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 HB 293, Engrossed 2

2006 Legislature

1 A bill to be entitled
 2 An act relating to fiscally constrained counties; amending
 3 s. 202.18, F.S.; providing for a distribution of
 4 communications services taxes to fiscally constrained
 5 counties; amending s. 218.65, F.S.; providing for a
 6 transitional emergency distribution from the Local
 7 Government Half-cent Sales Tax Clearing Trust Fund to
 8 certain fiscally constrained counties; revising criteria
 9 for receiving certain funds from the Local Government
 10 Half-cent Sales Tax Clearing Trust Fund; creating s.
 11 218.67, F.S.; providing eligibility criteria to qualify as
 12 a fiscally constrained county; providing for the
 13 distribution of additional funds to certain fiscally
 14 constrained counties; providing for a phaseout period;
 15 providing for the use of funds; amending s. 985.2155,
 16 F.S.; revising the definition of the term "fiscally
 17 constrained county" applicable to shared county and state
 18 responsibility for juvenile detention; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (2) of section 202.18, Florida
 24 Statutes, is amended to read:

25 202.18 Allocation and disposition of tax proceeds.--The
 26 proceeds of the communications services taxes remitted under
 27 this chapter shall be treated as follows:

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28 (2) The proceeds of the taxes remitted under s.
 29 202.12(1)(b) shall be divided as follows:

30 (a) The portion of such proceeds which constitutes gross
 31 receipts taxes, imposed at the rate prescribed in chapter 203,
 32 shall be deposited as provided by law and in accordance with s.
 33 9, Art. XII of the State Constitution.

34 (b) Sixty-three percent of the remainder shall be
 35 allocated to the state and distributed pursuant to s. 212.20(6),
 36 except that the proceeds allocated pursuant to s. 212.20(6)(d)3.
 37 shall be prorated to the participating counties in the same
 38 proportion as that month's collection of the taxes and fees
 39 imposed pursuant to chapter 212 and paragraph (1)(b).

40 (c)1. During each calendar year, the remaining portion of
 41 such proceeds shall be transferred to the Local Government Half-
 42 cent Sales Tax Clearing Trust Fund. Seventy percent of such
 43 proceeds ~~and~~ shall be allocated in the same proportion as the
 44 allocation of total receipts of the half-cent sales tax under s.
 45 218.61 and the emergency distribution under s. 218.65 in the
 46 prior state fiscal year. Thirty percent of such proceeds shall
 47 be distributed pursuant to s. 218.67.

48 2. The proportion of the proceeds allocated based on the
 49 emergency distribution under s. 218.65 shall be distributed
 50 pursuant to s. 218.65.

51 3. In each calendar year, the proportion of the proceeds
 52 allocated based on the half-cent sales tax under s. 218.61 shall
 53 be allocated to each county in the same proportion as the

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54 county's percentage of total sales tax allocation for the prior
 55 state fiscal year and distributed pursuant to s. 218.62.

56 4. The department shall distribute the appropriate amount
 57 to each municipality and county each month at the same time that
 58 local communications services taxes are distributed pursuant to
 59 subsection (3).

60 Section 2. Section 218.65, Florida Statutes, is amended to
 61 read:

62 218.65 Emergency distribution.--

63 (1) Each county government which meets the provisions of
 64 subsection (2) or subsection (8)~~(7)~~ and which participates in
 65 the local government half-cent sales tax shall receive a
 66 distribution from the Local Government Half-cent Sales Tax
 67 Clearing Trust Fund in addition to its regular monthly
 68 distribution as provided in this part.

69 (2) The Legislature hereby finds and declares that a
 70 fiscal emergency exists in any county which meets the following
 71 criteria ~~specified in paragraph (a), if applicable, and the~~
 72 ~~riterion specified in paragraph (b):~~

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

75 ~~1. In any year from 1977 to 1981, inclusive, the value of~~
 76 ~~net new construction and additions placed on the tax roll for~~
 77 ~~that year was less than 2 percent of the taxable value for~~
 78 ~~school purposes on the roll for that year, exclusive of such net~~
 79 ~~value; or~~

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80 ~~2. The percentage increase in county taxable value from~~
81 ~~1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3~~
82 ~~percent.~~

83 (b) The moneys distributed to the county government
84 pursuant to s. 218.62 for the prior fiscal year were less than
85 the current per capita limitation, based on the population of
86 that county.

87 (3) Qualification under this section shall be determined
88 annually at the start of the fiscal year. Emergency and
89 supplemental moneys shall be distributed monthly with other
90 moneys provided pursuant to this part.

91 (4) For the fiscal year beginning in 1988, the per capita
92 limitation shall be \$24.60. Thereafter, commencing with the
93 fiscal year which begins in 1989, this limitation shall be
94 adjusted annually for inflation. The annual adjustment to the
95 per capita limitation for each fiscal period shall be the
96 percentage change in the state and local government price
97 deflator for purchases of goods and services, all items, 1983
98 equals 100, or successor reports for the preceding calendar year
99 as initially reported by the United States Department of
100 Commerce, Bureau of Economic Analysis, as certified by the
101 Florida Consensus Estimating Conference.

102 (5) At the beginning of each fiscal year, the Department
103 of Revenue shall calculate a base allocation for each eligible
104 county equal to the difference between the current per capita
105 limitation times the county's population, minus prior year
106 ordinary distributions to the county pursuant to ss.

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107 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited into the
 108 Local Government Half-cent Sales Tax Clearing Trust Fund
 109 pursuant to s. 212.20(6)(d)4., excluding moneys appropriated for
 110 supplemental distributions pursuant to subsection (8)~~(7)~~, for
 111 the current year are less than or equal to the sum of the base
 112 allocations, each eligible county shall receive a share of the
 113 appropriated amount proportional to its base allocation. If the
 114 deposited amount exceeds the sum of the base allocations, each
 115 county shall receive its base allocation, and the excess
 116 appropriated amount, less any amounts distributed under
 117 subsection (6), shall be distributed equally on a per capita
 118 basis among the eligible counties.

119 (6) If moneys deposited in the Local Government Half-cent
 120 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)4.
 121 exceed the amount necessary to provide the base allocation to
 122 each eligible county, the moneys in the trust fund may be used
 123 to provide a transitional distribution, as specified in this
 124 subsection, to certain counties whose population has increased.
 125 The transitional distribution shall be made available to each
 126 county that qualified for a distribution under subsection (2) in
 127 the prior year but does not, because of the requirements of
 128 paragraph (2)(a), qualify for a distribution in the current
 129 year. Beginning on July 1 of the year following the year in
 130 which the county no longer qualifies for a distribution under
 131 subsection (2), the county shall receive two-thirds of the
 132 amount received in the prior year, and beginning July 1 of the
 133 second year following the year in which the county no longer

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134 qualifies for a distribution under subsection (2), the county
 135 shall receive one-third of the amount it received in the last
 136 year it qualified for the distribution under subsection (2). If
 137 insufficient moneys are available in the Local Government Half-
 138 cent Sales Tax Clearing Trust Fund to fully provide such a
 139 transitional distribution to each county that meets the
 140 eligibility criteria in this section, each eligible county shall
 141 receive a share of the available moneys proportional to the
 142 amount it would have received had moneys been sufficient to
 143 fully provide such a transitional distribution to each eligible
 144 county.

145 ~~(7)(6)~~ There is hereby annually appropriated from the
 146 Local Government Half-cent Sales Tax Clearing Trust Fund the
 147 distribution provided in s. 212.20(6)(d)4. to be used for
 148 emergency and supplemental distributions pursuant to this
 149 section.

150 ~~(8)(7)~~(a) Any county the inmate population of which in any
 151 year is greater than 7 percent of the total population of the
 152 county is eligible for a supplemental distribution for that year
 153 from funds expressly appropriated therefor. At the beginning of
 154 each fiscal year, the Department of Revenue shall calculate a
 155 supplemental allocation for each eligible county equal to the
 156 current per capita limitation pursuant to subsection (4) times
 157 the inmate population of the county. If moneys appropriated for
 158 distribution pursuant to this section for the current year are
 159 less than the sum of supplemental allocations, each eligible
 160 county shall receive a share of the appropriated amount

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161 proportional to its supplemental allocation. Otherwise, each
 162 shall receive an amount equal to its supplemental allocation.

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

164 1. "Inmate population" means the latest official state
 165 estimate of the number of inmates and patients residing in
 166 institutions operated by the Federal Government, the Department
 167 of Corrections, or the Department of Children and Family
 168 Services.

169 2. "Total population" includes inmate population and
 170 noninmate population.

171 Section 3. Section 218.67, Florida Statutes, is created to
 172 read:

173 218.67 Distribution for fiscally constrained counties.--

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

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

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188 (3) The amount to be distributed to each fiscally
 189 constrained county shall be determined by the Department of
 190 Revenue at the beginning of the fiscal year, using the prior
 191 fiscal year's July 1 taxable value certified pursuant to s.
 192 1011.62(4)(a)1.a., tax data, population as defined in s. 218.21,
 193 and millage rate levied for the prior fiscal year. The amount
 194 distributed shall be allocated based upon the following factors:

195 (a) The relative revenue-raising-capacity factor shall be
 196 the ability of the eligible county to generate ad valorem
 197 revenues from 1 mill of taxation on a per capita basis. A county
 198 that raises no more than \$25 per capita from 1 mill shall be
 199 assigned a value of 1; a county that raises more than \$25 but no
 200 more than \$30 per capita from 1 mill shall be assigned a value
 201 of 0.75; and a county that raises more than \$30 but no more than
 202 \$50 per capita from 1 mill shall be assigned a value of 0.5. No
 203 value shall be assigned to counties that raise more than \$50 per
 204 capita from 1 mill of ad valorem taxation.

205 (b) The local-effort factor shall be a measure of the
 206 relative level of local effort of the eligible county as
 207 indicated by the millage rate levied for the prior fiscal year.
 208 The local-effort factor shall be the most recently adopted
 209 countywide operating millage rate for each eligible county
 210 multiplied by 0.1.

211 (c) Each eligible county's proportional allocation of the
 212 total amount available to be distributed to all of the eligible
 213 counties shall be in the same proportion as the sum of the
 214 county's two factors is to the sum of the two factors for all

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215 eligible counties. The counties that are eligible to receive an
216 allocation under this subsection and the amount available to be
217 distributed to such counties shall not include counties
218 participating in the phaseout period under subsection (4) or the
219 amounts they remain eligible to receive during the phaseout.

220 (4) For those counties that no longer qualify under the
221 requirements of subsection (1) after the effective date of this
222 act, there shall be a 2-year phaseout period. Beginning on July
223 1 of the year following the year in which the value of a mill
224 for that county exceeds \$5 million in revenue, the county shall
225 receive two-thirds of the amount received in the prior year, and
226 beginning on July 1 of the second year following the year in
227 which the value of a mill for that county exceeds \$5 million in
228 revenue, the county shall receive one-third of the amount
229 received in the last year that the county qualified as a
230 fiscally constrained county. Following the 2-year phaseout
231 period, the county shall no longer be eligible to receive any
232 distributions under this section unless the county can be
233 considered a fiscally constrained county as provided in
234 subsection (1).

235 (5) The revenues received under this section may be used
236 by a county for any public purpose, except that such revenues
237 may not be used to pay debt service on bonds, notes,
238 certificates of participation, or any other forms of
239 indebtedness.

240 Section 4. Paragraph (b) of subsection (2) of section
241 985.2155, Florida Statutes, is amended to read:

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242 985.2155 Shared county and state responsibility for
 243 juvenile detention.--
 244 (2) As used in this section, the term:
 245 (b) "Fiscally constrained county" means a county that is
 246 entirely within designated ~~as~~ a rural area of critical economic
 247 concern as designated by the Governor pursuant to ~~under~~ s.
 248 288.0656 or each county for which the value of a mill will raise
 249 ~~in the county is~~ no more than \$5 ~~\$3~~ million in revenue, based on
 250 the taxable value certified pursuant to s. 1011.62(4)(a)1.a.,
 251 from the previous July 1 ~~property valuations and tax data~~
 252 ~~annually published by the Department of Revenue under s.~~
 253 ~~195.052.~~
 254 Section 5. This act shall take effect July 1, 2006.