

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Jones

316-2208-02

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;
7 amending s. 373.59, F.S.; providing for the
8 interest received from investments of the Water
9 Management Lands Trust Fund to be credited to
10 the Florida Keys and Key West Areas of Critical
11 State Concern Wastewater and Stormwater Trust
12 Fund for 8 years; providing an effective date.

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

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16 Section 1. Paragraph (d) of subsection (2) of section
17 212.055, Florida Statutes, is amended to read:

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

31 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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.

3 b. A fire department vehicle, an emergency medical
4 service vehicle, a sheriff's office vehicle, a police
5 department vehicle, or any other vehicle, and such equipment
6 necessary to outfit the vehicle for its official use or
7 equipment that has a life expectancy of at least 5 years. In
8 any county located within a designated area of critical state
9 concern under s. 380.0552, the term "infrastructure" also
10 includes expenditures for the acquisition of land when the
11 land is acquired for the purpose of compliance with an
12 approved comprehensive plan.

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. Contingent on House Bill 1653 or similar
2 legislation being enacted during the 2002 regular legislative
3 session or any extension thereof becoming a law, subsection
4 (9) of section 373.59, Florida Statutes, is amended to read:

5 373.59 Water Management Lands Trust Fund.--

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

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

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 2046

21 The CS deletes a provision allocating \$5 million dollars of
22 money from the Florida Communities Trust to the Monroe County
23 Comprehensive Land Authority with a provision allocating
24 interest received on investments from the Water Management
25 Lands Trust Fund to the Florida Keys and Key West Areas of
26 Critical State Concern Wastewater and Stormwater Trust Fund
27 within the Department of Community Affairs.
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