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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.

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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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