

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Diaz-Balart, Rubio, Cantens, Barreiro, and
12 Arza offered the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Subsection (5) of section 218.503, Florida
19 Statutes, is amended to read:

20 218.503 Determination of financial emergency.--

21 (5)(a) The governing authority of any municipality
22 with a resident population of 300,000 or more ~~on April 1,~~
23 ~~1999, and~~ which has at any time been declared in a state of
24 financial emergency pursuant to this section within the
25 previous 2 fiscal years may impose a discretionary per-vehicle
26 surcharge of up to 20 percent on the gross revenues of the
27 sale, lease, or rental of space at parking facilities within
28 the municipality that are open for use to the general public.

29 (b) A municipal governing authority that imposes the
30 surcharge authorized by this subsection may use the proceeds
31 of such surcharge for the following purposes only:

Amendment No. ____ (for drafter's use only)

1 1. No less than 60 percent and no more than 80 percent
2 of the surcharge proceeds shall be used by the governing
3 authority to reduce its ad valorem tax millage rate or to
4 reduce or eliminate non-ad valorem assessments.

5 2. A portion of the balance of the surcharge proceeds
6 shall be used by the governing authority to increase its
7 budget reserves; however, the governing authority shall not
8 reduce the amount it allocates for budget reserves from other
9 sources below the amount allocated for reserves in the fiscal
10 year prior to the year in which the surcharge is initially
11 imposed. When a 15-percent budget reserve is achieved, based
12 on the average gross revenue for the most recent 3 prior
13 fiscal years, the remaining proceeds from this subparagraph
14 shall be used for the payment of annual debt service related
15 to outstanding obligations backed or secured by a covenant to
16 budget and appropriate from non-ad valorem revenues.

17 (c)1. Unless extended pursuant to subparagraph 2.,
18 this subsection is repealed on June 30, 2006.

19 2. A referendum shall be held at a special election
20 within 6 months of the effective date of this act in any
21 municipality imposing the surcharge authorized in subsection
22 (5). The subject of the referendum shall be the extension of
23 the repeal date of the surcharge to June 30, 2045, and an
24 extension of the use of surcharge proceeds. A statement that
25 includes a brief general description of the additional uses of
26 the surcharge proceeds authorized pursuant to sub-subparagraph
27 a. shall be placed on the ballot. The following questions
28 shall be placed on the ballot:
29 Shall the municipality impose (or extend) a 20 percent parking
30 surcharge until the year 2045, the proceeds of which shall be
31 used to: (a) finance development of a new stadium, auditorium

Amendment No. ____ (for drafter's use only)

1 or arena and (b) to further invest in stimulating economic
2 growth by creation or expansion of other public facilities.
3 ...FOR the extension of the parking surcharge to June 30,
4 2045.
5 ...AGAINST the extension of the parking surcharge to June 30,
6 2045.
7 If a majority of the electors of the municipality
8 voting on this question approve such an extension of the
9 repeal date at the special election, this subsection shall be
10 repealed June 30, 2045. If such extension is approved
11 pursuant to this subparagraph, beginning July 1, 2006, the
12 funds generated by the surcharge shall be distributed as
13 specified in paragraph (d).
14 (d)1. For purposes of this paragraph:
15 a. "Eligible county" means a county which constructs,
16 reconstructs, renovates, expands or rehabilitates, either
17 directly or indirectly through turnkey or other contractual
18 arrangements, a significant new facility on a qualifying site.
19 b. "Qualifying site" means a site located in a
20 brownfields area designated under s. 376.80 that is owned by
21 an eligible county and is within the boundaries of a
22 municipality.
23 c. "Significant new facility" means a real property
24 improvement on a qualifying site that meets the following
25 requirements:
26 I. It is owned by a county and leased to, licensed to,
27 or to be operated by a private, for-profit entity for the
28 purpose of operating a business therefrom for a period of not
29 less than 30 years.
30 II. It has projected cost for construction,
31 reconstruction, renovation, expansion, or rehabilitation of

Amendment No. ____ (for drafter's use only)

1 the facility and acquisition and remediation of the qualifying
2 site of not less than \$300 million, of which not less than \$50
3 million, over the term of the lease, license or operation,
4 will be contributed by the private lessee, licensee, or
5 operator, which contribution may be in the form of payments in
6 lieu of taxes, ground lease rent, license fees, rents and
7 other changes, including, without limitation, annual payments
8 pledged to finance the construction of the facility.

9 III. It has been proposed, in a report submitted to
10 the eligible county by a qualified economist, that the
11 facility will have an annual economic impact of not less than
12 \$100 million over the term of the lease, license, or operation
13 and will create not less than 1,500 jobs over the same meaning
14 as provided by s. 190.003(7).

15 d. "Cost," with respect to the qualifying site and
16 significant new facility, shall have the same meaning as
17 provided by s. 190.003(7).

18 2. Effective July 1, 2006, surcharge proceeds shall be
19 remitted monthly directly from parking facility operators to
20 an account administered by an oversight board consisting of
21 seven members appointed as specified in subparagraph 3. Of
22 all proceeds so remitted, 90 percent of the proceeds shall,
23 upon receipt by the oversight board, be remitted to an
24 eligible county that issues bonds to build a significant new
25 facility to assist in paying the debt service on such bonds
26 and to pay for acquisition and remediation of the site on
27 which the significant new facility is to be built, with the
28 remaining 10 percent of the proceeds to be remitted to the
29 municipal governing authority.

30 3. Of the seven members, one member of the board shall
31 be appointed by the Speaker of the House, one member of the

Amendment No. ____ (for drafter's use only)

1 board shall be appointed by the President of the Senate, one
2 member of the board shall be appointed by the Governor, one
3 member of the board shall be appointed by the mayor of a
4 municipality receiving a portion of the surcharge, one member
5 of the board shall be appointed by the city commission of a
6 municipality receiving a portion of the surcharge, one member
7 of the board shall be appointed by the chief executive officer
8 of a county receiving a portion of the surcharge, and one
9 member of the board shall be appointed by the county
10 commission of a county receiving a portion of the surcharge.

11 4. The organizational meeting of the oversight board
12 shall be held not less than 30 days and not more than 45 days
13 after the approval of such extension. Appointed members of the
14 oversight board shall hold office for a term of 2 years or
15 until their successors take office, except that the initial
16 members appointed by the Governor and the commissioners of the
17 eligible county and municipality shall be appointed to terms
18 of 1 year. If during a member's term of office a vacancy
19 occurs, the Governor shall fill the vacancy by appointment for
20 the remainder of the term.

21 5. The members of the board must be residents of the
22 eligible county in which the authority is located.

23 6. Four members of the board shall constitute a
24 quorum, and the affirmative vote of a majority of the members
25 present and voting is necessary to take any official action.

26 7. The members of the board shall serve without
27 compensation but are entitled to reimbursement for travel and
28 per diem expenses in accordance with section 112.061, Florida
29 Statutes.

30 8. The board shall at the time of organizing, and
31 annually thereafter, elect a chair for a term of 1 year or

Amendment No. ____ (for drafter's use only)

1 until a successor is elected or the chair is removed, with or
2 without cause, by the board. The chair shall preside at all
3 meetings of the board. If the chair is absent or disqualified
4 at any meeting, any member of the board may be designated
5 chair pro-tempore for that meeting.

6 9. The board shall adopt such rules as are necessary
7 for considering board business and administering the proceeds.

8 10. The board shall have the power to take all steps
9 reasonable, necessary or advisable to carry out its functions
10 of disbursing surcharge revenues. Notwithstanding the
11 foregoing, the municipality shall be responsible for
12 collection and enforcement. The municipality shall be
13 reimbursed for reasonable and direct costs of collection and
14 enforcement prior to distribution of proceeds to the oversight
15 board. Such costs shall be reasonably proportionate to costs
16 expended by the municipality in prior fiscal years.

17 (e) An eligible county which receives proceeds from
18 this surcharge may utilize them to construct, reconstruct,
19 renovate, expand, or rehabilitate, either directly or
20 indirectly through turnkey or other contractual arrangement, a
21 significant new facility on a qualifying site in the manner
22 provided in this paragraph.

23 1. An eligible county may use funds provided pursuant
24 to this paragraph only for the public purpose on bonds or
25 other obligations issued to finance, the costs of acquisition,
26 site preparation, infrastructure development, construction,
27 reconstruction, renovation, expansion, or rehabilitation of
28 the qualifying site and significant new facility to be located
29 thereon, or for the costs of infrastructure and other
30 improvements outside the boundaries of the qualifying site but
31 which are necessary or helpful to the development or operation

Amendment No. ____ (for drafter's use only)

1 of the significant new facility, or for reimbursement of any
2 such costs, and for the costs incurred by it to remediate the
3 qualifying site.

4 2. In the event that in any fiscal year of an eligible
5 county the funds provided pursuant to this paragraph are in
6 excess of the amounts necessary in such fiscal year to pay the
7 costs related to the significant new facility and the
8 qualifying site as authorized in this subsection and to pay
9 the debt service on bonds or other obligations issued to
10 finance or refinance all or any part of such costs, such
11 excess funds shall be remitted to the governing authority of
12 the municipality.

13 (f) An eligible county shall ensure that procurement
14 related to the planning, design, construction, building,
15 maintenance, and operation of the significant new facility
16 contracting is reflective of the ethnic makeup of the
17 community.

18 (g) The governing authority of the municipality which
19 adopts the referendum described in paragraph (c) shall be
20 entitled to 10 percent of the surcharge proceeds to be used to
21 facilitate economic growth by contributing to the development
22 of public facilities.

23 Section 2. If construction does not begin on the
24 qualifying facility within one year of the referendum passing,
25 this subsection shall be repealed on June 30, 2006.

26 Section 3. It is the intent of the Legislature that
27 the provisions of this act are severable. If any provision of
28 this act is held invalid, the remaining provisions shall
29 survive.

30 Section 4. This act shall take effect upon becoming
31 law.

Amendment No. ____ (for drafter's use only)

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

2 And the title is amended as follows:

3 On page 1, line 2, through

4 Page 2, line 2,

5 remove from the title of the bill: all of said lines

6

7 and insert in lieu thereof:

8 An act relating to local government; amending

9 s. 218.503, F.S.; revising provisions which

10 authorize certain municipalities which have

11 been declared in a state of financial emergency

12 to impose a per-vehicle surcharge on revenues

13 from the sale or rental of space at parking

14 facilities; revising a requirement relating to

15 such municipality's population; amending the

16 future repeal of any provision to allow for an

17 extension of the repeal date by referendum in

18 the municipality; providing for uses of

19 proceeds under such extension; providing

20 definitions; providing ballot language;

21 providing for an oversight board; providing an

22 effective date.

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