

By the Committee on Domestic Security; and Senator Bennett

583-1710-06

1 A bill to be entitled

2 An act relating to tax benefits related to

3 catastrophic emergencies; amending s. 212.055,

4 F.S.; including as infrastructure any fixed

5 capital expenditure or fixed capital outlay

6 associated with the improvement of certain

7 private facilities that the owner agrees to

8 make available as a public emergency shelter or

9 staging area for emergency response equipment

10 during emergencies declared by the state or

11 local government; requiring that improvements

12 be limited to those necessary to meet current

13 standards for public emergency evacuation

14 shelters; requiring the owner to enter into a

15 written contract with the local government

16 providing improvement funding; amending s.

17 212.03, F.S.; providing that the temporary

18 rental or lease of residential quarters to

19 individuals who have been displaced by a

20 hurricane or other catastrophic disaster is not

21 subject to the transient rentals tax under this

22 section; providing for rulemaking by the

23 Department of Revenue; providing an effective

24 date.

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

28 Section 1. Paragraph (d) of subsection (2) of section

29 212.055, Florida Statutes, is amended to read.

30 212.055 Discretionary sales surtaxes; legislative

31 intent; authorization and use of proceeds.--It is the

1 legislative intent that any authorization for imposition of a
2 discretionary sales surtax shall be published in the Florida
3 Statutes as a subsection of this section, irrespective of the
4 duration of the levy. Each enactment shall specify the types
5 of counties authorized to levy; the rate or rates which may be
6 imposed; the maximum length of time the surtax may be imposed,
7 if any; the procedure which must be followed to secure voter
8 approval, if required; the purpose for which the proceeds may
9 be expended; and such other requirements as the Legislature
10 may provide. Taxable transactions and administrative
11 procedures shall be as provided in s. 212.054.

12 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

13 (d)1. The proceeds of the surtax authorized by this
14 subsection and any interest accrued thereto shall be expended
15 by the school district or within the county and municipalities
16 within the county, or, in the case of a negotiated joint
17 county agreement, within another county, to finance, plan, and
18 construct infrastructure and to acquire land for public
19 recreation or conservation or protection of natural resources
20 and to finance the closure of county-owned or municipally
21 owned solid waste landfills that are already closed or are
22 required to close by order of the Department of Environmental
23 Protection. Any use of such proceeds or interest for purposes
24 of landfill closure prior to July 1, 1993, is ratified.
25 Neither the proceeds nor any interest accrued thereto shall be
26 used for operational expenses of any infrastructure, except
27 that any county with a population of less than 75,000 that is
28 required to close a landfill by order of the Department of
29 Environmental Protection may use the proceeds or any interest
30 accrued thereto for long-term maintenance costs associated
31 with landfill closure. Counties, as defined in s. 125.011(1),

1 and charter counties may, in addition, use the proceeds and
2 any interest accrued thereto to retire or service indebtedness
3 incurred for bonds issued prior to July 1, 1987, for
4 infrastructure purposes, and for bonds subsequently issued to
5 refund such bonds. Any use of such proceeds or interest for
6 purposes of retiring or servicing indebtedness incurred for
7 such refunding bonds prior to July 1, 1999, is ratified.

8 2. For the purposes of this paragraph, the term
9 "infrastructure" means:

10 a. Any fixed capital expenditure or fixed capital
11 outlay associated with the construction, reconstruction, or
12 improvement of public facilities ~~that~~ which have a life
13 expectancy of 5 or more years and any land acquisition, land
14 improvement, design, and engineering costs related thereto.

15 b. A fire department vehicle, an emergency medical
16 service vehicle, a sheriff's office vehicle, a police
17 department vehicle, or any other vehicle, and such equipment
18 necessary to outfit the vehicle for its official use or
19 equipment that has a life expectancy of at least 5 years.

20 c. Any expenditure for the construction, lease, or
21 maintenance of, or provision of utilities or security for,
22 facilities as defined in s. 29.008.

23 d. Any fixed capital expenditure or fixed capital
24 outlay associated with the improvement of private facilities
25 that have a life expectancy of 5 or more years and that the
26 owner agrees to make available for use on a temporary basis as
27 needed by a local government as a public emergency shelter or
28 a staging area for emergency response equipment during an
29 emergency officially declared by the state or by the local
30 government under s. 252.38. Such improvements under this
31 subsection are limited to those necessary to comply with

1 current standards for public emergency evacuation shelters.
2 The owner shall enter into a written contract with the local
3 government providing the improvement funding to make such
4 private facility available to the public for purposes of
5 emergency shelter at no cost to the local government for a
6 minimum period of 10 years after completion of the
7 improvement, with the provision that such obligation will
8 transfer to any subsequent owner until the end of the minimum
9 period.

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

22 Section 2. Subsection (1) of section 212.03, Florida
23 Statutes, is amended to read:

24 212.03 Transient rentals tax; rate, procedure,
25 enforcement, exemptions.--

26 (1) It is hereby declared to be the legislative intent
27 that every person is exercising a taxable privilege who
28 engages in the business of renting, leasing, letting, or
29 granting a license to use any living quarters or sleeping or
30 housekeeping accommodations in, from, or a part of, or in
31 connection with any hotel, apartment house, roominghouse, or

1 | tourist or trailer camp. However, any person who rents,
2 | leases, lets, or grants a license to others to use, occupy, or
3 | enter upon any living quarters or sleeping or housekeeping
4 | accommodations in apartment houses, roominghouses, tourist
5 | camps, or trailer camps, and who exclusively enters into a
6 | bona fide written agreement for continuous residence for
7 | longer than 6 months in duration at such property is not
8 | exercising a taxable privilege. Moreover, a person who rents,
9 | leases, lets, or grants a license to use, occupy, or enter
10 | upon any living quarters or sleeping or housekeeping
11 | accommodations in apartment houses, roominghouses, tourist
12 | camps, or trailer camps to an individual who has been
13 | displaced from his or her permanent residence, as defined in
14 | s. 196.012, due to a hurricane or other catastrophic disaster,
15 | as defined in s. 252.34, occurring in this state is not
16 | exercising a taxable privilege if the displaced individual
17 | provides to his or her landlord such proof as the Department
18 | of Revenue requires, by rule, that such a catastrophe is the
19 | cause of the individual's need for temporary housing. For the
20 | exercise of such taxable privilege, a tax is hereby levied in
21 | an amount equal to 6 percent of and on the total rental
22 | charged for such living quarters or sleeping or housekeeping
23 | accommodations by the person charging or collecting the
24 | rental. Such tax shall apply to hotels, apartment houses,
25 | roominghouses, or tourist or trailer camps whether or not
26 | there is in connection with any of the same any dining rooms,
27 | cafes, or other places where meals or lunches are sold or
28 | served to guests.

29 | Section 3. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1018

The committee substitute provides limitations on Local Government Infrastructure Surtax funds expended to improve private facilities for use as temporary public emergency shelters. Such funds shall only be used to bring a private facility up to current public emergency shelter standards. In return for this funding the owner agrees to enter into a contract to make the facility available as a temporary public emergency shelter as needed by local government for a minimum period of 10 years. Temporary use of the facility will be at no cost to the local government and the obligation must transfer to any subsequent owner until completion of the minimum period.

The committee substitute inserts language to precisely define the terms "permanent residence" and "catastrophic disaster" by reference to other sections of Florida Statutes thereby clarifying who may be eligible for exemption from the Transient Rentals Tax.