 1,500 persons in counties with a population of 75,000 or
8 less ~~than 50,000~~, and of at least 5,000 population in counties
9 with a population of more than 75,000 ~~50,000~~.

10 Section 7. Paragraph (d) of subsection (2) of section
11 212.055, Florida Statutes, is amended to read:

12 212.055 Discretionary sales surtaxes; legislative
13 intent; authorization and use of proceeds.--It is the
14 legislative intent that any authorization for imposition of a
15 discretionary sales surtax shall be published in the Florida
16 Statutes as a subsection of this section, irrespective of the
17 duration of the levy. Each enactment shall specify the types
18 of counties authorized to levy; the rate or rates which may be
19 imposed; the maximum length of time the surtax may be imposed,
20 if any; the procedure which must be followed to secure voter
21 approval, if required; the purpose for which the proceeds may
22 be expended; and such other requirements as the Legislature
23 may provide. Taxable transactions and administrative
24 procedures shall be as provided in s. 212.054.

25 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

26 (d)1. The proceeds of the surtax authorized by this
27 subsection and any interest accrued thereto shall be expended
28 by the school district or within the county and municipalities
29 within the county, or, in the case of a negotiated joint
30 county agreement, within another county, to finance, plan, and
31 construct infrastructure and to acquire land for public

1 recreation or conservation or protection of natural resources
2 and to finance the closure of county-owned or municipally
3 owned solid waste landfills that are already closed or are
4 required to close by order of the Department of Environmental
5 Protection. Any use of such proceeds or interest for purposes
6 of landfill closure prior to July 1, 1993, is ratified.
7 Neither the proceeds nor any interest accrued thereto shall be
8 used for operational expenses of any infrastructure, except
9 that any county with a population of less than 75,000 ~~50,000~~
10 that is required to close a landfill by order of the
11 Department of Environmental Protection may use the proceeds or
12 any interest accrued thereto for long-term maintenance costs
13 associated with landfill closure. Counties, as defined in s.
14 125.011(1), may, in addition, use the proceeds to retire or
15 service indebtedness incurred for bonds issued prior to July
16 1, 1987, for infrastructure purposes.

17 2. For the purposes of this paragraph,

18 "infrastructure" means:

19 a. Any fixed capital expenditure or fixed capital
20 outlay associated with the construction, reconstruction, or
21 improvement of public facilities which have a life expectancy
22 of 5 or more years and any land acquisition, land improvement,
23 design, and engineering costs related thereto.

24 b. A fire department vehicle, an emergency medical
25 service vehicle, a sheriff's office vehicle, a police
26 department vehicle, or any other vehicle, and such equipment
27 necessary to outfit the vehicle for its official use or
28 equipment that has a life expectancy of at least 5 years.

29 Section 8. Section 218.075, Florida Statutes, is
30 amended to read:

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1 218.075 Reduction or waiver of permit processing
2 fees.--Notwithstanding any other provision of law, the
3 Department of Environmental Protection and the water
4 management districts shall reduce or waive permit processing
5 fees for counties with a population of 50,000 or less on April
6 1, 1994, until such counties exceed a population of 75,000 and
7 municipalities with a population of 25,000 or less, or any
8 county or municipality not included within a metropolitan
9 statistical area. Fee reductions or waivers shall be approved
10 on the basis of fiscal hardship or environmental need for a
11 particular project or activity. The governing body must
12 certify that the cost of the permit processing fee is a fiscal
13 hardship due to one of the following factors:

- 14 (1) Per capita taxable value is less than the
15 statewide average for the current fiscal year;
16 (2) Percentage of assessed property value that is
17 exempt from ad valorem taxation is higher than the statewide
18 average for the current fiscal year;
19 (3) Any condition specified in s. 218.503, that
20 determines a state of financial emergency;
21 (4) Ad valorem operating millage rate for the current
22 fiscal year is greater than 8 mills; or
23 (5) A financial condition that is documented in annual
24 financial statements at the end of the current fiscal year and
25 indicates an inability to pay the permit processing fee during
26 that fiscal year.

27
28 The permit applicant must be the governing body of a county or
29 municipality or a third party under contract with a county or
30 municipality and the project for which the fee reduction or
31 waiver is sought must serve a public purpose. If a permit

1 processing fee is reduced, the total fee shall not exceed
2 \$100.

3 Section 9. Paragraph (a) of subsection (2) and
4 paragraph (a) of subsection (7) of section 218.65, Florida
5 Statutes, are amended to read:

6 218.65 Emergency distribution.--

7 (2) The Legislature hereby finds and declares that a
8 fiscal emergency exists in any county which meets the criteria
9 specified in paragraph (a), if applicable, and the criterion
10 specified in paragraph (b):

11 (a) If the county has a population of 65,000 ~~50,000~~ or
12 above:

13 1. In any year from 1977 to 1981, inclusive, the value
14 of net new construction and additions placed on the tax roll
15 for that year was less than 2 percent of the taxable value for
16 school purposes on the roll for that year, exclusive of such
17 net value; or

18 2. The percentage increase in county taxable value
19 from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than
20 3 percent.

21 (7)(a) Any county ~~eligible for an emergency~~
22 ~~distribution pursuant to this section~~ the inmate population of
23 which in any year is greater than 7 percent of the total
24 population of the county is eligible for a supplemental
25 distribution for that year from funds expressly appropriated
26 therefor. At the beginning of each fiscal year, the
27 Department of Revenue shall calculate a supplemental
28 allocation for each eligible county equal to the current per
29 capita limitation pursuant to subsection (4) times the inmate
30 population of the county. If moneys appropriated for
31 distribution pursuant to this section for the current year are

1 less than the sum of supplemental allocations, each eligible
2 county shall receive a share of the appropriated amount
3 proportional to its supplemental allocation. Otherwise, each
4 shall receive an amount equal to its supplemental allocation.

5 Section 10. Paragraph (a) of subsection (3) of section
6 252.373, Florida Statutes, is amended to read:

7 252.373 Allocation of funds; rules.--

8 (3) The department shall allocate funds from the
9 Emergency Management, Preparedness, and Assistance Trust Fund
10 to local emergency management agencies and programs pursuant
11 to criteria specified in rule. Such rules shall include, but
12 are not limited to:

13 (a) Requiring that, at a minimum, a local emergency
14 management agency either:

15 1. Have a program director who works at least 40 hours
16 a week in that capacity; or

17 2. If the county has fewer than 75,000 ~~50,000~~
18 population or is party to an interjurisdictional emergency
19 management agreement entered into pursuant to s. 252.38(3)(b),
20 that is recognized by the Governor by executive order or rule,
21 have an emergency management coordinator who works at least 20
22 hours a week in that capacity.

23 Section 11. Subsection (3) of section 288.063, Florida
24 Statutes, is amended to read:

25 288.063 Contracts for transportation projects.--

26 (3) With respect to any contract executed pursuant to
27 this section, the term "transportation project" means a
28 transportation facility as defined in s. 334.03(31) which is
29 necessary in the judgment of the Office of Tourism, Trade, and
30 Economic Development to facilitate the economic development
31 and growth of the state. Except for applications received

1 prior to July 1, 1996, such transportation projects shall be
2 approved only as a consideration to attract new employment
3 opportunities to the state or expand or retain employment in
4 existing companies operating within the state, or to allow for
5 the construction or expansion of a state or federal
6 correctional facility in a county with a population of 75,000
7 ~~50,000~~ or less that creates new employment opportunities or
8 expands or retains employment in the county. The Office of
9 Tourism, Trade, and Economic Development shall institute
10 procedures to ensure that small and minority businesses have
11 equal access to funding provided under this section. Funding
12 for approved transportation projects may include any expenses,
13 other than administrative costs and equipment purchases
14 specified in the contract, necessary for new, or improvement
15 to existing, transportation facilities. Funds made available
16 pursuant to this section may not be expended in connection
17 with the relocation of a business from one community to
18 another community in this state unless the Office of Tourism,
19 Trade, and Economic Development determines that without such
20 relocation the business will move outside this state or
21 determines that the business has a compelling economic
22 rationale for the relocation which creates additional jobs.

23 Section 12. Subsection (1) of section 373.441, Florida
24 Statutes, is amended to read:

25 373.441 Role of counties, municipalities, and local
26 pollution control programs in permit processing.--

27 (1) The department in consultation with the water
28 management districts shall, by December 1, 1994, adopt rules
29 to guide the participation of counties, municipalities, and
30 local pollution control programs in an efficient, streamlined
31 permitting system. Such rules shall seek to increase

1 governmental efficiency, shall maintain environmental
2 standards, and shall include consideration of the following:
3 (a) Provisions under which the environmental resource
4 permit program shall be delegated, upon approval of the
5 department and the appropriate water management districts, to
6 a county, municipality, or local pollution control program
7 which has the financial, technical, and administrative
8 capabilities and desire to implement and enforce the program;
9 (b) Provisions under which a locally delegated permit
10 program may have stricter environmental standards than state
11 standards;
12 (c) Provisions for identifying and reconciling any
13 duplicative permitting by January 1, 1995;
14 (d) Provisions for timely and cost-efficient
15 notification by the reviewing agency of permit applications,
16 and permit requirements, to counties, municipalities, local
17 pollution control programs, the department, or water
18 management districts, as appropriate;
19 (e) Provisions for ensuring the consistency of permit
20 applications with local comprehensive plans;
21 (f) Provisions for the partial delegation of the
22 environmental resource permit program to counties,
23 municipalities, or local pollution control programs, and
24 standards and criteria to be employed in the implementation of
25 such delegation by counties, municipalities, and local
26 pollution control programs;
27 (g) Special provisions under which the environmental
28 resource permit program may be delegated to counties with
29 populations of 75,000 or less, or municipalities with, or
30 local pollution control programs serving, populations of
31 50,000 or less; and

1 (h) Provisions for the applicability of chapter 120 to
2 local government programs when the environmental resource
3 permit program is delegated to counties, municipalities, or
4 local pollution control programs.

5 Section 13. Subsection (5) of section 403.4131,
6 Florida Statutes, is amended to read:

7 403.4131 "Keep Florida Beautiful, Incorporated";
8 placement of signs.--

9 (5) Each county is encouraged to initiate a litter
10 control and prevention program or to expand upon its existing
11 program. The department shall establish a system of grants
12 for municipalities and counties to implement litter control
13 and prevention programs. In addition to the activities
14 described in subsection (1), such grants shall at a minimum be
15 used for litter cleanup, grassroots educational programs
16 involving litter removal and prevention, and the placement of
17 litter and recycling receptacles. Counties are encouraged to
18 form working public private partnerships as authorized under
19 this section to implement litter control and prevention
20 programs at the community level. The grants authorized
21 pursuant to this section shall be incorporated as part of the
22 recycling and education grants. Counties that have a
23 population under 75,000 ~~50,000~~ are encouraged to develop a
24 regional approach to administering and coordinating their
25 litter control and prevention programs.

26 Section 14. Paragraph (d) of subsection (4) of section
27 403.706, Florida Statutes, is amended to read:

28 403.706 Local government solid waste
29 responsibilities.--

30 (4)

31

1 (d) A county with a population of 75,000 ~~50,000~~ or
2 less may provide its residents with the opportunity to recycle
3 in lieu of achieving the goal set forth in paragraph (a). For
4 the purposes of this subsection, the "opportunity to recycle"
5 means that the county:

6 1.a. Provides a system for separating and collecting
7 recyclable materials prior to disposal that is located at a
8 solid waste management facility or solid waste disposal area;
9 or

10 b. Provides a system of places within the county for
11 collection of source-separated recyclable materials.

12 2. Provides a public education and promotion program
13 that is conducted to inform its residents of the opportunity
14 to recycle, encourages source separation of recyclable
15 materials, and promotes the benefits of reducing, reusing,
16 recycling, and composting materials.

17
18 If a county with a population of 75,000 ~~50,000~~ or less decides
19 to provide the opportunity to recycle in lieu of achieving the
20 goal set forth in paragraph (a), the county shall notify the
21 department by October 1, ~~1993~~, of such decision, and shall
22 provide the department with a description of how the county
23 intends to provide the opportunity to recycle. The department
24 shall take into consideration the description provided by the
25 county in determining the amount of grant moneys to be
26 provided to the county pursuant to s. 403.7095.

27 Section 15. Paragraph (c) of subsection (3) of section
28 403.7061, Florida Statutes, is amended to read:

29 403.7061 Requirements for review of new
30 waste-to-energy facility capacity by the Department of
31 Environmental Protection.--

1 (3) An applicant must provide reasonable assurance
2 that the construction of a new waste-to-energy facility or the
3 expansion of an existing waste-to-energy facility will comply
4 with the following subsections:

5 (c) The county in which the facility is located will
6 achieve the 30-percent waste reduction goal set forth in s.
7 403.706(4) by the time the facility begins operation. For the
8 purposes of this section, the provisions of s. 403.706(4)(d)
9 for counties with populations of 75,000 ~~50,000~~ or less do not
10 apply.

11 Section 16. Paragraph (a) of subsection (7) of section
12 403.7095, Florida Statutes, is amended to read:

13 403.7095 Solid waste management grant program.--

14 (7)(a) Annual solid waste and recycling grants shall
15 be available to counties with populations of fewer than
16 100,000. The sum of \$50,000 shall be available annually to
17 each eligible county from the Solid Waste Management Trust
18 Fund ~~through June 30, 1998~~. These grants shall be made by
19 October 1 of each year to any county applying to the
20 department prior to August 1 of any given year.

21 Section 17. Subsection (1) of section 403.719, Florida
22 Statutes, is amended to read:

23 403.719 Waste tire grants.--

24 (1) The department shall administer a program to make
25 grants to counties that seek, individually or collectively,
26 to:

27 (a) Construct or operate, or contract for the
28 construction or operation of, a waste tire processing facility
29 and equipment purchases therefor;

30 (b) Contract for a waste tire processing facility
31 service within or outside the county or state;

1 (c) Collect and remove, or contract for the collection
2 and removal of, waste tires from waste tire piles or other
3 areas within the county. Removal of waste tires may include
4 transportation outside the county, region, or state;

5 (d) Perform, or contract for the performance of,
6 research designed to facilitate waste tire recycling and to
7 operate recycling and education programs;

8 (e) Establish waste tire collection centers at solid
9 waste disposal facilities or waste tire processing facilities;

10 (f) Provide incentives for establishing privately
11 operated waste tire collection centers for the public;

12 (g) Perform, or contract for the performance of,
13 enforcement and prevention activities to prevent the illegal
14 transportation and disposal of waste tires and other solid
15 waste materials;

16 (h) Purchase materials and products made from waste
17 tires that are collected and recycled within this state;

18 (i) Counties with populations less than 75,000 ~~50,000~~
19 may use waste tire grants for any solid waste related purpose;
20 or

21 (j) In addition to the use specified in paragraph (c),
22 abate mosquitoes and provide mosquito control at waste tire
23 sites, other tire piles, and other sites in the county
24 identified by local mosquito control agencies as mosquito
25 breeding areas.

26 Section 18. This act shall take effect July 1 of the
27 year in which enacted.

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