

Bill No. SPB 7048

Barcode 583826

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Bennett) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause,

and insert:

Section 1. Section 163.3246, Florida Statutes, is amended to read:

163.3246 Local government comprehensive planning certification program.--

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the state land planning agency ~~Department of Community Affairs~~. The purpose of the program is to create a certification process for a local government ~~governments who identify a geographic area for certification within which they commit to directing growth and~~ who, because of a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan, an enhanced ~~the~~ level of technical planning, financial, and administrative expertise ~~experience~~

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1 ~~exhibited by the local government, and a commitment to~~
 2 ~~implement exemplary planning practices, requires ~~require~~ less~~
 3 ~~state and regional oversight of the comprehensive plan~~
 4 ~~amendment process. The purpose of the certification area is to~~
 5 ~~designate areas that are contiguous, compact, and appropriate~~
 6 ~~for urban growth and development within a 10-year planning~~
 7 ~~timeframe. Municipalities and counties are encouraged to~~
 8 ~~jointly establish the certification area, and subsequently~~
 9 ~~enter into joint certification agreement with the department.~~

10 (2) Any development within the certification area
 11 shall be consistent with the local comprehensive plan required
 12 under this part. In order to be eligible for certification
 13 under the program, the local government must:

14 (a) ~~Demonstrate a record of effectively adopting,~~
 15 ~~implementing, and enforcing its comprehensive plan;~~

16 (b) ~~Demonstrate technical, financial, and~~
 17 ~~administrative expertise to implement the provisions of this~~
 18 ~~part without state oversight;~~

19 (c) ~~Obtain Comments from the state and regional review~~
 20 ~~agencies regarding the appropriateness of the proposed~~
 21 ~~certification;~~

22 (d) ~~Hold at least one public hearing soliciting public~~
 23 ~~input concerning the local government's proposal for~~
 24 ~~certification; and~~

25 (e) ~~Demonstrate that it has adopted programs in its~~
 26 ~~local comprehensive plan and land development regulations~~
 27 ~~which:~~

28 1. ~~Promote infill development and redevelopment,~~
 29 ~~including prioritized and timely permitting processes in which~~
 30 ~~applications for local development permits within the~~
 31 ~~certification area are acted upon expeditiously for proposed~~

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- 1 ~~development that is consistent with the local comprehensive~~
- 2 ~~plan.~~
- 3 2. ~~Promote the development of housing for low income~~
- 4 ~~and very low income households or specialized housing to~~
- 5 ~~assist elderly and disabled persons to remain at home or in~~
- 6 ~~independent living arrangements.~~
- 7 3. ~~Achieve effective intergovernmental coordination~~
- 8 ~~and address the extrajurisdictional effects of development~~
- 9 ~~within the certified area.~~
- 10 4. ~~Promote economic diversity and growth while~~
- 11 ~~encouraging the retention of rural character, where rural~~
- 12 ~~areas exist, and the protection and restoration of the~~
- 13 ~~environment.~~
- 14 5. ~~Provide and maintain public urban and rural open~~
- 15 ~~space and recreational opportunities.~~
- 16 6. ~~Manage transportation and land uses to support~~
- 17 ~~public transit and promote opportunities for pedestrian and~~
- 18 ~~nonmotorized transportation.~~
- 19 7. ~~Use design principles to foster individual~~
- 20 ~~community identity, create a sense of peace, and promote~~
- 21 ~~pedestrian-oriented safe neighborhoods and town centers.~~
- 22 8. ~~Redevelop blighted areas.~~
- 23 9. ~~Adopt a local mitigation strategy and have programs~~
- 24 ~~to improve disaster preparedness and the ability to protect~~
- 25 ~~lives and property, especially in coastal high-hazard areas.~~
- 26 10. ~~Encourage clustered, mixed-use development that~~
- 27 ~~incorporates greenspace and residential development within~~
- 28 ~~walking distance of commercial development.~~
- 29 11. ~~Encourage urban infill at appropriate densities~~
- 30 ~~and intensities and separate urban and rural uses and~~
- 31 ~~discourage urban sprawl while preserving public open space and~~

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1 ~~planning for buffer-type land uses and rural development~~
2 ~~consistent with their respective character along and outside~~
3 ~~the certification area.~~

4 ~~12. Assure protection of key natural areas and~~
5 ~~agricultural lands that are identified using state and local~~
6 ~~inventories of natural areas. Key natural areas include, but~~
7 ~~are not limited to:~~

8 ~~a. Wildlife corridors.~~

9 ~~b. Lands with high native biological diversity,~~
10 ~~important areas for threatened and endangered species, species~~
11 ~~of special concern, migratory bird habitat, and intact natural~~
12 ~~communities.~~

13 ~~c. Significant surface waters and springs, aquatic~~
14 ~~preserves, wetlands, and outstanding Florida waters.~~

15 ~~d. Water resources suitable for preservation of~~
16 ~~natural systems and for water resource development.~~

17 ~~e. Representative and rare native Florida natural~~
18 ~~systems.~~

19 ~~13. Ensure the cost-efficient provision of public~~
20 ~~infrastructure and services.~~

21 (3) Before submitting an application to the state land
22 planning agency, the local government must hold at least two
23 public hearings to solicit input concerning the local
24 government's application for certification and at least one of
25 those hearings must occur with the local planning agency.
26 Local governments are also encouraged to obtain public comment
27 through workshops with neighborhood associations that are
28 conducted prior to the public hearings.

29 (4) The goal of the two public hearings required under
30 subsection (3) is to solicit input from the public on the
31 following issues:

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1 (a) Whether the local government should apply for
2 certification;

3 (b) Promotion of affordable housing or workforce
4 housing;

5 (c) The economic viability of agricultural and other
6 predominantly rural land uses, and the protection and
7 restoration of environmentally sensitive areas, while
8 recognizing private property rights;

9 (d) The provision and maintenance of public open space
10 and recreational opportunities;

11 (e) The management of transportation and land uses to
12 support public transit and promotion of pedestrian and
13 nonmotorized transportation;

14 (f) Design principles to foster individual community
15 identity, create a sense of place, and promote
16 pedestrian-oriented safe neighborhoods and town centers;

17 (g) The encouragement of clustered, mixed-use
18 development that incorporates open space or green space and
19 residential development within walking distance of commercial
20 development;

21 (h) The encouragement of urban infill and
22 redevelopment at appropriate densities and intensities and
23 separate urban and rural uses and discourage urban sprawl
24 while promoting and preserving public open space and planning
25 for buffer or transitional-type land uses and rural
26 development, which is consistent with their respective
27 character along and outside the certification area;

28 (i) The availability of public infrastructure and
29 services;

30 (j) Local hazard mitigation strategies and programs to
31 improve disaster preparedness and the ability to protect lives

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1 and property, especially in coastal high-hazard areas; and,

2 (k) Whether a development of regional impact within
3 the certification area should be exempt from state planning
4 agency review under s. 380.06.

5 (5) After the hearings required in subsection (3) but
6 before submission of the application to the state land
7 planning agency, the local government must adopt the
8 application by a majority vote of the members of the governing
9 body.

10 (6) In order to be eligible for certification under
11 the program, the local government must submit an application
12 to the state land planning agency containing the following:

13 (a) A map depicting the boundary of the proposed
14 certification area, which may include all or part of a local
15 government's jurisdiction, that represents a compact,
16 contiguous area appropriate for urban growth with available
17 central water and sewer and adequate road capacity within a
18 10-year planning timeframe;

19 (b) Copies of land development regulations, interlocal
20 agreements, and other relevant information supporting the
21 eligibility criteria for designation;

22 (c) Copies of the notice of the two public hearings
23 required under subsection (3) and the record or minutes of
24 those proceedings; and,

25 (d) A statement on whether the local government wants
26 to exempt developments of regional impact from state planning
27 agency review under s. 380.06.

28 (7) The state land planning agency shall consider the
29 local government's record of effectively adopting,
30 implementing, and enforcing its comprehensive plan in
31 determining the local government's eligibility for

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1 certification. In addition, the state land planning agency
 2 shall consider the level of technical, financial, and
 3 administrative expertise that the local government has
 4 available to implement the provisions of this part without
 5 state oversight of individual plan amendments.

6 (8) A state or regional review agency may submit
 7 comments regarding the appropriateness of the proposed
 8 certification area to the state land planning agency within 30
 9 days after the local government submits its application.

10 (9) An area~~(3) Portions of local governments located~~
 11 ~~within areas~~ of critical state concern, as designated under s.
 12 380.05, cannot be included in a certification area.

13 ~~(4) A local government or group of local governments~~
 14 ~~seeking certification of all or part of a jurisdiction or~~
 15 ~~jurisdictions must submit an application to the department~~
 16 ~~which demonstrates that the area sought to be certified meets~~
 17 ~~the criteria of subsections (2) and (5). The application shall~~
 18 ~~include copies of the applicable local government~~
 19 ~~comprehensive plan, land development regulations, interlocal~~
 20 ~~agreements, and other relevant information supporting the~~
 21 ~~eligibility criteria for designation.~~

22 (10) Upon receipt of a complete application, the state
 23 land planning agency ~~department~~ must provide the local
 24 government with an initial response to the application within
 25 90 days after receipt of the application.

26 (11)~~(5)~~ If the local government meets the eligibility
 27 criteria of subsections ~~subsection~~(6) and (7)~~(2)~~, the state
 28 land planning agency ~~department~~ shall provide a written notice
 29 of certification for the portion of a local government's
 30 jurisdiction that is within the certification area ~~certify all~~
 31 ~~or part of a local government by written agreement, which~~

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1 shall be considered final agency action subject to challenge
2 under s. 120.569. The written notice ~~agreement~~ must include
3 the following components:

4 (a) The boundary of the certification area ~~basis for~~
5 ~~certification.~~

6 (b) A requirement that the local government shall
7 submit either an annual or biennial monitoring report to the
8 state land planning agency according to the schedule provided
9 in the written notice. The monitoring report shall, at a
10 minimum, include the number of amendments to the comprehensive
11 plan adopted by the local government, the number of plan
12 amendments challenged by an affected person, and the
13 disposition of those challenges. ~~The boundary of the~~
14 ~~certification area, which encompasses areas that are~~
15 ~~contiguous, compact, appropriate for urban growth and~~
16 ~~development, and in which public infrastructure is existing or~~
17 ~~planned within a 10-year planning timeframe. The certification~~
18 ~~area is required to include sufficient land to accommodate~~
19 ~~projected population growth, housing demand, including choice~~
20 ~~in housing types and affordability, job growth and employment,~~
21 ~~appropriate densities and intensities of use to be achieved in~~
22 ~~new development and redevelopment, existing or planned~~
23 ~~infrastructure, including transportation and central water and~~
24 ~~sewer facilities. The certification area must be adopted as~~
25 ~~part of the local government's comprehensive plan.~~

26 (c) ~~A demonstration that the capital improvements plan~~
27 ~~governing the certified area is updated annually.~~

28 (d) ~~A visioning plan or a schedule for the development~~
29 ~~of a visioning plan.~~

30 (e) ~~A description of baseline conditions related to~~
31 ~~the evaluation criteria in paragraph (g) in the certified~~

1 ~~area.~~

2 ~~(f) A work program setting forth specific planning~~
3 ~~strategies and projects that will be undertaken to achieve~~
4 ~~improvement in the baseline conditions as measured by the~~
5 ~~criteria identified in paragraph (g).~~

6 ~~(g) Criteria to evaluate the effectiveness of the~~
7 ~~certification process in achieving the community development~~
8 ~~goals for the certification area including:~~

9 ~~1. Measuring the compactness of growth, expressed as~~
10 ~~the ratio between population growth and land consumed;~~

11 ~~2. Increasing residential density and intensities of~~
12 ~~use;~~

13 ~~3. Measuring and reducing vehicle miles traveled and~~
14 ~~increasing the interconnectedness of the street system,~~
15 ~~pedestrian access, and mass transit;~~

16 ~~4. Measuring the balance between the location of jobs~~
17 ~~and housing;~~

18 ~~5. Improving the housing mix within the certification~~
19 ~~area, including the provision of mixed-use neighborhoods,~~
20 ~~affordable housing, and the creation of an affordable housing~~
21 ~~program if such a program is not already in place;~~

22 ~~6. Promoting mixed-use developments as an alternative~~
23 ~~to single-purpose centers;~~

24 ~~7. Promoting clustered development having dedicated~~
25 ~~open space;~~

26 ~~8. Linking commercial, educational, and recreational~~
27 ~~uses directly to residential growth;~~

28 ~~9. Reducing per capita water and energy consumption;~~

29 ~~10. Prioritizing environmental features to be~~
30 ~~protected and adopting measures or programs to protect~~
31 ~~identified features;~~

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1 ~~11. Reducing hurricane shelter deficits and evacuation~~
2 ~~times and implementing the adopted mitigation strategies; and~~

3 ~~12. Improving coordination between the local~~
4 ~~government and school board.~~

5 ~~(h) A commitment to change any land development~~
6 ~~regulations that restrict compact development and adopt~~
7 ~~alternative design codes that encourage desirable densities~~
8 ~~and intensities of use and patterns of compact development~~
9 ~~identified in the agreement.~~

10 ~~(i) A plan for increasing public participation in~~
11 ~~comprehensive planning and land use decisionmaking which~~
12 ~~includes outreach to neighborhood and civic associations~~
13 ~~through community planning initiatives.~~

14 ~~(j) A demonstration that the intergovernmental~~
15 ~~coordination element of the local government's comprehensive~~
16 ~~plan includes joint processes for coordination between the~~
17 ~~school board and local government pursuant to s.~~
18 ~~163.3177(6)(h)2. and other requirements of law.~~

19 ~~(k) A method of addressing the extrajurisdictional~~
20 ~~effects of development within the certified area which is~~
21 ~~integrated by amendment into the intergovernmental~~
22 ~~coordination element of the local government comprehensive~~
23 ~~plan.~~

24 ~~(l) A requirement for the annual reporting to the~~
25 ~~department of plan amendments adopted during the year, and the~~
26 ~~progress of the local government in meeting the terms and~~
27 ~~conditions of the certification agreement. Prior to the~~
28 ~~deadline for the annual report, the local government must hold~~
29 ~~a public hearing soliciting public input on the progress of~~
30 ~~the local government in satisfying the terms of the~~
31 ~~certification agreement.~~

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1 ~~(m) An expiration date that is no later than 10 years~~
2 ~~after execution of the agreement.~~

3 ~~(12)(6) The department may enter up to eight new~~
4 ~~certification agreements each fiscal year. The state land~~
5 ~~planning agency department shall adopt procedural rules~~
6 governing the application and review of local government
7 requests for certification. Such procedural rules may
8 establish a phased schedule for review of local government
9 requests for certification.

10 ~~(13)(7) The state land planning agency department~~
11 shall revoke the local government's certification if it
12 determines that the local government is not substantially
13 complying with the terms of the written notice required under
14 subsection (11) or this section agreement.

15 ~~(14)(8) An affected person, as defined by s.~~
16 163.3184(1)(a), may petition for administrative hearing
17 alleging that a local government is not substantially
18 complying with the terms of the written notice required under
19 subsection (11) or this section agreement, using the
20 procedures and timeframes for notice and conditions precedent
21 described in s. 163.3215 ~~163.3213~~. ~~Such a petition must be~~
22 ~~filed within 30 days after the annual public hearing required~~
23 ~~by paragraph (5)(1).~~

24 ~~(15)(9)(a) Upon certification all comprehensive plan~~
25 amendments associated with the area certified must be adopted
26 and reviewed in the manner described in ss. 163.3184(1), (2),
27 (7), (14), (15), and (16) and 163.3187, such that state and
28 regional agency review is eliminated. The state land planning
29 agency department may not issue any objections,
30 recommendations, and comments report on proposed plan
31 amendments or a notice of intent on adopted plan amendments;

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1 however, affected persons, as defined by s. 163.3184(1)(a),
 2 may file a petition for administrative review pursuant to the
 3 requirements of s. 163.3187(3)(a) to challenge the compliance
 4 of an adopted plan amendment.

5 (b) If it is determined that the adopted plan
 6 amendment is not in compliance and the amendment is not the
 7 subject of a pending appeal and the timeframe for filing an
 8 appeal has expired, the state land planning agency shall
 9 revoke the local government's certification. The local
 10 government may not apply for certification for a period of 3
 11 years after the date of revocation.

12 (c)(b) Plan amendments that change the boundaries of
 13 the certification area; propose a rural land stewardship area
 14 pursuant to s. 163.3177(11)(d); propose an optional sector
 15 plan pursuant to s. 163.3245; propose a school facilities
 16 element; update a comprehensive plan based on an evaluation
 17 and appraisal report that has not been determined sufficient
 18 by the state land planning agency; impact lands outside the
 19 certification boundary; ~~implement new statutory requirements~~
 20 that require specific comprehensive plan amendments; or,
 21 increase hurricane evacuation times or the need for shelter
 22 capacity on lands within the coastal high hazard area, shall
 23 be reviewed pursuant to ss. 163.3184 and 163.3187.

24 (16) If a local government does not request in its
 25 application for certification that the state land planning
 26 agency review proposed developments of regional impact within
 27 the certified area, an application for development order
 28 approval within the certified area is exempt from review under
 29 s. 380.06.

30 (17) A certified local government shall transmit each
 31 adopted plan amendment to the state land planning agency.

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1 (18) Each local government that is certified by the
 2 state land planning agency before July 1, 2005, is
 3 reauthorized and remains a certified local government. The
 4 state land planning agency shall send the local governments a
 5 written notice of certification as required in subsection
 6 (11).

7 ~~(19)(10)~~ A local government's certification shall be
 8 reviewed by the local government and the state land planning
 9 agency department as part of the evaluation and appraisal
 10 process pursuant to s. 163.3191. ~~Within 1 year after the~~
 11 ~~deadline for the local government to update its comprehensive~~
 12 ~~plan based on the evaluation and appraisal report, the~~
 13 ~~department shall renew or revoke the certification.~~

14 (20) The local government's failure to adopt a timely
 15 evaluation and appraisal report, failure to adopt an
 16 evaluation and appraisal report found to be sufficient, or
 17 failure to timely adopt amendments based on an evaluation and
 18 appraisal report found to be in compliance by the state land
 19 planning agency department shall be cause for revoking the
 20 certification agreement. The state land planning agency's
 21 ~~department's~~ decision to renew or revoke shall be considered
 22 agency action subject to challenge under s. 120.569.

23 ~~(11)~~ ~~The department shall, by July 1 of each~~
 24 ~~odd-numbered year, submit to the Governor, the President of~~
 25 ~~the Senate, and the Speaker of the House of Representatives a~~
 26 ~~report listing certified local governments, evaluating the~~
 27 ~~effectiveness of the certification, and including any~~
 28 ~~recommendations for legislative actions.~~

29 ~~(21)(12)~~ The Office of Program Policy Analysis and
 30 Government Accountability shall prepare a report evaluating
 31 the certification program, which shall be submitted to the

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1 Governor, the President of the Senate, and the Speaker of the
2 House of Representatives by December 1, 2007.

3 Section 2. Paragraph (a) of subsection (2) and
4 subsection (6) of section 212.055, Florida Statutes, are
5 amended, and a new subsection (8) is added, to read:

6 212.055 Discretionary sales surtaxes; legislative
7 intent; authorization and use of proceeds.--It is the
8 legislative intent that any authorization for imposition of a
9 discretionary sales surtax shall be published in the Florida
10 Statutes as a subsection of this section, irrespective of the
11 duration of the levy. Each enactment shall specify the types
12 of counties authorized to levy; the rate or rates which may be
13 imposed; the maximum length of time the surtax may be imposed,
14 if any; the procedure which must be followed to secure voter
15 approval, if required; the purpose for which the proceeds may
16 be expended; and such other requirements as the Legislature
17 may provide. Taxable transactions and administrative
18 procedures shall be as provided in s. 212.054.

19 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

20 (a)1. The governing authority in each county may levy
21 a discretionary sales surtax of 0.5 percent or 1 percent. The
22 levy of the surtax shall be pursuant to ordinance enacted by a
23 majority of the members of the county governing authority or
24 ~~and~~ approved by a majority of the electors of the county
25 voting in a referendum on the surtax. If the governing bodies
26 of the municipalities representing a majority of the county's
27 population adopt uniform resolutions establishing the rate of
28 the surtax and calling for a referendum on the surtax, the
29 levy of the surtax shall be placed on the ballot and shall
30 take effect if approved by a majority of the electors of the
31 county voting in the referendum on the surtax.

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1 for fixed capital expenditures or fixed capital costs
 2 associated with the construction, reconstruction, or
 3 improvement of school facilities and campuses which have a
 4 useful life expectancy of 5 or more years, and any land
 5 acquisition, land improvement, design, and engineering costs
 6 related thereto. Additionally, the plan shall include the
 7 costs of retrofitting and providing for technology
 8 implementation, including hardware and software, for the
 9 various sites within the school district. Surtax revenues may
 10 be used for the purpose of servicing bond indebtedness to
 11 finance projects authorized by this subsection, and any
 12 interest accrued thereto may be held in trust to finance such
 13 projects. Neither the proceeds of the surtax nor any interest
 14 accrued thereto shall be used for operational expenses.

15 (d) Any school board receiving proceeds from ~~imposing~~
 16 the surtax shall implement a freeze on noncapital local school
 17 property taxes, at the millage rate imposed in the year prior
 18 to the implementation of the surtax, for a period of at least
 19 3 years from the date of imposition of the surtax. This
 20 provision shall not apply to existing debt service or required
 21 state taxes.

22 (e) Surtax revenues collected by the Department of
 23 Revenue pursuant to this subsection shall be distributed to
 24 the school board imposing the surtax in accordance with law.

25 (8) Before levying a tax or extending a tax under
 26 subsections (2) and (6), a county must establish a citizens'
 27 review and oversight board for the purposes of enhancing
 28 public participation in the development of a plan for the use
 29 of the tax proceeds and increasing local government
 30 accountability relating to the expenditure of the tax proceeds
 31 to implement the plan. The governing body of the local

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1 government levying the tax shall appoint members to the board
 2 who represent business interests, transportation interests,
 3 planning professionals, neighborhood associations, and other
 4 interested parties. If the local government is levying a
 5 surtax under subsection (6), the board shall also include
 6 members that represent the school district.

7 (a) The board shall hold meetings quarterly or at the
 8 request of the local governing body. A quorum shall consist of
 9 a majority of the board members and is necessary to take any
 10 action regarding recommendations to the governing body of the
 11 local government.

12 (b) The local government shall provide staff support
 13 to the board for its meetings. All board meetings held
 14 pursuant to this subsection are open to the public and minutes
 15 of the meeting shall be made available to the public.

16 Section 3. Paragraph (b) of subsection (1) of section
 17 336.025, Florida Statutes, is amended to read:

18 336.025 County transportation system; levy of local
 19 option fuel tax on motor fuel and diesel fuel.--

20 (1)

21 (b) In addition to other taxes allowed by law, there
 22 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
 23 3-cent, 4-cent, or 5-cent local option fuel tax upon every
 24 gallon of motor fuel sold in a county and taxed under the
 25 provisions of part I of chapter 206. The tax shall be levied
 26 by an ordinance adopted by a majority ~~plus one~~ vote of the
 27 membership of the governing body of the county or by
 28 referendum.

29 1. All impositions and rate changes of the tax shall
 30 be levied before July 1, to be effective January 1 of the
 31 following year. However, levies of the tax which were in

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1 effect on July 1, 2002, and which expire on August 31 of any
2 year may be reimposed at the current authorized rate effective
3 September 1 of the year of expiration.

4 2. The county may, prior to levy of the tax, establish
5 by interlocal agreement with one or more municipalities
6 located therein, representing a majority of the population of
7 the incorporated area within the county, a distribution
8 formula for dividing the entire proceeds of the tax among
9 county government and all eligible municipalities within the
10 county. If no interlocal agreement is adopted before the
11 effective date of the tax, tax revenues shall be distributed
12 pursuant to the provisions of subsection (4). If no interlocal
13 agreement exists, a new interlocal agreement may be
14 established prior to June 1 of any year pursuant to this
15 subparagraph. However, any interlocal agreement agreed to
16 under this subparagraph after the initial levy of the tax or
17 change in the tax rate authorized in this section shall under
18 no circumstances materially or adversely affect the rights of
19 holders of outstanding bonds which are backed by taxes
20 authorized by this paragraph, and the amounts distributed to
21 the county government and each municipality shall not be
22 reduced below the amount necessary for the payment of
23 principal and interest and reserves for principal and interest
24 as required under the covenants of any bond resolution
25 outstanding on the date of establishment of the new interlocal
26 agreement.

27 3. County and municipal governments shall use moneys
28 received pursuant to this paragraph for transportation
29 expenditures needed to meet the requirements of the capital
30 improvements element of an adopted comprehensive plan or for
31 expenditures needed to meet immediate local transportation

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1 | problems and for other transportation-related expenditures
 2 | that are critical for building comprehensive roadway networks
 3 | by local governments. For purposes of this paragraph,
 4 | expenditures for the construction of new roads, the
 5 | reconstruction or resurfacing of existing paved roads, or the
 6 | paving of existing graded roads shall be deemed to increase
 7 | capacity and such projects shall be included in the capital
 8 | improvements element of an adopted comprehensive plan.
 9 | Expenditures for purposes of this paragraph shall not include
 10 | routine maintenance of roads.

11 | Section 4. Section 201.032, Florida Statutes, is
 12 | created to read:

13 | 201.032 Local option real estate transfer surtax on
 14 | deeds; conditions of levy; use of proceeds.--

15 | (1) Subject to subsections (9) and (10), the governing
 16 | authority of a county may levy a surtax on documents that are
 17 | taxed under s. 201.02, at a rate not exceeding 5 cents on each
 18 | \$100 or fractional part thereof of the consideration for the
 19 | real estate or interest therein. The grantor of the real
 20 | estate or interest therein shall pay the surtax.

21 | (2) The levy of the surtax shall be pursuant to an
 22 | ordinance conditioned to take effect only upon approval by a
 23 | majority vote of the electors of the county voting in a
 24 | referendum or pursuant to an ordinance enacted by an
 25 | extraordinary vote of the governing authority of the county.
 26 | The governing authority of the county must hold a public
 27 | hearing at least 2 weeks before the formal adoption of the
 28 | ordinance.

29 | (3) The governing authority of the county shall notify
 30 | the Department of Revenue within 10 days after final adoption
 31 | by ordinance or referendum of an imposition, termination, or

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1 rate change of the surtax. The notice must specify the period
 2 during which the surtax will be in effect and the rate of the
 3 surtax and must include a copy of the ordinance and such other
 4 information as the department requires by rule. Failure to
 5 timely provide such notification to the department shall
 6 result in the delay of the effective date of the surtax for a
 7 period of 1 year. A surtax or an increase or decrease in the
 8 rate of the surtax must take effect on January 1 and must
 9 terminate on December 31.

10 (4) If the surtax is conditioned to take effect only
 11 upon approval by a majority vote of the electors of the county
 12 voting in a referendum, the county governing authority shall
 13 place on the ballot a statement that includes a brief general
 14 description of the projects to be funded by the surtax and
 15 that conforms to the requirements of s. 101.161 and reads as
 16 follows:

17 FOR the surtax

18 AGAINST the surtax

19 (5) Proceeds of the surtax may be used only to provide
 20 infrastructure necessary to implement adopted local government
 21 comprehensive plans. As used in this subsection, the term
 22 "infrastructure" means any fixed capital expenditure or fixed
 23 capital outlay associated with the construction,
 24 reconstruction, or improvement of public facilities that have
 25 a life expectancy of 5 or more years and any land acquisition
 26 or land improvement, design, or engineering costs related
 27 thereto.

28 (6) Proceeds of the surtax may be pledged by the
 29 governing authority of the county to pay principal and
 30 interest on bonds issued for the provision of infrastructure
 31 pursuant to subsection (5). If the proceeds are pledged to

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1 secure principal and interest due on such bonds, the pledge
 2 constitutes a valid and legally binding contract between the
 3 governing authority of the county and the bondholders, and the
 4 governing authority of the county must continue to levy the
 5 surtax as long as any bonds are outstanding.

6 (7) The Department of Revenue shall administer the
 7 surtax pursuant to s. 201.11. Section 201.15 does not apply to
 8 this surtax. A portion of the tax proceeds, not to exceed 1
 9 percent, may be used to pay the department's cost of
 10 collection and enforcement of the surtax.

11 (8) The governing authority of a county that receives
 12 the proceeds of the surtax authorized by this section may not
 13 apply the proceeds of the surtax, or any other funds
 14 designated as capital outlay funds, to operating costs. Each
 15 governing authority of the county that levies a surtax shall,
 16 within 90 days after the close of its fiscal year, submit to
 17 the Department of Financial Services a financial report that
 18 contains information showing the use of the surtax proceeds.

19 (9) If the governing authority of a county does not
 20 impose an impact fee and chooses to levy the surtax pursuant
 21 to this section, the governing authority of the county may not
 22 levy any impact fee until the ordinance imposing this surtax
 23 has been rescinded and all obligations against which the
 24 surtax revenues have been pledged are satisfied.

25 (10) If the governing authority of a county imposes a
 26 surtax pursuant to this section, the governing authority may
 27 not increase the rate of any impact fee beyond the rate
 28 imposed on January 1, 2003, and may not impose an additional
 29 impact fee until the ordinance imposing this surtax has been
 30 rescinded and all obligations against which the surtax
 31 revenues have been pledged are satisfied.

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1 (11) The Department of Revenue shall adopt rules
2 pursuant to ss. 120.536(1) and 120.54 to design, prepare,
3 print, and adopt forms to implement and enforce the provisions
4 of this section. Such forms must be used and recorded on any
5 document that conveys a specific interest in real property,
6 pursuant to the requirements of this section, in the county
7 imposing the surtax. At the time of recording, the surtax must
8 be paid to the clerk of the court. The clerk shall collect and
9 remit the surtax to the Department of Revenue for distribution
10 to the county levying the surtax. The clerk may retain 1
11 percent of the surtax paid as a service charge of the clerk's
12 office.

13 (12) The Department of Revenue may adopt emergency
14 rules under ss. 120.536(1) and 120.54(4) to implement and
15 enforce the provisions of s. 201.032. The emergency rules
16 shall remain in effect until the adoption of permanent rules
17 as provided in s. 201.032.

18 (13) Taxes imposed by this section do not apply to a
19 deed, transfer, or conveyance between spouses or former
20 spouses pursuant to an action for dissolution of marriage
21 wherein the real property is or was their marital home or an
22 interest therein. Taxes paid pursuant to this section shall be
23 refunded in those cases in which a deed, transfer, or
24 conveyance occurred 1 year before a dissolution of marriage.
25 This subsection applies in spite of any consideration as
26 defined in subsection (1).

Section 5. This act shall take effect July 1, 2005

=====T I T L E A M E N D M E N T=====

And the title is amended as follows:

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1 Delete everything before the enacting clause, delete

2

3 and insert:

4 An act relating to local government; amending
5 s. 163.3246, F.S.; revising various provisions
6 of the Local Government Comprehensive Planning
7 Certification Program; specifying the duties of
8 the state land planning agency rather than the
9 Department of Community Affairs in order to
10 conform to other provisions governing planning
11 and development; revising the requirements for
12 a local government to obtain certification
13 under the program; requiring that the local
14 government develop a map, certain plans, and
15 disaster strategies; revising requirements for
16 public hearings; deleting provisions limiting
17 the number of certification agreements each
18 fiscal year; revising the requirements for
19 filing a petition for an administration hearing
20 concerning an agreement; providing that an
21 application for development approval within a
22 certified area is exempt from review as a
23 development of regional impact if a local
24 government does not request review of such
25 development in its application for
26 certification; deleting provisions requiring a
27 biennial report to the Governor and Legislature
28 by the state land planning agency; amending s.
29 212.055, F.S.; authorizing the levy of the
30 local government infrastructure ; authorizing a
31 majority of a county's governing body to levy

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1 the school capital outlay surtax with certain
2 limitations; requiring a citizens' review and
3 oversight board for the levy of certain
4 surtaxes; amending s. 336.025, F.S.; providing
5 for the local option fuel tax to be levied by a
6 majority of the governing body of the county
7 rather than by a super majority of the
8 governing body; creating s. 201.032, F.S.;
9 authorizing county governing authorities, by
10 ordinance, to levy a surtax on deeds and other
11 documents taxed under s. 201.02, F.S.;
12 establishing a maximum rate of the surtax;
13 requiring the grantor to pay the surtax;
14 exempting certain documents from the surtax;
15 requiring that the surtax be approved by
16 referendum or adopted by an extraordinary vote
17 of the governing authority; requiring the
18 governing authority to notify the Department of
19 Revenue of the imposition, termination, or rate
20 change of the surtax; restricting the effective
21 dates for imposing a surtax or changing the tax
22 rate; requiring a ballot statement and
23 providing a format; providing for the use of
24 surtax proceeds; requiring the Department of
25 Revenue to administer the surtax and providing
26 for administrative costs of the department;
27 exempting the surtax from s. 201.15, F.S.,
28 relating to distribution; restricting uses of
29 the surtax proceeds; requiring a report to the
30 Department of Financial Services; restricting
31 the imposition or increase of other impact fees

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1 if the governing authority imposes the surtax;
2 requiring the Department of Revenue to adopt
3 forms; requiring the use of such forms when the
4 surtax is paid; authorizing the clerk of the
5 court to collect a fee; authorizing the
6 Department of Revenue to adopt emergency rules;
7 providing an exception when there is a
8 dissolution of marriage; providing an effective
9 date.

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