

CHAMBER ACTION

1 The Fiscal Council 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

52 | interest granted, assigned, transferred, or conveyed involves
 53 | only a single-family residence. Such single-family residence may
 54 | be a condominium unit, a unit held through stock ownership or
 55 | membership representing a proprietary interest in a corporation
 56 | owning a fee or a leasehold initially in excess of 98 years, or
 57 | 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. The ordinance shall be proposed at a
 62 | regular meeting of the governing authority at least 2 weeks
 63 | prior to formal adoption. Formal adoption shall not be effective
 64 | unless approved on final vote by a majority of the total
 65 | membership of the governing authority. The ordinance shall not
 66 | take effect until 90 days after formal adoption.

67 | (b) Notwithstanding paragraph (a), a charter county that
 68 | is not a county as defined in s. 125.011(1) may not levy the
 69 | surtax unless such levy is approved by a majority of the
 70 | qualified electors of the county voting in a referendum called
 71 | by the governing authority of the charter county. The referendum
 72 | may be held in conjunction with any primary or general election
 73 | or at any other time determined appropriate by the governing
 74 | authority of the charter county. The general laws of this state
 75 | governing elections shall apply to the referendum required by
 76 | this paragraph and notice of the referendum must comply with s.
 77 | 100.342. If the voters approved the levy of the surtax, the
 78 | charter county's governing authority shall proceed to levy the
 79 | surtax as provided in paragraph (a).

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

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

101 Section 2. Subsection (1) of section 201.031, Florida
 102 Statutes, is amended, and subsection (4) is added to said
 103 section, to read:

104 201.031 Discretionary surtax; administration and
 105 collection; Housing Assistance Loan Trust Fund; reporting
 106 requirements.--

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

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

120 Section 3. Section 201.0205, Florida Statutes, is amended
 121 to read:

122 201.0205 Counties as defined in s. 125.011(1) that have
 123 implemented a discretionary surtax on documents under s.
 124 125.0167 ~~ch. 83-220~~; inapplicability of 10-cent tax increase by
 125 s. 2, ch. 92-317, Laws of Florida.--The 10-cent tax increase in
 126 the documentary stamp tax levied by s. 2, chapter 92-317, Laws
 127 of Florida, does not apply to deeds and other taxable
 128 instruments relating to real property located in any county as
 129 defined in s. 125.011(1) that has levied a discretionary surtax
 130 on documents under s. 125.0167 ~~implemented the provisions of~~
 131 ~~chapter 83-220, Laws of Florida, as amended by chapters 84-270,~~
 132 ~~86-152, and 89-252, Laws of Florida.~~ Each such county and each
 133 eligible jurisdiction within such county shall not be eligible
 134 to participate in programs funded pursuant to s. 201.15(9)(~~6~~).

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135 | However, each such county and each eligible jurisdiction within
136 | such county shall be eligible to participate in programs funded
137 | pursuant to s. 201.15~~(10)~~(7).

138 | Section 4. Section 3 of chapter 83-220, Laws of Florida,
139 | as amended by section 1 of chapter 84-270, Laws of Florida, and
140 | section 1 of chapter 89-252, Laws of Florida, is repealed.

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