

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on General Government Appropriations offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

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

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1 procedures shall be as provided in s. 212.054.

2 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

3 (d)1. The proceeds of the surtax authorized by this
4 subsection and any interest accrued thereto shall be expended
5 by the school district or within the county and municipalities
6 within the county, or, in the case of a negotiated joint
7 county agreement, within another county, to finance, plan, and
8 construct infrastructure and to acquire land for public
9 recreation or conservation or protection of natural resources
10 and to finance the closure of county-owned or municipally
11 owned solid waste landfills that are already closed or are
12 required to close by order of the Department of Environmental
13 Protection. Any use of such proceeds or interest for purposes
14 of landfill closure prior to July 1, 1993, is ratified.
15 Neither the proceeds nor any interest accrued thereto shall be
16 used for operational expenses of any infrastructure, except
17 that any county with a population of less than 75,000 that is
18 required to close a landfill by order of the Department of
19 Environmental Protection may use the proceeds or any interest
20 accrued thereto for long-term maintenance costs associated
21 with landfill closure. Counties, as defined in s. 125.011(1),
22 and charter counties may, in addition, use the proceeds and
23 any interest accrued thereto to retire or service indebtedness
24 incurred for bonds issued prior to July 1, 1987, for
25 infrastructure purposes, and for bonds subsequently issued to
26 refund such bonds. Any use of such proceeds or interest for
27 purposes of retiring or servicing indebtedness incurred for
28 such refunding bonds prior to July 1, 1999, is ratified.

29 2. For the purposes of this paragraph,
30 "infrastructure" means:

31 a. Any fixed capital expenditure or fixed capital

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1 outlay associated with the construction, reconstruction, or
2 improvement of public facilities which have a life expectancy
3 of 5 or more years and any land acquisition, land improvement,
4 design, and engineering costs related thereto. In any county
5 located within a designated area of critical state concern
6 under s. 380.0552, the term "infrastructure" also includes
7 expenditures for the acquisition of land when the land is
8 acquired for the purpose of compliance with an approved
9 comprehensive plan.

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

15 3. Notwithstanding any other provision of this
16 subsection, a discretionary sales surtax imposed or extended
17 after the effective date of this act may provide for an amount
18 not to exceed 15 percent of the local option sales surtax
19 proceeds to be allocated for deposit to a trust fund within
20 the county's accounts created for the purpose of funding
21 economic development projects of a general public purpose
22 targeted to improve local economies, including the funding of
23 operational costs and incentives related to such economic
24 development. The ballot statement must indicate the intention
25 to make an allocation under the authority of this
26 subparagraph.

27 Section 2. Subsection (8) of section 336.025, Florida
28 Statutes, is amended to read:

29 336.025 County transportation system; levy of local
30 option fuel tax on motor fuel and diesel fuel.--

31 (8) In addition to the uses specified in subsection

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1 (7), the governing body of a county with a population of
2 50,000 or less on April 1, 1992, or any county located within
3 a designated area of critical state concern under s. 380.0552
4 may use the proceeds of the tax levied pursuant to paragraph
5 (1)(a) in any fiscal year to fund infrastructure projects, if
6 such projects are consistent with the local government's
7 approved comprehensive plan or, if the approval or denial of
8 the plan has not become final, consistent with the plan last
9 submitted to the state land planning agency. In addition, no
10 more than an amount equal to the proceeds from 4 cents per
11 gallon of the tax imposed pursuant to paragraph (1)(a) may be
12 used by such county for the express and limited purpose of
13 paying for a court-ordered refund of special assessments.
14 Except as provided in subsection (7), such funds shall not be
15 used for the operational expenses of any infrastructure. Such
16 funds may be used for infrastructure projects under this
17 subsection only after the local government, prior to the
18 fiscal year in which the funds are proposed to be used, or if
19 pledged for bonded indebtedness, prior to the fiscal year in
20 which the bonds will be issued, has held a duly noticed public
21 hearing on the proposed use of the funds and has adopted a
22 resolution certifying that the local government has met all of
23 the transportation needs identified in its approved
24 comprehensive plan or, if the approval or denial of the plan
25 has not become final, consistent with the plan last submitted
26 to the state land planning agency. The proceeds shall not be
27 pledged for bonded indebtedness for a period exceeding 10
28 years, except that, for the express and limited purpose of
29 using such proceeds in any fiscal year to pay a court-ordered
30 refund of special assessments, the proceeds may be pledged for
31 bonded indebtedness not exceeding 15 years. For the purposes

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1 of this subsection, "infrastructure" has the same meaning as
2 provided in s. 212.055.

3 Section 3. Contingent on the passage of House Bill
4 1653 or similar legislation during the 2002 regular
5 legislative session or any extension thereof, subsection (9)
6 of section 373.59, Florida Statutes, is amended to read:

7 373.59 Water Management Lands Trust Fund.--

8 (9) Moneys in the fund not needed to meet current
9 obligations incurred under this section shall be transferred
10 to the State Board of Administration, to the credit of the
11 fund, to be invested in the manner provided by law. For
12 fiscal years 2003-2004 through 2010-2011, interest received on
13 such investments shall be credited to Florida Keys and Key
14 West Areas of Critical State Concern Wastewater and Stormwater
15 Trust Fund within the Department of Community Affairs.
16 Beginning fiscal year 2012-2013, interest received on such
17 investments shall be credited to the fund.

18 Section 4. This act shall take effect July 1, 2002.

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

22 And the title is amended as follows:

23 REMOVE EVERYTHING BEFORE THE ENACTING CLAUSE:

24

25 and insert:

26 A bill to be entitled
27 An act relating to land acquisition; amending
28 s. 212.055, F.S.; redefining the term
29 "infrastructure"; amending s. 336.025, F.S. ;
30 revising provisions prescribing the use of
31 proceeds from local option fuel taxes;

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amending s. 373.59, F.S.; providing for the interest received from investments of the Water Management Lands Trust Fund to be credited to the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund for eight years; providing an effective date.