

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; creating s. 218.076, F.S.;
7 providing for a waiver of permit processing
8 fees under certain circumstances; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 327 of chapter 96-410, Laws of
14 Florida, is repealed.

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

17 34.191 Fines, forfeitures, and costs.--

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

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

29 163.05 Small County Technical Assistance Program.--

30 (3) The purpose of this section is to provide
31 technical assistance to small counties to enable them to

1 implement workable solutions to financial and administrative
2 problems. As used in this section, "small county" means a
3 county that has a population of 75,000 ~~50,000~~ or less.

4 Section 4. Paragraph (i) of subsection (6) of section
5 163.3177, Florida Statutes, is amended to read:

6 163.3177 Required and optional elements of
7 comprehensive plan; studies and surveys.--

8 (6) In addition to the requirements of subsections
9 (1)-(5), the comprehensive plan shall include the following
10 elements:

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

16 Section 5. Paragraph (a) of subsection (12) of section
17 163.3191, Florida Statutes, is amended to read:

18 163.3191 Evaluation and appraisal of comprehensive
19 plan.--

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

29 Section 6. Paragraph (b) of subsection (1) of section
30 165.061, Florida Statutes, is amended to read:

31

1 165.061 Standards for incorporation, merger, and
2 dissolution.--

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

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

12 Section 7. Paragraph (d) of subsection (2) of section
13 212.055, Florida Statutes, is amended to read:

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

27 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

28 (d)1. The proceeds of the surtax authorized by this
29 subsection and any interest accrued thereto shall be expended
30 by the school district or within the county and municipalities
31 within the county, or, in the case of a negotiated joint

1 county agreement, within another county, to finance, plan, and
2 construct infrastructure and to acquire land for public
3 recreation or conservation or protection of natural resources
4 and to finance the closure of county-owned or municipally
5 owned solid waste landfills that are already closed or are
6 required to close by order of the Department of Environmental
7 Protection. Any use of such proceeds or interest for purposes
8 of landfill closure prior to July 1, 1993, is ratified.
9 Neither the proceeds nor any interest accrued thereto shall be
10 used for operational expenses of any infrastructure, except
11 that any county with a population of less than 75,000 ~~50,000~~
12 that is required to close a landfill by order of the
13 Department of Environmental Protection may use the proceeds or
14 any interest accrued thereto for long-term maintenance costs
15 associated with landfill closure. Counties, as defined in s.
16 125.011(1), may, in addition, use the proceeds to retire or
17 service indebtedness incurred for bonds issued prior to July
18 1, 1987, for infrastructure purposes.

19 2. For the purposes of this paragraph,
20 "infrastructure" means:

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

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

31

1 Section 8. Section 218.075, Florida Statutes, is
2 amended to read:

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

16 (1) Per capita taxable value is less than the
17 statewide average for the current fiscal year;

18 (2) Percentage of assessed property value that is
19 exempt from ad valorem taxation is higher than the statewide
20 average for the current fiscal year;

21 (3) Any condition specified in s. 218.503, that
22 determines a state of financial emergency;

23 (4) Ad valorem operating millage rate for the current
24 fiscal year is greater than 8 mills; or

25 (5) A financial condition that is documented in annual
26 financial statements at the end of the current fiscal year and
27 indicates an inability to pay the permit processing fee during
28 that fiscal year.

29
30 The permit applicant must be the governing body of a county or
31 municipality or a third party under contract with a county or

1 municipality and the project for which the fee reduction or
2 waiver is sought must serve a public purpose. If a permit
3 processing fee is reduced, the total fee shall not exceed
4 \$100.

5 Section 9. Section 218.076, Florida Statutes, is
6 created to read:

7 218.076 Reduction or waiver of certain permit
8 processing fees.--Notwithstanding any other provision of law,
9 the Department of Environmental Protection shall waive
10 processing fees for renewals of exemptions from the Class G-11
11 groundwater standards for sodium, odor, chloride, color, and
12 total dissolved solids issued to any county, municipality, or
13 independent special district, with reclaimed water land
14 application facilities for wastewater effluent disposal when
15 such exemptions were granted by the Department by final agency
16 action based upon findings that:

17 (1) The public will benefit from the land application
18 due to the augmentation of the shallow water aquifer for
19 irrigation use; and

20 (2) Compliance with the Class G-11 Ground Water
21 Standard for sodium, chloride, color, and total dissolved
22 solids is unnecessary for the protection of present and future
23 potable water supplied; and

24 (3) The receiving water for the discharge is the local
25 surficial aquifer used only for irrigation and allowed
26 discharge will not impair such use; and

27 (4) The constituents for which the exemptions are
28 granted are not expected to cause health-related problems at
29 the projected discharge concentrations; and

30 (5) There is no reasonable relationship between
31 economic, social, and environmental cost of compliance with

1 the Class G-11 Ground Water Standards for sodium, chloride,
2 odor, color, and total dissolved solids, and the economic,
3 social, and environmental benefits of compliance; and

4 (6) The State of Florida provided the majority of the
5 funds required to construct the wastewater treatment facility
6 creating the discharge effluent; and

7 (7) The potential benefit of compliance is minor; and

8 (8) The applicant for the permit renewal has complied
9 with all of the terms and conditions of the exemptions
10 previously approved and which is (are) the subject of the
11 renewal application.

12 Section 10. Paragraph (a) of subsection (2) and
13 paragraph (a) of subsection (7) of section 218.65, Florida
14 Statutes, are amended to read:

15 218.65 Emergency distribution.--

16 (2) The Legislature hereby finds and declares that a
17 fiscal emergency exists in any county which meets the criteria
18 specified in paragraph (a), if applicable, and the criterion
19 specified in paragraph (b):

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

22 1. In any year from 1977 to 1981, inclusive, the value
23 of net new construction and additions placed on the tax roll
24 for that year was less than 2 percent of the taxable value for
25 school purposes on the roll for that year, exclusive of such
26 net value; or

27 2. The percentage increase in county taxable value
28 from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than
29 3 percent.

30 (7)(a) Any county ~~eligible for an emergency~~
31 ~~distribution pursuant to this section~~ the inmate population of

1 which in any year is greater than 7 percent of the total
2 population of the county is eligible for a supplemental
3 distribution for that year from funds expressly appropriated
4 therefor. At the beginning of each fiscal year, the
5 Department of Revenue shall calculate a supplemental
6 allocation for each eligible county equal to the current per
7 capita limitation pursuant to subsection (4) times the inmate
8 population of the county. If moneys appropriated for
9 distribution pursuant to this section for the current year are
10 less than the sum of supplemental allocations, each eligible
11 county shall receive a share of the appropriated amount
12 proportional to its supplemental allocation. Otherwise, each
13 shall receive an amount equal to its supplemental allocation.

14 Section 11. Paragraph (a) of subsection (3) of section
15 252.373, Florida Statutes, is amended to read:

16 252.373 Allocation of funds; rules.--

17 (3) The department shall allocate funds from the
18 Emergency Management, Preparedness, and Assistance Trust Fund
19 to local emergency management agencies and programs pursuant
20 to criteria specified in rule. Such rules shall include, but
21 are not limited to:

22 (a) Requiring that, at a minimum, a local emergency
23 management agency either:

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

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

1 Section 12. Subsection (3) of section 288.063, Florida
2 Statutes, is amended to read:

3 288.063 Contracts for transportation projects.--

4 (3) With respect to any contract executed pursuant to
5 this section, the term "transportation project" means a
6 transportation facility as defined in s. 334.03(31) which is
7 necessary in the judgment of the Office of Tourism, Trade, and
8 Economic Development to facilitate the economic development
9 and growth of the state. Except for applications received
10 prior to July 1, 1996, such transportation projects shall be
11 approved only as a consideration to attract new employment
12 opportunities to the state or expand or retain employment in
13 existing companies operating within the state, or to allow for
14 the construction or expansion of a state or federal
15 correctional facility in a county with a population of 75,000
16 ~~50,000~~ or less that creates new employment opportunities or
17 expands or retains employment in the county. The Office of
18 Tourism, Trade, and Economic Development shall institute
19 procedures to ensure that small and minority businesses have
20 equal access to funding provided under this section. Funding
21 for approved transportation projects may include any expenses,
22 other than administrative costs and equipment purchases
23 specified in the contract, necessary for new, or improvement
24 to existing, transportation facilities. Funds made available
25 pursuant to this section may not be expended in connection
26 with the relocation of a business from one community to
27 another community in this state unless the Office of Tourism,
28 Trade, and Economic Development determines that without such
29 relocation the business will move outside this state or
30 determines that the business has a compelling economic
31 rationale for the relocation which creates additional jobs.

1 Section 13. Subsection (1) of section 373.441, Florida
2 Statutes, is amended to read:

3 373.441 Role of counties, municipalities, and local
4 pollution control programs in permit processing.--

5 (1) The department in consultation with the water
6 management districts shall, by December 1, 1994, adopt rules
7 to guide the participation of counties, municipalities, and
8 local pollution control programs in an efficient, streamlined
9 permitting system. Such rules shall seek to increase
10 governmental efficiency, shall maintain environmental
11 standards, and shall include consideration of the following:

12 (a) Provisions under which the environmental resource
13 permit program shall be delegated, upon approval of the
14 department and the appropriate water management districts, to
15 a county, municipality, or local pollution control program
16 which has the financial, technical, and administrative
17 capabilities and desire to implement and enforce the program;

18 (b) Provisions under which a locally delegated permit
19 program may have stricter environmental standards than state
20 standards;

21 (c) Provisions for identifying and reconciling any
22 duplicative permitting by January 1, 1995;

23 (d) Provisions for timely and cost-efficient
24 notification by the reviewing agency of permit applications,
25 and permit requirements, to counties, municipalities, local
26 pollution control programs, the department, or water
27 management districts, as appropriate;

28 (e) Provisions for ensuring the consistency of permit
29 applications with local comprehensive plans;

30 (f) Provisions for the partial delegation of the
31 environmental resource permit program to counties,

1 municipalities, or local pollution control programs, and
2 standards and criteria to be employed in the implementation of
3 such delegation by counties, municipalities, and local
4 pollution control programs;

5 (g) Special provisions under which the environmental
6 resource permit program may be delegated to counties with
7 populations of 75,000 or less, or municipalities with, or
8 local pollution control programs serving, populations of
9 50,000 or less; and

10 (h) Provisions for the applicability of chapter 120 to
11 local government programs when the environmental resource
12 permit program is delegated to counties, municipalities, or
13 local pollution control programs.

14 Section 14. Subsection (5) of section 403.4131,
15 Florida Statutes, is amended to read:

16 403.4131 "Keep Florida Beautiful, Incorporated";
17 placement of signs.--

18 (5) Each county is encouraged to initiate a litter
19 control and prevention program or to expand upon its existing
20 program. The department shall establish a system of grants
21 for municipalities and counties to implement litter control
22 and prevention programs. In addition to the activities
23 described in subsection (1), such grants shall at a minimum be
24 used for litter cleanup, grassroots educational programs
25 involving litter removal and prevention, and the placement of
26 litter and recycling receptacles. Counties are encouraged to
27 form working public private partnerships as authorized under
28 this section to implement litter control and prevention
29 programs at the community level. The grants authorized
30 pursuant to this section shall be incorporated as part of the
31 recycling and education grants. Counties that have a

1 population under 75,000 ~~50,000~~ are encouraged to develop a
2 regional approach to administering and coordinating their
3 litter control and prevention programs.

4 Section 15. Paragraph (d) of subsection (4) of section
5 403.706, Florida Statutes, is amended to read:

6 403.706 Local government solid waste
7 responsibilities.--

8 (4)

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

14 1.a. Provides a system for separating and collecting
15 recyclable materials prior to disposal that is located at a
16 solid waste management facility or solid waste disposal area;
17 or

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

20 2. Provides a public education and promotion program
21 that is conducted to inform its residents of the opportunity
22 to recycle, encourages source separation of recyclable
23 materials, and promotes the benefits of reducing, reusing,
24 recycling, and composting materials.

25
26 If a county with a population of 75,000 ~~50,000~~ or less decides
27 to provide the opportunity to recycle in lieu of achieving the
28 goal set forth in paragraph (a), the county shall notify the
29 department by October 1, ~~1993~~, of such decision, and shall
30 provide the department with a description of how the county
31 intends to provide the opportunity to recycle. The department

1 shall take into consideration the description provided by the
2 county in determining the amount of grant moneys to be
3 provided to the county pursuant to s. 403.7095.

4 Section 16. Paragraph (c) of subsection (3) of section
5 403.7061, Florida Statutes, is amended to read:

6 403.7061 Requirements for review of new
7 waste-to-energy facility capacity by the Department of
8 Environmental Protection.--

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

13 (c) The county in which the facility is located will
14 achieve the 30-percent waste reduction goal set forth in s.
15 403.706(4) by the time the facility begins operation. For the
16 purposes of this section, the provisions of s. 403.706(4)(d)
17 for counties with populations of 75,000 ~~50,000~~ or less do not
18 apply.

19 Section 17. Paragraph (a) of subsection (7) of section
20 403.7095, Florida Statutes, is amended to read:

21 403.7095 Solid waste management grant program.--

22 (7)(a) Annual solid waste and recycling grants shall
23 be available to counties with populations of fewer than
24 100,000. The sum of \$50,000 shall be available annually to
25 each eligible county from the Solid Waste Management Trust
26 Fund ~~through June 30, 1998~~. These grants shall be made by
27 October 1 of each year to any county applying to the
28 department prior to August 1 of any given year.

29 Section 18. Subsection (1) of section 403.719, Florida
30 Statutes, is amended to read:

31 403.719 Waste tire grants.--

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

4 (a) Construct or operate, or contract for the
5 construction or operation of, a waste tire processing facility
6 and equipment purchases therefor;

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

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

13 (d) Perform, or contract for the performance of,
14 research designed to facilitate waste tire recycling and to
15 operate recycling and education programs;

16 (e) Establish waste tire collection centers at solid
17 waste disposal facilities or waste tire processing facilities;

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

20 (g) Perform, or contract for the performance of,
21 enforcement and prevention activities to prevent the illegal
22 transportation and disposal of waste tires and other solid
23 waste materials;

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

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

29 (j) In addition to the use specified in paragraph (c),
30 abate mosquitoes and provide mosquito control at waste tire
31 sites, other tire piles, and other sites in the county

1 identified by local mosquito control agencies as mosquito
2 breeding areas.

3 Section 19. This act shall take effect July 1 of the
4 year in which enacted.

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