

By Senator Jones

40-1015-02

1 A bill to be entitled
2 An act relating to land acquisition; amending
3 s. 212.055, F.S.; redefining the term
4 "infrastructure"; amending s. 336.025, F.S;
5 revising provisions prescribing the use of
6 proceeds from local option fuel taxes; amending
7 s. 259.105, F.S.; providing for an annual
8 allocation of funds under the Florida Forever
9 Act for the purchase of land within the Florida
10 Keys or Key West Areas of critical state
11 concern; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (d) of subsection (2) of section
16 212.055, Florida Statutes, is amended to read:

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

30 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

27 2. For the purposes of this paragraph,
28 "infrastructure" means:

29 a. Any fixed capital expenditure or fixed capital
30 outlay associated with the construction, reconstruction, or
31 improvement of public facilities which have a life expectancy

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

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

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

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

27 336.025 County transportation system; levy of local
28 option fuel tax on motor fuel and diesel fuel.--

29 (8) In addition to the uses specified in subsection
30 (7), the governing body of a county with a population of
31 50,000 or less on April 1, 1992, or any county located within

1 a designated area of critical state concern under s. 380.0552
2 may use the proceeds of the tax levied pursuant to paragraph
3 (1)(a) in any fiscal year to fund infrastructure projects, if
4 such projects are consistent with the local government's
5 approved comprehensive plan or, if the approval or denial of
6 the plan has not become final, consistent with the plan last
7 submitted to the state land planning agency. In addition, no
8 more than an amount equal to the proceeds from 4 cents per
9 gallon of the tax imposed pursuant to paragraph (1)(a) may be
10 used by such county for the express and limited purpose of
11 paying for a court-ordered refund of special assessments.
12 Except as provided in subsection (7), such funds shall not be
13 used for the operational expenses of any infrastructure. Such
14 funds may be used for infrastructure projects under this
15 subsection only after the local government, prior to the
16 fiscal year in which the funds are proposed to be used, or if
17 pledged for bonded indebtedness, prior to the fiscal year in
18 which the bonds will be issued, has held a duly noticed public
19 hearing on the proposed use of the funds and has adopted a
20 resolution certifying that the local government has met all of
21 the transportation needs identified in its approved
22 comprehensive plan or, if the approval or denial of the plan
23 has not become final, consistent with the plan last submitted
24 to the state land planning agency. The proceeds shall not be
25 pledged for bonded indebtedness for a period exceeding 10
26 years, except that, for the express and limited purpose of
27 using such proceeds in any fiscal year to pay a court-ordered
28 refund of special assessments, the proceeds may be pledged for
29 bonded indebtedness not exceeding 15 years. For the purposes
30 of this subsection, "infrastructure" has the same meaning as
31 provided in s. 212.055.

1 Section 3. Paragraph (c) of subsection (3) of section
2 259.105, Florida Statutes, is amended to read:

3 259.105 The Florida Forever Act.--

4 (3) Less the costs of issuing and the costs of funding
5 reserve accounts and other costs associated with bonds, the
6 proceeds of bonds issued pursuant to this section shall be
7 deposited into the Florida Forever Trust Fund created by s.
8 259.1051. The proceeds shall be distributed by the Department
9 of Environmental Protection in the following manner:

10 (c) Twenty-two percent to the Department of Community
11 Affairs for use by the Florida Communities Trust for the
12 purposes of part III of chapter 380, as described and limited
13 by this subsection, and grants to local governments or
14 nonprofit environmental organizations that are tax exempt
15 under s. 501(c)(3) of the United States Internal Revenue Code
16 for the acquisition of community-based projects, urban open
17 spaces, parks, and greenways to implement local government
18 comprehensive plans. From funds available to the trust and
19 used for land acquisition, 75 percent shall be matched by
20 local governments on a dollar-for-dollar basis. The
21 Legislature intends that the Florida Communities Trust
22 emphasize funding projects in low-income or otherwise
23 disadvantaged communities. At least 30 percent of the total
24 allocation provided to the trust shall be used in Standard
25 Metropolitan Statistical Areas, but one-half of that amount
26 shall be used in localities in which the project site is
27 located in built-up commercial, industrial, or mixed-use areas
28 and functions to intersperse open spaces within congested
29 urban core areas. From funds allocated to the trust, no less
30 than 5 percent shall be used to acquire lands for recreational
31 trail systems, provided that in the event these funds are not

1 needed for such projects, they will be available for other
2 trust projects. Local governments may use federal grants or
3 loans, private donations, or environmental mitigation funds,
4 including environmental mitigation funds required pursuant to
5 s. 338.250, for any part or all of any local match required
6 for acquisitions funded through the Florida Communities Trust.
7 Any lands purchased by nonprofit organizations using funds
8 allocated under this paragraph must provide for such lands to
9 remain permanently in public use through a reversion of title
10 to local or state government, conservation easement, or other
11 appropriate mechanism. Projects funded with funds allocated
12 to the Trust shall be selected in a competitive process
13 measured against criteria adopted in rule by the Trust. From
14 funds allocated to the trust, \$5 million annually shall be
15 used by the Monroe County Comprehensive Plan Land Authority
16 specifically for the purchase of any real property interest in
17 either those lands subject to the Rate of Growth Ordinances
18 adopted by local governments in Monroe County or those lands
19 within the boundary of an approved Conservation and Recreation
20 Lands project located within the Florida Keys or Key West
21 Areas of critical state concern.

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

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25 SENATE SUMMARY

26 Redefines the term "infrastructure" for purposes of the
27 local government infrastructure surtax. Authorizes the
28 use of local option fuel taxes for specified purposes in
29 the Florida Keys Area of critical state concern. Provides
30 for an allocation of funds under the Florida Forever Act
31 to purchase land within the Florida Keys or Key West
Areas of critical state concern.