

By Senator Williams

4-1013-98

See CS/HB 1589

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, and 403.706, F.S., it shall
9 retain that qualification until it exceeds a
10 population of 75,000; amending s. 403.7095,
11 F.S.; deleting the expiration date of the
12 annual solid waste and recycling grants for
13 counties having a population of fewer than
14 100,000; amending s. 34.191, F.S.; authorizing
15 boards of county commissioners to assign
16 collection of past due fines and costs to a
17 private attorney or collection agency and
18 authorizing fees for such purposes; amending
19 ss. 163.05, 163.3177, 163.3191, 165.061,
20 212.055, 218.075, 252.373, 288.063, 373.441,
21 403.4131, 403.706, 403.719, F.S., to increase
22 the maximum population limit to qualify as a
23 small county in provisions that establish a
24 technical assistance program for small
25 counties, that provide that certain elements of
26 a local government comprehensive plan are
27 optional for small counties, that authorize the
28 state land planning agency to enter into
29 agreements with small counties to focus on
30 selected issues or elements when updating their
31 comprehensive plans, that provide population

1 requirements for incorporation of
2 municipalities in small counties, that
3 authorize certain small counties to use
4 proceeds of the local government infrastructure
5 surtax for long-term maintenance costs
6 associated with landfill closures, that
7 authorize the Department of Environmental
8 Protection and water management districts to
9 waive or reduce permit processing fees for
10 small counties under certain conditions, that
11 provide criteria that small counties must meet
12 to qualify for funds from the Emergency
13 Management, Preparedness, and Assistance Trust
14 Fund, that provide that certain small counties
15 are qualified for contracts with the Office of
16 Tourism, Trade, and Economic Development for
17 transportation projects, that require
18 consideration of special provisions when an
19 environmental resource permit program is
20 delegated to small counties, that encourage a
21 regional approach to litter control and
22 prevention programs in small counties, that
23 authorize small counties to provide their
24 residents with the opportunity to recycle in
25 lieu of achieving solid waste reduction goals,
26 and that provide for the use of waste tire
27 grants by small counties; amending s. 212.054,
28 F.S.; exempting from newly enacted
29 discretionary sales surtaxes transactions that
30 are subject to specified tourist development
31 taxes in an aggregate rate that exceeds a

1 specified maximum; amending s. 212.055, F.S.;
2 authorizing charter counties to levy a county
3 transit system surtax; amending s. 403.7061,
4 F.S., to conform; amending s. 218.65, F.S.,
5 relating to emergency and supplemental
6 distributions from the Local Government
7 Half-cent Sales Tax Clearing Trust Fund;
8 revising the population limitation for purposes
9 of provisions that exempt small counties from
10 certain criteria imposed to qualify for an
11 emergency distribution; deleting a requirement
12 that a county must be eligible for an emergency
13 distribution in order to qualify for a
14 supplemental distribution; amending s. 212.055,
15 F.S.; revising the expiration date for the
16 small county indigent care surtax; amending s.
17 288.106, F.S.; defining the terms "rural
18 county" and "rural municipality"; providing for
19 the determination of the "average wage in the
20 area" for purposes of the tax refund program
21 for qualified target industry businesses to be
22 based on private-sector wages only; authorizing
23 the Office of Tourism, Trade, and Economic
24 Development to waive the annual wage
25 requirement imposed as a condition of
26 qualifying for review for participation in the
27 program under certain circumstances;
28 authorizing the transfer and use of legally
29 restricted fuel taxes by counties having a
30 population of 30,000 or less for unrestricted
31 purposes for all fiscal years prior to and

1 through fiscal year 1998-1999; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 327 of chapter 96-410, Laws of
7 Florida, is repealed.

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

10 34.191 Fines, forfeitures, and costs.--

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

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

22 163.05 Small County Technical Assistance Program.--

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

28 Section 4. Paragraph (i) of subsection (6) of section
29 163.3177, Florida Statutes, is amended to read:

30 163.3177 Required and optional elements of
31 comprehensive plan; studies and surveys.--

1 (6) In addition to the requirements of subsections
2 (1)-(5), the comprehensive plan shall include the following
3 elements:

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

9 Section 5. Paragraph (a) of subsection (12) of section
10 163.3191, Florida Statutes, is amended to read:

11 163.3191 Evaluation and appraisal of comprehensive
12 plan.--

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

22 Section 6. Paragraph (b) of subsection (1) of section
23 165.061, Florida Statutes, is amended to read:

24 165.061 Standards for incorporation, merger, and
25 dissolution.--

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

29 (b) It must have a total population, as determined in
30 the latest official state census, special census, or estimate
31 of population, in the area proposed to be incorporated of at

1 least 1,500 persons in counties with a population of 75,000 or
2 less than ~~50,000~~, and of at least 5,000 population in counties
3 with a population of more than 75,000 ~~50,000~~.

4 Section 7. Paragraph (b) of subsection (2) of section
5 212.054, Florida Statutes, is amended to read:

6 212.054 Discretionary sales surtax; limitations,
7 administration, and collection.--

8 (2)

9 (b) However:

10 1. The tax on any sales amount above \$5,000 on any
11 item of tangible personal property and on long-distance
12 telephone service shall not be subject to the surtax. For
13 purposes of administering the \$5,000 limitation on an item of
14 tangible personal property, if two or more taxable items of
15 tangible personal property are sold to the same purchaser at
16 the same time and, under generally accepted business practice
17 or industry standards or usage, are normally sold in bulk or
18 are items that, when assembled, comprise a working unit or
19 part of a working unit, such items must be considered a single
20 item for purposes of the \$5,000 limitation when supported by a
21 charge ticket, sales slip, invoice, or other tangible evidence
22 of a single sale or rental. The limitation provided in this
23 subparagraph does not apply to the sale of any other service.

24 2. In the case of utility, telecommunication, or
25 television system program services billed on or after the
26 effective date of any such surtax, the entire amount of the
27 tax for utility, telecommunication, or television system
28 program services shall be subject to the surtax. In the case
29 of utility, telecommunication, or television system program
30 services billed after the last day the surtax is in effect,
31

1 the entire amount of the tax on said items shall not be
2 subject to the surtax.

3 3. In the case of written contracts which are signed
4 prior to the effective date of any such surtax for the
5 construction of improvements to real property or for
6 remodeling of existing structures, the surtax shall be paid by
7 the contractor responsible for the performance of the
8 contract. However, the contractor may apply for one refund of
9 any such surtax paid on materials necessary for the completion
10 of the contract. Any application for refund shall be made no
11 later than 15 months following initial imposition of the
12 surtax in that county. The application for refund shall be in
13 the manner prescribed by the department by rule. A complete
14 application shall include proof of the written contract and of
15 payment of the surtax. The application shall contain a sworn
16 statement, signed by the applicant or its representative,
17 attesting to the validity of the application. The department
18 shall, within 30 days after approval of a complete
19 application, certify to the county information necessary for
20 issuance of a refund to the applicant. Counties are hereby
21 authorized to issue refunds for this purpose and shall set
22 aside from the proceeds of the surtax a sum sufficient to pay
23 any refund lawfully due. Any person who fraudulently obtains
24 or attempts to obtain a refund pursuant to this subparagraph,
25 in addition to being liable for repayment of any refund
26 fraudulently obtained plus a mandatory penalty of 100 percent
27 of the refund, is guilty of a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084.

30 4. Transactions that are subject to the tourist
31 development tax levied and imposed under s. 125.0104(3) are

1 not subject to the discretionary surtax levied under s.
2 212.055 by the governing body of a high tourism impact county
3 if:

4 a. The aggregate rate of the tourist development tax
5 levied and imposed on such transactions within the county
6 equals or exceeds 5 percent; and

7 b. The discretionary surtax that is initially levied
8 by the governing body of the county has an effective date of
9 January 1, 1999, or later.

10
11 If the tourist development tax is levied and imposed only in a
12 subcounty special district and not in the entire county, the
13 exemption provided under this subparagraph applies only in the
14 subcounty special district. If the aggregate rate of the
15 tourist development tax levied and imposed within the county
16 or subcounty special district is reduced to less than 5
17 percent, the exemption provided under this subparagraph no
18 longer applies within the county or subcounty special
19 district.

20 Section 8. Paragraph (a) of subsection (1), paragraph
21 (d) of subsection (2), and subsection (6) of section 212.055,
22 Florida Statutes, as amended by section 17 of chapter 97-384,
23 Laws of Florida, are amended to read:

24 212.055 Discretionary sales surtaxes; legislative
25 intent; authorization and use of proceeds.--It is the
26 legislative intent that any authorization for imposition of a
27 discretionary sales surtax shall be published in the Florida
28 Statutes as a subsection of this section, irrespective of the
29 duration of the levy. Each enactment shall specify the types
30 of counties authorized to levy; the rate or rates which may be
31 imposed; the maximum length of time the surtax may be imposed,

1 if any; the procedure which must be followed to secure voter
2 approval, if required; the purpose for which the proceeds may
3 be expended; and such other requirements as the Legislature
4 may provide. Taxable transactions and administrative
5 procedures shall be as provided in s. 212.054.

6 (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

7 (a) Each charter county ~~which adopted a charter prior~~
8 ~~to June 1, 1976,~~ and each county the government of which is
9 consolidated with that of one or more municipalities, may levy
10 a discretionary sales surtax, subject to approval by a
11 majority vote of the electorate of the county or by a charter
12 amendment approved by a majority vote of the electorate of the
13 county.

14 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

15 (d)1. The proceeds of the surtax authorized by this
16 subsection and any interest accrued thereto shall be expended
17 by the school district or within the county and municipalities
18 within the county, or, in the case of a negotiated joint
19 county agreement, within another county, to finance, plan, and
20 construct infrastructure and to acquire land for public
21 recreation or conservation or protection of natural resources
22 and to finance the closure of county-owned or municipally
23 owned solid waste landfills that are already closed or are
24 required to close by order of the Department of Environmental
25 Protection. Any use of such proceeds or interest for purposes
26 of landfill closure prior to July 1, 1993, is ratified.
27 Neither the proceeds nor any interest accrued thereto shall be
28 used for operational expenses of any infrastructure, except
29 that any county with a population of less than 75,000 ~~50,000~~
30 that is required to close a landfill by order of the
31 Department of Environmental Protection may use the proceeds or

1 any interest accrued thereto for long-term maintenance costs
2 associated with landfill closure. Counties, as defined in s.
3 125.011(1), may, in addition, use the proceeds to retire or
4 service indebtedness incurred for bonds issued prior to July
5 1, 1987, for infrastructure purposes.

6 2. For the purposes of this paragraph,
7 "infrastructure" means:

8 a. Any fixed capital expenditure or fixed capital
9 outlay associated with the construction, reconstruction, or
10 improvement of public facilities which have a life expectancy
11 of 5 or more years and any land acquisition, land improvement,
12 design, and engineering costs related thereto.

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

18 (6) SMALL COUNTY INDIGENT CARE SURTAX.--

19 (a) The governing body in each county that has a
20 population of 50,000 or less on April 1, 1992, may levy,
21 pursuant to an ordinance approved by an extraordinary vote of
22 the governing body, a discretionary sales surtax at a rate of
23 0.5 percent. Any county that levies the surtax authorized by
24 this subsection shall continue to expend county funds for the
25 medically poor and related health services in an amount equal
26 to the amount that it expended for the medically poor and
27 related health services in the fiscal year preceding the
28 adoption of the authorizing ordinance.

29 (b) Notwithstanding s. 212.054(5), the sales surtax
30 may take effect on the first day of any month, as fixed by the
31 ordinance adopted pursuant to paragraph (a), but may not take

1 effect until at least 60 days after the date of adoption of
2 the ordinance.

3 (c) The ordinance adopted by the governing body
4 providing for the imposition of the surtax shall set forth a
5 brief plan for providing health care services to qualified
6 residents, as defined in paragraph (d). Such plan and
7 subsequent amendments to it shall fund a broad range of health
8 care services for both indigent persons and the medically
9 poor, including, but not limited to, primary care and
10 preventive care as well as hospital care. It shall emphasize
11 a continuity of care in the most cost-effective setting,
12 taking into consideration both a high quality of care and
13 geographic access. Where consistent with these objectives, it
14 shall include, without limitation, services rendered by
15 physicians, clinics, community hospitals, mental health
16 centers, and alternative delivery sites, as well as at least
17 one regional referral hospital where appropriate. It shall
18 provide that agreements negotiated between the county and
19 providers will include reimbursement methodologies that take
20 into account the cost of services rendered to eligible
21 patients, recognize hospitals that render a disproportionate
22 share of indigent care, provide other incentives to promote
23 the delivery of charity care, and require cost containment
24 including, but not limited to, case management. It shall also
25 provide that any hospitals that are owned and operated by
26 government entities on May 21, 1991, must, as a condition of
27 receiving funds under this subsection, afford public access
28 equal to that provided under s. 286.011 as to meetings of the
29 governing board, the subject of which is budgeting resources
30 for the rendition of charity care as that term is defined in
31 the Florida Hospital Uniform Reporting System (FHURS) manual

1 referred to in s. 408.07 ~~rules of the Health Care Cost~~
2 ~~Containment Board~~. The plan shall also include innovative
3 health care programs that provide cost-effective alternatives
4 to traditional methods of service delivery and funding.

5 (d) As used in ~~For the purpose of~~ this subsection, the
6 term "qualified resident" means residents of the authorizing
7 county who are:

8 1. Qualified as indigent persons as certified by the
9 authorizing county;

10 2. Certified by the authorizing county as meeting the
11 definition of the medically poor, defined as persons having
12 insufficient income, resources, and assets to provide the
13 needed medical care without using resources required to meet
14 basic needs for shelter, food, clothing, and personal
15 expenses; or not being eligible for any other state or federal
16 program, or having medical needs that are not covered by any
17 such program; or having insufficient third-party insurance
18 coverage. In all cases, the authorizing county is intended to
19 serve as the payor of last resort; or

20 3. Participating in innovative, cost-effective
21 programs approved by the authorizing county.

22 (e) Moneys collected pursuant to this subsection
23 remain the property of the state and shall be distributed by
24 the Department of Revenue on a regular and periodic basis to
25 the clerk of the circuit court as ex officio custodian of the
26 funds of the authorizing county. The clerk of the circuit
27 court shall:

28 1. Maintain the moneys in an indigent health care
29 trust fund;

30 2. Invest any funds held on deposit in the trust fund
31 pursuant to general law; and

1 3. Disburse the funds, including any interest earned,
2 to any provider of health care services, as provided in
3 paragraphs (c) and (d), upon directive from the authorizing
4 county.

5 (f) Notwithstanding any other provision of this
6 section, a county shall not levy local option sales surtaxes
7 authorized in this subsection and subsections (2) and (3) in
8 excess of a combined rate of 1 percent.

9 (g) This subsection expires October 1, 2008 ~~1998~~.

10 Section 9. Section 218.075, Florida Statutes, is
11 amended to read:

12 218.075 Reduction or waiver of permit processing
13 fees.--Notwithstanding any other provision of law, the
14 Department of Environmental Protection and the water
15 management districts shall reduce or waive permit processing
16 fees for counties with a population of 50,000 or less on April
17 1, 1994, until such counties exceed a population of 75,000 in
18 population and municipalities with a population of 25,000 or
19 less, or any county or municipality not included within a
20 metropolitan statistical area. Fee reductions or waivers shall
21 be approved on the basis of fiscal hardship or environmental
22 need for a particular project or activity. The governing body
23 must certify that the cost of the permit processing fee is a
24 fiscal hardship due to one of the following factors:

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

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

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

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

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

7
8 The permit applicant must be the governing body of a county or
9 municipality or a third party under contract with a county or
10 municipality and the project for which the fee reduction or
11 waiver is sought must serve a public purpose. If a permit
12 processing fee is reduced, the total fee shall not exceed
13 \$100.

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

17 218.65 Emergency distribution.--

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

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

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

29 2. The percentage increase in county taxable value
30 from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than
31 3 percent.

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

16 Section 11. Paragraph (a) of subsection (3) of section
17 252.373, Florida Statutes, is amended to read:

18 252.373 Allocation of funds; rules.--

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

24 (a) Requiring that, at a minimum, a local emergency
25 management agency either:

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

28 2. If the county has fewer than 75,000 ~~50,000~~
29 population or is party to an interjurisdictional emergency
30 management agreement entered into pursuant to s. 252.38(3)(b),
31 that is recognized by the Governor by executive order or rule,

1 have an emergency management coordinator who works at least 20
2 hours a week in that capacity.

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

5 288.063 Contracts for transportation projects.--

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

1 determines that the business has a compelling economic
2 rationale for the relocation which creates additional jobs.

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

5 373.441 Role of counties, municipalities, and local
6 pollution control programs in permit processing.--

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

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

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

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

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

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

1 (f) Provisions for the partial delegation of the
2 environmental resource permit program to counties,
3 municipalities, or local pollution control programs, and
4 standards and criteria to be employed in the implementation of
5 such delegation by counties, municipalities, and local
6 pollution control programs;

7 (g) Special provisions under which the environmental
8 resource permit program may be delegated to counties with
9 populations of 75,000 or less, or municipalities with, or
10 local pollution control programs serving, populations of
11 50,000 or less; and

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

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

18 403.4131 "Keep Florida Beautiful, Incorporated";
19 placement of signs.--

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

1 pursuant to this section shall be incorporated as part of the
2 recycling and education grants. Counties that have a
3 population under 75,000 ~~50,000~~ are encouraged to develop a
4 regional approach to administering and coordinating their
5 litter control and prevention programs.

6 Section 15. Paragraph (d) of subsection (4) of section
7 403.706, Florida Statutes, is amended to read:

8 403.706 Local government solid waste
9 responsibilities.--

10 (4)

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

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

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

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

27

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

1 provide the department with a description of how the county
2 intends to provide the opportunity to recycle. The department
3 shall take into consideration the description provided by the
4 county in determining the amount of grant moneys to be
5 provided to the county pursuant to s. 403.7095.

6 Section 16. Paragraph (c) of subsection (3) of section
7 403.7061, Florida Statutes, is amended to read:

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

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

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

21 Section 17. Paragraph (a) of subsection (7) of section
22 403.7095, Florida Statutes, is amended to read:

23 403.7095 Solid waste management grant program.--
24 (7)

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

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

3 403.719 Waste tire grants.--

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

7 (a) Construct or operate, or contract for the
8 construction or operation of, a waste tire processing facility
9 and equipment purchases therefor;

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

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

16 (d) Perform, or contract for the performance of,
17 research designed to facilitate waste tire recycling and to
18 operate recycling and education programs;

19 (e) Establish waste tire collection centers at solid
20 waste disposal facilities or waste tire processing facilities;

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

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

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

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

1 (j) In addition to the use specified in paragraph (c),
2 abate mosquitoes and provide mosquito control at waste tire
3 sites, other tire piles, and other sites in the county
4 identified by local mosquito control agencies as mosquito
5 breeding areas.

6 Section 19. Paragraph (b) of subsection (2) of section
7 288.106, Florida Statutes, is amended, paragraphs (r) and (s)
8 are added to that subsection, and paragraph (b) of subsection
9 (4) of that section is amended, to read:

10 288.106 Tax refund program for qualified target
11 industry businesses.--

12 (2) DEFINITIONS.--As used in this section:

13 (b) "Average private-sector wage in the area" means
14 the statewide private-sector average wage or the average of
15 all private-sector wages and salaries in the county or in the
16 standard metropolitan area in which the business is located.

17 (r) "Rural county" means a county with a population of
18 75,000 or less.

19 (s) "Rural municipality" means a municipality having a
20 population of 10,000 or less, or a municipality having a
21 population of greater than 10,000 but less than 20,000 which
22 has been determined by the Office of Tourism, Trade, and
23 Economic Development to have economic characteristics such as,
24 but not limited to, a significant percentage of residents on
25 public assistance, a significant percentage of residents whose
26 income is below the poverty level, or a significant percentage
27 of the municipality's employment base in agriculture-related
28 industries.

29 (4) APPLICATION AND APPROVAL PROCESS.--
30
31

1 (b) To qualify for review by the office, the
2 application of a target industry business must, at a minimum,
3 establish the following to the satisfaction of the office:

4 1. The jobs proposed to be provided under the
5 application, pursuant to subparagraph (a)4., must pay an
6 estimated annual average wage equaling at least 115 percent of
7 the average private-sector wage in the area where the business
8 is to be located or the statewide private-sector
9 ~~private-sector~~ average wage. The office may waive this
10 average wage requirement at the request of the local governing
11 body recommending the project and Enterprise Florida, Inc.
12 The wage requirement may be waived only for a project located
13 in a rural municipality or county or in an enterprise zone and
14 only when the merits of the individual project or the specific
15 circumstances in the community in relationship to the project
16 warrant such action. If the local governing body and
17 Enterprise Florida, Inc., make such a recommendation, it must
18 be transmitted in writing and the specific justification for
19 the waiver recommendation must be explained. If the director
20 elects to waive the wage requirement, the waiver must be
21 stated in writing and the reasons for granting the waiver must
22 be explained.

23 2. The target industry business's project must result
24 in the creation of at least 10 jobs at such project.

25 3. The business activity or product for the
26 applicant's project is within an industry or industries that
27 have been identified by the office to be high-value-added
28 industries that contribute to the area and to the economic
29 growth of the state and that produce a higher standard of
30 living for citizens of this state in the new global economy or
31

1 that can be shown to make an equivalent contribution to the
2 area and state's economic progress.

3 Section 20. Any county that has a population of 30,000
4 or less on February 1, 1998, is authorized to transfer and use
5 legally restricted fuel taxes for unrestricted purposes for
6 all fiscal years prior to and through 1998-1999.

7 Section 21. This act shall take effect July 1, 1998.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Repeals s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, and 403.076, F.S., it retains that qualification until its population is more than 75,000. Deletes the expiration date of certain solid waste and recycling grants. Authorizes boards of county commissioners to assign the collection of past due fines and costs to a private attorney or collection agency and authorizes fees for such purposes.

Increases the maximum population limit for qualifying as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for the incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties.

Exempts from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum. Authorizes charter counties to levy a county transit system surtax. Revises the population limitation for purposes of provisions that exempt small counties from certain prerequisites to qualifying for an emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund. Deletes the requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution.

1 | Revises the expiration date for the small county indigent
2 | care surtax. Defines the terms "rural county" and "rural
3 | municipality." Provides for the determination of the
4 | "average wage in the area" for purposes of the tax refund
5 | program for qualified target industry businesses to be
6 | based on private-sector wages only. Authorizes the Office
7 | of Tourism, Trade, and Economic Development to waive the
8 | annual wage requirement imposed as a condition of
9 | qualifying for review for participation in the program
10 | under certain circumstances. Authorizes the transfer and
11 | use of legally restricted fuel taxes by counties having a
12 | population of 30,000 or less for unrestricted purposes
13 | for all fiscal years before and through fiscal year
14 | 1998-1999.
15 |
16 |
17 |
18 |
19 |
20 |
21 |
22 |
23 |
24 |
25 |
26 |
27 |
28 |
29 |
30 |
31 |