

Bill No. HB 293, 1st Eng.

Barcode 890400

CHAMBER ACTION

Senate

House

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2	.	05/04/2006 10:22:04
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11 Senator Baker moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Subsection (2) of section 202.18, Florida

18 Statutes, is amended to read:

19 202.18 Allocation and disposition of tax

20 proceeds.--The proceeds of the communications

services taxes

21 remitted under this chapter shall be treated

as follows:

22 (2) The proceeds of the taxes

remitted under s.

23 202.12(1)(b) shall be divided as follows:

24 (a) The portion of such proceeds

which constitutes

25 gross receipts taxes, imposed at the rate

prescribed in

26 chapter 203, shall be deposited as provided

by law and in

27 accordance with s. 9, Art. XII of the State

Constitution.

28 (b) Sixty-three percent of the

remainder shall be

29 allocated to the state and distributed

pursuant to s.

30 212.20(6), except that the proceeds allocated pursuant to s.

31 212.20(6)(d)3. shall be prorated to the participating counties

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1 in the same proportion as that month's collection of the taxes
2 and fees imposed pursuant to chapter 212 and paragraph (1)(b).

3 (c)1. During each calendar year, the remaining portion
4 of such proceeds shall be transferred to the Local Government
5 Half-cent Sales Tax Clearing Trust Fund. Seventy percent of
6 such proceeds and shall be allocated in the same proportion as
7 the allocation of total receipts of the half-cent sales tax
8 under s. 218.61 and the emergency distribution under s. 218.65
9 in the prior state fiscal year. Thirty percent of such
10 proceeds shall be distributed pursuant to s. 218.67.

11 2. The proportion of the proceeds allocated based on
12 the emergency distribution under s. 218.65 shall be
13 distributed pursuant to s. 218.65.

14 3. In each calendar year, the proportion of the
15 proceeds allocated based on the half-cent sales tax under s.
16 218.61 shall be allocated to each county in the same
17 proportion as the county's percentage of total sales tax
18 allocation for the prior state fiscal year and distributed
19 pursuant to s. 218.62.

20 4. The department shall distribute the appropriate
21 amount to each municipality and county each month at the same
22 time that local communications services taxes are distributed
23 pursuant to subsection (3).

24 Section 2. Section 218.65, Florida Statutes, is
25 amended to read:

26 218.65 Emergency distribution.--

27 (1) Each county government which meets the provisions
28 of subsection (2) or subsection ~~(8)(7)~~ and which participates
29 in the local government half-cent sales tax shall receive a
30 distribution from the Local Government Half-cent Sales Tax
31 Clearing Trust Fund in addition to its regular monthly

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1 distribution as provided in this part.

2 (2) The Legislature hereby finds and declares that a
3 fiscal emergency exists in any county which meets the
4 following criteria ~~specified in paragraph (a), if applicable,~~
5 ~~and the criterion specified in paragraph (b):~~

6 (a) ~~If~~ The county has a population of 65,000 or less;
7 and above:

8 1. ~~In any year from 1977 to 1981, inclusive, the value~~
9 ~~of net new construction and additions placed on the tax roll~~
10 ~~for that year was less than 2 percent of the taxable value for~~
11 ~~school purposes on the roll for that year, exclusive of such~~
12 ~~net value; or~~

13 2. ~~The percentage increase in county taxable value~~
14 ~~from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than~~
15 ~~3 percent.~~

16 (b) The moneys distributed to the county government
17 pursuant to s. 218.62 for the prior fiscal year were less than
18 the current per capita limitation, based on the population of
19 that county.

20 (3) Qualification under this section shall be
21 determined annually at the start of the fiscal year. Emergency
22 and supplemental moneys shall be distributed monthly with
23 other moneys provided pursuant to this part.

24 (4) For the fiscal year beginning in 1988, the per
25 capita limitation shall be \$24.60. Thereafter, commencing with
26 the fiscal year which begins in 1989, this limitation shall be
27 adjusted annually for inflation. The annual adjustment to the
28 per capita limitation for each fiscal period shall be the
29 percentage change in the state and local government price
30 deflator for purchases of goods and services, all items, 1983
31 equals 100, or successor reports for the preceding calendar

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1 year as initially reported by the United States Department of
2 Commerce, Bureau of Economic Analysis, as certified by the
3 Florida Consensus Estimating Conference.

4 (5) At the beginning of each fiscal year, the
5 Department of Revenue shall calculate a base allocation for
6 each eligible county equal to the difference between the
7 current per capita limitation times the county's population,
8 minus prior year ordinary distributions to the county pursuant
9 to ss. 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited
10 into the Local Government Half-cent Sales Tax Clearing Trust
11 Fund pursuant to s. 212.20(6)(d)4., excluding moneys
12 appropriated for supplemental distributions pursuant to
13 subsection ~~(8)~~(7), for the current year are less than or equal
14 to the sum of the base allocations, each eligible county shall
15 receive a share of the appropriated amount proportional to its
16 base allocation. If the deposited amount exceeds the sum of
17 the base allocations, each county shall receive its base
18 allocation, and the excess appropriated amount, less any
19 amounts distributed under subsection (6), shall be distributed
20 equally on a per capita basis among the eligible counties.

21 (6) If moneys deposited in the Local Government
22 Half-cent Sales Tax Clearing Trust Fund pursuant to s.
23 212.20(6)(d)4. exceed the amount necessary to provide the base
24 allocation to each eligible county, the moneys in the trust
25 fund may be used to provide a transitional distribution, as
26 specified in this subsection, to certain counties whose
27 population has increased. The transitional distribution shall
28 be made available to each county that qualified for a
29 distribution under subsection (2) in the prior year but does
30 not, because of the requirements of paragraph (2)(a), qualify
31 for a distribution in the current year. Beginning on July 1 of

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1 the year following the year in which the county no longer
2 qualifies for a distribution under subsection (2), the county
3 shall receive two-thirds of the amount received in the prior
4 year, and beginning July 1 of the second year following the
5 year in which the county no longer qualifies for a
6 distribution under subsection (2), the county shall receive
7 one-third of the amount it received in the last year it
8 qualified for the distribution under subsection (2). If
9 insufficient moneys are available in the Local Government
10 Half-cent Sales Tax Clearing Trust Fund to fully provide such
11 a transitional distribution to each county that meets the
12 eligibility criteria in this section, each eligible county
13 shall receive a share of the available moneys proportional to
14 the amount it would have received had moneys been sufficient
15 to fully provide such a transitional distribution to each
16 eligible county.

17 ~~(7)(6)~~ There is hereby annually appropriated from the
18 Local Government Half-cent Sales Tax Clearing Trust Fund the
19 distribution provided in s. 212.20(6)(d)4. to be used for
20 emergency and supplemental distributions pursuant to this
21 section.

22 ~~(8)(7)(a)~~ Any county the inmate population of which in
23 any year is greater than 7 percent of the total population of
24 the county is eligible for a supplemental distribution for
25 that year from funds expressly appropriated therefor. At the
26 beginning of each fiscal year, the Department of Revenue shall
27 calculate a supplemental allocation for each eligible county
28 equal to the current per capita limitation pursuant to
29 subsection (4) times the inmate population of the county. If
30 moneys appropriated for distribution pursuant to this section
31 for the current year are less than the sum of supplemental

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1 allocations, each eligible county shall receive a share of the
2 appropriated amount proportional to its supplemental
3 allocation. Otherwise, each shall receive an amount equal to
4 its supplemental allocation.

5 (b) For the purposes of this subsection, the term:

6 1. "Inmate population" means the latest official state
7 estimate of the number of inmates and patients residing in
8 institutions operated by the Federal Government, the
9 Department of Corrections, or the Department of Children and
10 Family Services.

11 2. "Total population" includes inmate population and
12 noninmate population.

13 Section 3. Section 218.67, Florida Statutes, is
14 created to read:

15 218.67 Distribution for fiscally constrained
16 counties.--

17 (1) Each county that is entirely within a rural area
18 of critical economic concern as designated by the Governor
19 pursuant to s. 288.0656 or each county for which the value of
20 a mill will raise no more than \$5 million in revenue, based on
21 the taxable value certified pursuant to s. 1011.62(4)(a)1.a.,
22 from the previous July 1, shall be considered a fiscally
23 constrained county.

24 (2) Each fiscally constrained county government that
25 participates in the local government half-cent sales tax shall
26 be eligible to receive an additional distribution from the
27 Local Government Half-cent Sales Tax Clearing Trust Fund, as
28 provided in s. 202.18(2)(c)1., in addition to its regular
29 monthly distribution provided under this part and any
30 emergency or supplemental distribution under s. 218.65.

31 (3) The amount to be distributed to each fiscally

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1 constrained county shall be determined by the Department of
 2 Revenue at the beginning of the fiscal year, using the prior
 3 fiscal year's July 1 taxable value certified pursuant to s.
 4 1011.62(4)(a)1.a., tax data, population as defined in s.
 5 218.21, and millage rate levied for the prior fiscal year. The
 6 amount distributed shall be allocated based upon the following
 7 factors:

8 (a) The relative revenue-raising-capacity factor shall
 9 be the ability of the eligible county to generate ad valorem
 10 revenues from 1 mill of taxation on a per capita basis. A
 11 county that raises no more than \$25 per capita from 1 mill
 12 shall be assigned a value of 1; a county that raises more than
 13 \$25 but no more than \$30 per capita from 1 mill shall be
 14 assigned a value of 0.75; and a county that raises more than
 15 \$30 but no more than \$50 per capita from 1 mill shall be
 16 assigned a value of 0.5. No value shall be assigned to
 17 counties that raise more than \$50 per capita from 1 mill of ad
 18 valorem taxation.

19 (b) The local-effort factor shall be a measure of the
 20 relative level of local effort of the eligible county as
 21 indicated by the millage rate levied for the prior fiscal
 22 year. The local-effort factor shall be the most recently
 23 adopted countywide operating millage rate for each eligible
 24 county multiplied by 0.1.

25 (c) Each eligible county's proportional allocation of
 26 the total amount available to be distributed to all of the
 27 eligible counties shall be in the same proportion as the sum
 28 of the county's two factors is to the sum of the two factors
 29 for all eligible counties. The counties that are eligible to
 30 receive an allocation under this subsection and the amount
 31 available to be distributed to such counties shall not include

1 counties participating in the phaseout period under subsection
2 (4) or the amounts they remain eligible to receive during the
3 phaseout.

4 (4) For those counties that no longer qualify under
5 the requirements of subsection (1) after the effective date of
6 this act, there shall be a 2-year phaseout period. Beginning
7 on July 1 of the year following the year in which the value of
8 a mill for that county exceeds \$5 million in revenue, the
9 county shall receive two-thirds of the amount received in the
10 prior year, and beginning on July 1 of the second year
11 following the year in which the value of a mill for that
12 county exceeds \$5 million in revenue, the county shall receive
13 one-third of the amount received in the last year that the
14 county qualified as a fiscally constrained county. Following
15 the 2-year phaseout period, the county shall no longer be
16 eligible to receive any distributions under this section
17 unless the county can be considered a fiscally constrained
18 county as provided in subsection (1).

19 (5) The revenues received under this section may be
20 used by a county for any public purpose, except that such
21 revenues may not be used to pay debt service on bonds, notes,
22 certificates of participation, or any other forms of
23 indebtedness.

24 Section 4. Paragraph (b) of subsection (2) of section
25 985.2155, Florida Statutes, is amended to read:

26 985.2155 Shared county and state responsibility for
27 juvenile detention.--

28 (2) As used in this section, the term:

29 (b) "Fiscally constrained county" means a county that
30 is entirely within ~~designated as~~ a rural area of critical
31 economic concern as designated by the Governor pursuant to

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1 ~~under~~ s. 288.0656 or each county for which the value of a mill
2 will raise in the county is no more than \$5 \$3 million in
3 revenue, based on the taxable value certified pursuant to s.
4 1011.62(4)(a)1.a., from the previous July 1 property
5 ~~valuations and tax data annually published by the Department~~
6 ~~of Revenue under s. 195.052.~~

Section 5. This act shall take effect July 1, 2006.

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to fiscally constrained
counties; amending s. 202.18, F.S.; providing
for a distribution of communications services
taxes to fiscally constrained counties;
amending s. 218.65, F.S.; providing for a
transitional emergency distribution from the
Local Government Half-cent Sales Tax Clearing
Trust Fund to certain fiscally constrained
counties; revising criteria for receiving
certain funds from the Local Government
Half-cent Sales Tax Clearing Trust Fund;
creating s. 218.67, F.S.; providing eligibility
criteria to qualify as a fiscally constrained
county; providing for the distribution of
additional funds to certain fiscally
constrained counties; providing for a phaseout

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1 period; providing for the use of funds;
2 amending s. 985.2155, F.S.; revising the
3 definition of the term "fiscally constrained
4 county" applicable to shared county and state
5 responsibility for juvenile detention;
6 providing an effective date.

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