

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the local government infrastructure
8 surtax; amending s. 212.055, F.S.; limiting use of surtax
9 revenues for infrastructure purposes; authorizing a
10 portion of surtax revenues to be used for property tax
11 reduction under certain circumstances; authorizing use of
12 a portion of surtax revenues for operating expenses under
13 certain circumstances; providing requirements for levy of
14 an ad valorem tax millage for certain purposes under
15 certain circumstances; providing limitations; deleting a
16 limitation on frequency of bond issues; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (d) of subsection (2) of section
22 212.055, Florida Statutes, as amended by section 91 of chapter

HB 1465

2004
CS

23 | 2003-402, Laws of Florida, and paragraph (e) of said subsection,
24 | are amended to read:

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

38 | (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

39 | (d)1.a. At least 50 percent of the proceeds of the surtax
40 | authorized by this subsection and any interest accrued thereto
41 | shall be expended by the school district or within the county
42 | and municipalities within the county, or, in the case of a
43 | negotiated joint county agreement, within another county, to
44 | finance, plan, and construct infrastructure and to acquire land
45 | for public recreation or conservation or protection of natural
46 | resources and to finance the closure of county-owned or
47 | municipally owned solid waste landfills that are already closed
48 | or are required to close by order of the Department of
49 | Environmental Protection. Any use of such proceeds or interest
50 | for purposes of landfill closure prior to July 1, 1993, is

HB 1465

2004
CS

51 | ~~ratified. Neither the proceeds nor any interest accrued thereto~~
 52 | ~~shall be used for operational expenses of any infrastructure,~~
 53 | ~~except that~~ Any county with a population of less than 75,000
 54 | that is required to close a landfill by order of the Department
 55 | of Environmental Protection may use the proceeds or any interest
 56 | accrued thereto for long-term maintenance costs associated with
 57 | landfill closure. Counties, as defined in s. 125.011(1), and
 58 | charter counties may, in addition, use the proceeds and any
 59 | interest accrued thereto to retire or service indebtedness
 60 | incurred for bonds issued prior to July 1, 1987, for
 61 | infrastructure purposes, and for bonds subsequently issued to
 62 | refund such bonds. Any use of such proceeds or interest for
 63 | purposes of retiring or servicing indebtedness incurred for such
 64 | refunding bonds prior to July 1, 1999, is ratified.

65 | ~~b.2.~~ For the purposes of this subparagraph ~~paragraph~~,
 66 | "infrastructure" means:

67 | (I)a. Any fixed capital expenditure or fixed capital
 68 | outlay associated with the construction, reconstruction, or
 69 | improvement of public facilities which have a life expectancy of
 70 | 5 or more years and any land acquisition, land improvement,
 71 | design, and engineering costs related thereto.

72 | (II)b. A fire department vehicle, an emergency medical
 73 | service vehicle, a sheriff's office vehicle, a police department
 74 | vehicle, or any other vehicle, and such equipment necessary to
 75 | outfit the vehicle for its official use or equipment that has a
 76 | life expectancy of at least 5 years.

77 ~~(III)e-~~ Any expenditure for the construction, lease, or
 78 maintenance of, or provision of utilities or security for,
 79 facilities as defined in s. 29.008.

80 ~~c.3-~~ Notwithstanding any other provision of this
 81 subsection, a discretionary sales surtax imposed or extended
 82 after the effective date of this act may provide for an amount
 83 not to exceed 15 percent of the local option sales surtax
 84 proceeds to be allocated for deposit to a trust fund within the
 85 county's accounts created for the purpose of funding economic
 86 development projects of a general public purpose targeted to
 87 improve local economies, including the funding of operational
 88 costs and incentives related to such economic development. The
 89 ballot statement must indicate the intention to make an
 90 allocation under the authority of this sub-subparagraph
 91 ~~subparagraph~~.

92 2. Subject to any obligation to retire or service
 93 indebtedness incurred by the taxing authority under this
 94 subsection for bonds issued by the taxing authority prior to
 95 July 1, 2004, and notwithstanding any other provision of this
 96 subsection, a taxing authority receiving proceeds of the surtax
 97 and any interest on such proceeds pursuant to this subsection
 98 may use up to 35 percent of such proceeds and interest to reduce
 99 property taxes and may use up to 15 percent of such proceeds and
 100 interest for operational expenses; however, the percentage used
 101 for operational expenses may not exceed the percentage used to
 102 reduce property taxes. In the first year following the year in
 103 which the taxing authority elects to use such proceeds and
 104 interest for the reduction of property taxes, the taxing

HB 1465

2004
CS

105 | authority shall levy a millage rate which, exclusive of new
 106 | construction, additions to structures, deletions, increases in
 107 | the value of improvements that have undergone a substantial
 108 | rehabilitation which increased the assessed value of such
 109 | improvements by at least 100 percent, and property added due to
 110 | geographic boundary changes, will provide ad valorem tax revenue
 111 | which, when added to the proceeds and interest being used for
 112 | property tax reduction, will not exceed the ad valorem tax
 113 | revenue as levied during the prior year.

114 | (e) School districts, counties, and municipalities
 115 | receiving proceeds under the provisions of this subsection may
 116 | pledge such proceeds for the purpose of servicing new bond
 117 | indebtedness incurred pursuant to law. Local governments may use
 118 | the services of the Division of Bond Finance of the State Board
 119 | of Administration pursuant to the State Bond Act to issue any
 120 | bonds through the provisions of this subsection. ~~In no case may~~
 121 | ~~a jurisdiction issue bonds pursuant to this subsection more~~
 122 | ~~frequently than once per year.~~ Counties and municipalities may
 123 | join together for the issuance of bonds authorized by this
 124 | subsection.

125 | Section 2. This act shall take effect July 1, 2004.