

Bill No. SB 2312

Barcode 384576

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. 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

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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

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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,

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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; and

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

14 (8) COUNTY TRANSPORTATION SYSTEM SURTAX.--

15 (a) The governing authority in each county may levy a
16 discretionary sales surtax pursuant to ordinance enacted by a
17 majority of the members of the county governing authority and
18 subject to approval by a majority vote of the electorate of
19 the county.

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

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

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

29 1. A separate interlocal agreement between the county
30 governing body and the governing body of any municipality
31 within the county; or

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

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

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

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

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

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

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

29 (e) Proceeds from the surtax shall be applied to as
 30 many or as few of the uses enumerated below in whatever
 31 combination the governing body of the municipality or the

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1 county considers appropriate:

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

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

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

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1 systems, roads, bicycle and pedestrian facilities, or bridges;

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

9 5. Used by the county or municipality 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 Section 2. This act shall take effect July 1, 2006.

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

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22 and insert:

23 A bill to be entitled
24 An act relating to discretionary sales
25 surtaxes; amending s. 212.055, F.S.;
26 redesignating the charter county transit system
27 surtax as the charter county transportation
28 system surtax; providing that the proposal to
29 adopt such a discretionary sales surtax and
30 create a trust fund may be placed on the ballot
31 pursuant to an initiative petition if the

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

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