

By the Committee on Comprehensive Planning; and Senator Posey

316-2619-04

1 A bill to be entitled
2 An act relating to the local government
3 infrastructure surtax; amending s. 212.055,
4 F.S.; limiting use of surtax revenues for
5 infrastructure purposes; authorizing a portion
6 of surtax revenues to be used for property tax
7 reduction under certain circumstances;
8 authorizing use of a portion of surtax revenues
9 for operating expenses under certain
10 circumstances; providing limitations; deleting
11 a limitation on issuing bonds; providing an
12 effective date.

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

16 Section 1. Paragraphs (d) and (e) of subsection (2) of
17 section 212.055, Florida Statutes, as amended by section 91 of
18 chapter 2003-402, Laws of Florida, are amended to read:

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

1 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--
2 (d)1.a. At least 50 percent of the proceeds of the
3 surtax authorized by this subsection and any interest accrued
4 thereto shall be expended by the school district or within the
5 county and municipalities within the county, or, in the case
6 of a negotiated joint county agreement, within another county,
7 to finance, plan, and construct infrastructure and to acquire
8 land for public recreation or conservation or protection of
9 natural resources and to finance the closure of county-owned
10 or municipally owned solid waste landfills that are already
11 closed or are required to close by order of the Department of
12 Environmental Protection. Any use of such proceeds or interest
13 for purposes of landfill closure prior to July 1, 1993, is
14 ratified. ~~Neither the proceeds nor any interest accrued~~
15 ~~thereto shall be used for operational expenses of any~~
16 ~~infrastructure, except that~~ Any county with a population of
17 less than 75,000 that is required to close a landfill by order
18 of the Department of Environmental Protection may use the
19 proceeds or any interest accrued thereto for long-term
20 maintenance costs associated with landfill closure. Counties,
21 as defined in s. 125.011(1), and charter counties may, in
22 addition, use the proceeds and any interest accrued thereto to
23 retire or service indebtedness incurred for bonds issued prior
24 to July 1, 1987, for infrastructure purposes, and for bonds
25 subsequently issued to refund such bonds. Any use of such
26 proceeds or interest for purposes of retiring or servicing
27 indebtedness incurred for such refunding bonds prior to July
28 1, 1999, is ratified.
29 b.2. For the purposes of this subparagraph ~~paragraph~~,
30 "infrastructure" means:
31

1 ~~(I)a.~~ Any fixed capital expenditure or fixed capital
2 outlay associated with the construction, reconstruction, or
3 improvement of public facilities which have a life expectancy
4 of 5 or more years and any land acquisition, land improvement,
5 design, and engineering costs related thereto.

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

11 ~~(III)c.~~ Any expenditure for the construction, lease,
12 or maintenance of, or provision of utilities or security for,
13 facilities as defined in s. 29.008.

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

26 2. Subject to any obligation to retire or service
27 indebtedness incurred by the taxing authority under this
28 subsection for bonds issued by the taxing authority prior to
29 July 1, 2004, and notwithstanding any other provision of this
30 subsection, a taxing authority receiving proceeds of the
31 surtax and any interest on such proceeds pursuant to this

1 subsection may use up to 35 percent of such proceeds and
2 interest to reduce property taxes and may use up to 15 percent
3 of such proceeds and interest for operational expenses;
4 however, the percentage used for operational expenses may not
5 exceed the percentage used to reduce property taxes. In the
6 first year following the year in which the taxing authority
7 elects to use such proceeds and interest for the reduction of
8 property taxes, the taxing authority shall levy a millage rate
9 that, exclusive of new construction, additions to structures,
10 deletions, increases in the value of improvements that have
11 undergone a substantial rehabilitation that increased the
12 assessed value of such improvements by at least 100 percent,
13 and property added due to geographic boundary changes, will
14 provide ad valorem tax revenue that, when added to the
15 proceeds and interest being used for property tax reduction,
16 will not exceed the ad valorem tax revenue as levied during
17 the prior year.

18 (e) School districts, counties, and municipalities
19 receiving proceeds under the provisions of this subsection may
20 pledge such proceeds for the purpose of servicing new bond
21 indebtedness incurred pursuant to law. Local governments may
22 use the services of the Division of Bond Finance of the State
23 Board of Administration pursuant to the State Bond Act to
24 issue any bonds through the provisions of this subsection. ~~In~~
25 ~~no case may a jurisdiction issue bonds pursuant to this~~
26 ~~subsection more frequently than once per year.~~ Counties and
27 municipalities may join together for the issuance of bonds
28 authorized by this subsection.

29 Section 2. This act shall take effect July 1, 2004.
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2710

This CS differs from the bill as filed in that it limits the cap on increasing property taxes to one year, rather than the term of the surtax levy; and removes the restriction against issuing bonds from surtax proceeds more than once a year.