

Bill No. CS for SB 1766

Barcode 282140

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity  
(Sebesta) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 27, between lines 14 and 15,

insert:

Section 12. Subsection (1) of section 212.055, Florida  
Statutes, is amended, and subsection (8) is added to that  
section, to read:

212.055 Discretionary sales surtaxes; legislative  
intent; authorization and use of proceeds.--It is the  
legislative intent that any authorization for imposition of a  
discretionary sales surtax shall be published in the Florida  
Statutes as a subsection of this section, irrespective of the  
duration of the levy. Each enactment shall specify the types  
of counties authorized to levy; the rate or rates which may be  
imposed; the maximum length of time the surtax may be imposed,  
if any; the procedure which must be followed to secure voter  
approval, if required; the purpose for which the proceeds may  
be expended; and such other requirements as the Legislature

Bill No. CS for SB 1766

Barcode 282140

1 may provide. Taxable transactions and administrative  
2 procedures shall be as provided in s. 212.054.

3 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM  
4 SURTAX.--

5 (a) Each charter county which adopted a charter prior  
6 to January 1, 1984, and each county the government of which is  
7 consolidated with that of one or more municipalities, may levy  
8 a discretionary sales surtax, subject to approval by a  
9 majority vote of the electorate of the county or by a charter  
10 amendment approved by a majority vote of the electorate of the  
11 county.

12 (b) The rate shall be up to 1 percent.

13 (c) The proposal to adopt a discretionary sales surtax  
14 as provided in this subsection and to create a trust fund  
15 within the county accounts shall be placed on the ballot in  
16 accordance with law at a time to be set at the discretion of  
17 the governing body or pursuant to initiative petition, if  
18 provided for in the county's charter.

19 (d) Proceeds from the surtax shall be applied to as  
20 many or as few of the uses enumerated below in whatever  
21 combination the county commission deems appropriate:

22 1. Deposited by the county in the trust fund and shall  
23 be used for the purposes of development, construction,  
24 equipment, maintenance, operation, supportive services,  
25 including a countywide bus system, and related costs of a  
26 fixed guideway rapid transit system;

27 2. Remitted by the governing body of the county to an  
28 expressway or transportation authority created by law to be  
29 used, at the discretion of such authority, for the  
30 development, construction, operation, or maintenance of roads  
31 or bridges in the county, for the operation and maintenance of

Bill No. CS for SB 1766

Barcode 282140

1 a bus system, for the payment of principal and interest on  
 2 existing bonds issued for the construction of such roads or  
 3 bridges, and, upon approval by the county commission, such  
 4 proceeds may be pledged for bonds issued to refinance existing  
 5 bonds or new bonds issued for the construction of such roads  
 6 or bridges;

7           3. Used by the charter county for the development,  
 8 construction, operation, and maintenance of roads and bridges  
 9 in the county; for the expansion, operation, and maintenance  
 10 of bus and fixed guideway systems; and for the payment of  
 11 principal and interest on bonds issued for the construction of  
 12 fixed guideway rapid transit systems, bus systems, roads, or  
 13 bridges; and such proceeds may be pledged by the governing  
 14 body of the county for bonds issued to refinance existing  
 15 bonds or new bonds issued for the construction of such fixed  
 16 guideway rapid transit systems, bus systems, roads, or bridges  
 17 and no more than 25 percent used for nontransit uses; ~~and~~

18           4. Used by the charter county for the planning,  
 19 development, construction, operation, and maintenance of roads  
 20 and bridges in the county; for the planning, development,  
 21 expansion, operation, and maintenance of bus and fixed  
 22 guideway systems; and for the payment of principal and  
 23 interest on bonds issued for the construction of fixed  
 24 guideway rapid transit systems, bus systems, roads, or  
 25 bridges; and such proceeds may be pledged by the governing  
 26 body of the county for bonds issued to refinance existing  
 27 bonds or new bonds issued for the construction of such fixed  
 28 guideway rapid transit systems, bus systems, roads, or  
 29 bridges. Pursuant to an interlocal agreement entered into  
 30 pursuant to chapter 163, the governing body of the charter  
 31 county may distribute proceeds from the tax to a municipality,

Bill No. CS for SB 1766

Barcode 282140

1 or an expressway or transportation authority created by law to  
2 be expended for the purpose authorized by this paragraph;

3 5. Used by the charter county to fund regionally  
4 significant transportation projects that are identified in a  
5 regional transportation plan developed in accordance with s.  
6 339.155(5) or to provide matching funds for the Transportation  
7 Regional Incentive Program in accordance with s. 339.2819 or  
8 the New Starts Transit Program, as provided in s. 341.051; and

9 6. Used by the charter county to fund projects  
10 identified in a capital improvements element of a  
11 comprehensive plan that has been determined to be in  
12 compliance with part II of chapter 163 or to implement a  
13 long-term concurrency management system adopted by a local  
14 government in accordance with s. 163.3177(3) or (9).

15 (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

16 (a) The governing authority of a county that is not  
17 authorized to levy a discretionary sales surtax pursuant to  
18 subsection (1) may levy a discretionary sales surtax pursuant  
19 to ordinance enacted by a majority of the members of the  
20 county governing authority and subject to approval by a  
21 majority vote of the electorate of the county.

22 (b) The rate shall be up to 1 percent.

23 (c) If the proposal to adopt a discretionary sales  
24 surtax is to be adopted by a referendum as provided in this  
25 subsection, such proposal shall be placed on the ballot in  
26 accordance with law at a time to be set at the discretion of  
27 the governing body of the county.

28 (d) Proceeds from the surtax shall be distributed to  
29 the county and to each municipality within the county in which  
30 the surtax is collected according to:

31 1. A separate interlocal agreement between the county

Bill No. CS for SB 1766

Barcode 282140

1 governing body and the governing body of any municipality  
2 within the county; or

3 2. If there is no interlocal agreement between the  
4 county governing body and the governing body of any  
5 municipality within the county, an apportionment factor for  
6 each eligible local government as specified in this  
7 subparagraph.

8 a. The apportionment factor for an eligible county  
9 shall be composed of two equally weighted portions as follows:

10 (I) Each eligible county's population in the  
11 unincorporated areas of the county as a percentage of the  
12 total county population as determined pursuant to s. 186.901.

13 (II) Each eligible county's percentage of centerline  
14 miles derived from the combined total number of centerline  
15 miles owned and maintained by the county and each municipality  
16 within the county as annually reported in the City/County  
17 Mileage Report promulgated by the Transportation Statistics  
18 Office within the Department of Transportation.

19 b. The apportionment factor for an eligible  
20 municipality shall be composed of two equally weighted  
21 portions as follows:

22 (I) Each eligible municipality's population as a  
23 percentage of the total county population as determined  
24 pursuant to s. 186.901.

25 (II) Each eligible municipality's percentage of  
26 centerline miles derived from the combined total number of  
27 centerline miles owned and maintained by the county and each  
28 municipality within the county as annually reported in the  
29 City/County Mileage Report promulgated by the Transportation  
30 Statistics Office within the Department of Transportation.

31 (e) Proceeds from the surtax shall be applied to as

Bill No. CS for SB 1766

Barcode 282140

1 many or as few of the uses enumerated below in whatever  
2 combination the governing body of the municipality or the  
3 county considers appropriate:

4 1. Deposited by the governing body of the municipality  
5 or the county in the trust fund and used for the purposes of  
6 development, construction, equipment, maintenance, operation,  
7 supportive services, including a bus system, and related costs  
8 of a fixed guideway rapid transit system;

9 2. Remitted by the governing body of the municipality  
10 or the county to an expressway or transportation authority  
11 created by law to be used, at the discretion of such  
12 authority, for the development, construction, operation, or  
13 maintenance of roads, bicycle and pedestrian facilities, or  
14 bridges in the county or municipality, for the operation and  
15 maintenance of a bus system, for the payment of principal and  
16 interest on existing bonds issued for the construction of such  
17 roads, bicycle or pedestrian facilities, or bridges, and, upon  
18 approval by the governing body of the municipality or county,  
19 pledged for bonds issued to refinance existing bonds or new  
20 bonds issued for the construction of such roads or bridges;

21 3. Used by the governing body of the municipality or  
22 county for the planning, development, construction, operation,  
23 and maintenance of roads, bicycle and pedestrian facilities,  
24 or bridges in the municipality or county; for the planning,  
25 development, expansion, operation, and maintenance of bus and  
26 fixed guideway systems; and for the payment of principal and  
27 interest on bonds issued for the construction of fixed  
28 guideway rapid transit systems, bus systems, roads, bicycle  
29 and pedestrian facilities, or bridges; and, upon approval by  
30 the governing body of the municipality or county, pledged by  
31 the governing body of the municipality or county for bonds

Bill No. CS for SB 1766

Barcode 282140

1 issued to refinance existing bonds or new bonds issued for the  
 2 construction of such fixed guideway rapid transit systems, bus  
 3 systems, roads, bicycle and pedestrian facilities, or bridges;  
 4       4. Used by the county or municipality to fund  
 5 regionally significant transportation projects that are  
 6 identified in a regional transportation plan developed in  
 7 accordance with s. 339.155(5) or to provide matching funds for  
 8 the Transportation Regional Incentive Program in accordance  
 9 with s. 339.2819 or the New Starts Transit Program as provided  
 10 in s. 341.051; and

11       5. Used by the county or municipality to fund projects  
 12 identified in a capital improvements element of a  
 13 comprehensive plan that has been determined to be in  
 14 compliance with part II of chapter 163 or to implement a  
 15 long-term concurrency management system adopted by a local  
 16 government in accordance with s. 163.3177(3) or (9).

17  
18 (Redesignate subsequent sections.)

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

22 And the title is amended as follows:

23       On page 3, line 17, after the semicolon,

24  
25 insert:

26       amending s. 212.055, F.S.; redesignating the  
 27       charter county transit system surtax as the  
 28       charter county transportation system surtax;  
 29       providing that the proposal to adopt such a  
 30       discretionary sales surtax and create a trust  
 31       fund may be placed on the ballot pursuant to an

Bill No. CS for SB 1766

Barcode 282140

1 initiative petition if the county charter so  
2 provides; providing additional purposes for  
3 which the proceeds from the surtax may be used;  
4 allowing counties that are not charter counties  
5 to levy, by ordinance, a county transportation  
6 system surtax; requiring that a discretionary  
7 sales surtax that is to be adopted by  
8 referendum be placed on the ballot at a time  
9 set at the discretion of the governing body of  
10 a county; requiring that the proceeds from a  
11 surtax be distributed to a county and to each  
12 municipality within the county according to an  
13 interlocal agreement or an apportionment  
14 factor; providing that the proceeds from the  
15 surtax be used for certain purposes as  
16 considered appropriate by the county  
17 commission;

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