

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the discretionary surtax on documents;  
7 amending ss. 125.0167 and 201.031, F.S.; authorizing  
8 certain counties operating under a home rule charter to  
9 levy the discretionary surtax for purposes of establishing  
10 and funding a Housing Assistance Loan Trust Fund to assist  
11 in providing housing for low-income and moderate-income  
12 families; prohibiting certain counties from levying the  
13 surtax unless approved by a majority of the electors of  
14 the county voting in a referendum; providing requirements  
15 for holding a referendum; providing for the future repeal  
16 of ss. 125.0167 and 201.031, F.S., relating to the surtax  
17 on documents for purposes of funding housing assistance;  
18 amending s. 201.0205, F.S.; deleting references to ch. 83-  
19 220, Laws of Florida, to conform; updating cross  
20 references; repealing s. 3 of ch. 83-220, Laws of Florida,  
21 as amended, relating to the former repeal date established  
22 for the discretionary surtax on documents; providing an  
23 effective date.

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

Section 1. Section 125.0167, Florida Statutes, is amended to read:

125.0167 Discretionary surtax on documents; adoption; application of revenue.--

(1) Pursuant to the provisions of s. 201.031, the governing authority in each county having a population of 1.2 million or greater which operates under a home rule charter, and each county~~7~~ as defined by s. 125.011(1), is authorized to levy a discretionary surtax on documents for the purpose of establishing and financing a Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families. No less than 50 percent of the funds used in each county to provide such housing assistance shall be for the benefit of low-income families. For the purpose of this section, "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, and "moderate-income family" means a family whose income is in excess of 80 percent but less than 140 percent of the median income for the area. For purposes of this section, the term "housing" is not limited to single-family, detached dwellings. The rate of the surtax shall not exceed the rate of 45 cents for each \$100 or fractional part thereof of the consideration therefor. Such surtax shall apply only to those documents taxable under s. 201.02, except that there shall be no surtax on any document pursuant to which the

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52 | interest granted, assigned, transferred, or conveyed involves  
53 | only a single-family residence. Such single-family residence  
54 | may be a condominium unit, a unit held through stock ownership  
55 | or membership representing a proprietary interest in a  
56 | corporation owning a fee or a leasehold initially in excess of  
57 | 98 years, or a detached dwelling.

58 |       (2)(a) The levy of the discretionary surtax and the  
59 | creation of a Housing Assistance Loan Trust Fund shall be by  
60 | ordinance, which shall set forth the policies and procedures of  
61 | the assistance program. A charter county that is not a county as  
62 | defined in s. 125.011(1) may, by ordinance, limit the  
63 | applicability of the discretionary surtax on documents taxable  
64 | under s. 201.031. The ordinance shall be proposed at a regular  
65 | meeting of the governing authority at least 2 weeks prior to  
66 | formal adoption. Formal adoption shall not be effective unless  
67 | approved on final vote by a majority of the total membership of  
68 | the governing authority. The ordinance shall not take effect  
69 | until 90 days after formal adoption.

70 |       (b) Notwithstanding paragraph (a), a charter county that  
71 | is not a county as defined in s. 125.011(1) may not levy the  
72 | surtax unless such levy is approved by a majority of the  
73 | qualified electors of the county voting in a referendum called  
74 | by the governing authority of the charter county. The referendum  
75 | may be held in conjunction with any primary or general election  
76 | or at any other time determined appropriate by the governing  
77 | authority of the charter county. The general laws of this state  
78 | governing elections shall apply to the referendum required by  
79 | this paragraph and notice of the referendum must comply with s.

80 100.342. If the voters approved the levy of the surtax, the  
 81 charter county's governing authority shall proceed to levy the  
 82 surtax as provided in paragraph (a).

83 (3) The county shall deposit revenues from the  
 84 discretionary surtax in the Housing Assistance Loan Trust Fund  
 85 of the county, except that a portion of such revenues may be  
 86 deposited into the Home Investment Trust Fund of the county as  
 87 defined by and created pursuant to the requirements of federal  
 88 law. The county shall use the revenues only to help finance the  
 89 construction, rehabilitation, or purchase of housing for low-  
 90 income families and moderate-income families, to pay necessary  
 91 costs of collection and enforcement of the surtax, and to fund  
 92 any local matching contributions required pursuant to federal  
 93 law. For purposes of this section, authorized uses of the  
 94 revenues include, but are not limited to, providing funds for  
 95 first and second mortgages and acquiring property for the  
 96 purpose of forming housing cooperatives. Special consideration  
 97 shall be given toward using the revenues in the neighborhood  
 98 economic development programs of community development  
 99 corporations. No more than 50 percent of the revenues collected  
 100 each year pursuant to this section may be used to help finance  
 101 new construction as provided herein. The proceeds of the surtax  
 102 shall not be used for rent subsidies or grants.

103 (4) This section is repealed effective October 1, 2016.

104 Section 2. Subsection (1) of section 201.031, Florida  
 105 Statutes, is amended, and subsection (4) is added to said  
 106 section, to read:

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107           201.031 Discretionary surtax; administration and  
108 collection; Housing Assistance Loan Trust Fund; reporting  
109 requirements.--

110           (1) Each county having a population of 1.2 million or  
111 greater which operates under a home rule charter, and each  
112 county, as defined by s. 125.011(1), may levy, subject to the  
113 provisions of s. 125.0167, a discretionary surtax on documents  
114 taxable under the provisions of s. 201.02, except that there  
115 shall be no surtax on any document pursuant to which the  
116 interest granted, assigned, transferred, or conveyed involves  
117 only a single-family residence. Such single-family residence  
118 may be a condominium unit, a unit held through stock ownership  
119 or membership representing a proprietary interest in a  
120 corporation owning a fee or a leasehold initially in excess of  
121 98 years, or a detached dwelling.

122           (4) This section is repealed effective October 1, 2016.

123           Section 3. Section 201.0205, Florida Statutes, is amended  
124 to read:

125           201.0205 Counties as defined in s. 125.011(1) that have  
126 implemented a discretionary surtax on documents under s.  
127 125.0167 ~~ch. 83-220~~; inapplicability of 10-cent tax increase by  
128 s. 2, ch. 92-317, Laws of Florida.--The 10-cent tax increase in  
129 the documentary stamp tax levied by s. 2, chapter 92-317, Laws  
130 of Florida, does not apply to deeds and other taxable  
131 instruments relating to real property located in any county as  
132 defined in s. 125.011(1) that has levied a discretionary surtax  
133 on documents under s. 125.0167 ~~implemented the provisions of~~  
134 ~~chapter 83-220, Laws of Florida, as amended by chapters 84-270,~~

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135 ~~86-152, and 89-252, Laws of Florida.~~ Each such county and each  
136 eligible jurisdiction within such county shall not be eligible  
137 to participate in programs funded pursuant to s. 201.15(9)~~(6)~~.  
138 However, each such county and each eligible jurisdiction within  
139 such county shall be eligible to participate in programs funded  
140 pursuant to s. 201.15(10)~~(7)~~.

141 Section 4. Section 3 of chapter 83-220, Laws of Florida,  
142 as amended by section 1 of chapter 84-270, Laws of Florida, and  
143 section 1 of chapter 89-252, Laws of Florida, is repealed.

144 Section 5. This act shall take effect upon becoming a law.