

By the Committee on Comprehensive Planning; and Senator Diaz de la Portilla

316-2065-03

1 A bill to be entitled
2 An act relating to municipal parking facility
3 space surcharges; creating s. 212.035, F.S.;
4 authorizing certain municipalities to impose
5 and collect a surcharge on certain parking
6 facility space sale, lease, or rental charges;
7 requiring referendum approval; providing for a
8 maximum surcharge rate; providing an exception;
9 providing a limitation; specifying uses and
10 limits of surcharge proceeds; providing for
11 local administration of the surcharge;
12 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. Section 212.035, Florida Statutes, is
17 created to read:

18 212.035 Surcharge on municipal facility parking
19 fees.--

20 (1) The governing authority of any municipality with a
21 resident population of 200,000 or more, more than 20 percent
22 of the real property of which is exempt from ad valorem taxes,
23 and which is located in a county with a population of more
24 than 500,000 may impose and collect, subject to referendum
25 approval by voters in the municipality, a discretionary
26 per-vehicle surcharge of up to 15 percent of the amount
27 charged for the sale, lease, or rental of space at parking
28 facilities within the municipality which are open for use to
29 the general public and which are not airports, seaports,
30 county administration buildings, or other projects as defined
31 under ss. 125.011 and 125.015, provided that this surcharge

1 shall not take effect while any surcharge imposed pursuant to
2 s. 218.503(5)(a), is in effect.

3 (2) A municipal governing authority that imposes the
4 surcharge authorized by this subsection may use the proceeds
5 of such surcharge for the following purposes only:

6 (a) No less than 60 percent and no more than 80
7 percent of surcharge proceeds shall be used to reduce the
8 municipality's ad valorem tax millage or to reduce or
9 eliminate non-ad valorem assessments, unless the municipality
10 has used the proceeds from the surcharge to reduce the
11 municipality's ad valorem tax millage or to reduce non-ad
12 valorem assessments under s. 218.503(5)(b).

13 (b) Not more than 40 percent and not less than 20
14 percent of surcharge proceeds shall be used to improve
15 transportation, including, but not limited to, street,
16 sidewalk, roadway, landscape, transit, and streetscape
17 beautification improvements.

18 (3) Any municipality imposing a surcharge authorized
19 by this section shall administer the surcharge locally
20 pursuant to the powers and duties enumerated for the local
21 administration of the tourist development tax in s. 125.0104.
22 The municipality's referendum shall also provide brackets
23 applicable to transactions subject to the surcharge.

24 Section 2. This act shall take effect upon becoming a
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1842

This Committee Substitute differs from the bill as filed in that it excludes airports, seaports and county administration buildings and projects from the imposition and collection of the surcharge; clarifies that the authority of the new s. 212.035, F.S., is not cumulative with similar authority found in s. 218.503(5)a, F.S.; and requires that the surcharge be administered locally, not by the Department of Revenue.