

ENROLLED
CS/CS/HB 1205

2009 Legislature

1 A bill to be entitled
2 An act relating to the charter county transit system
3 surtax; amending s. 212.055, F.S.; changing the name of
4 the surtax; expanding eligible counties authorized to levy
5 the surtax; requiring interlocal agreements in certain
6 counties to be updated no less than every 5 years to
7 include certain municipalities; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1) of section 212.055, Florida
13 Statutes, is amended to read:

14 212.055 Discretionary sales surtaxes; legislative intent;
15 authorization and use of proceeds.--It is the legislative intent
16 that any authorization for imposition of a discretionary sales
17 surtax shall be published in the Florida Statutes as a
18 subsection of this section, irrespective of the duration of the
19 levy. Each enactment shall specify the types of counties
20 authorized to levy; the rate or rates which may be imposed; the
21 maximum length of time the surtax may be imposed, if any; the
22 procedure which must be followed to secure voter approval, if
23 required; the purpose for which the proceeds may be expended;
24 and such other requirements as the Legislature may provide.
25 Taxable transactions and administrative procedures shall be as
26 provided in s. 212.054.

27 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM SURTAX.--
28 (a) Each charter county that has ~~which~~ adopted a charter

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29 ~~prior to January 1, 1984,~~ and each county the government of
30 which is consolidated with that of one or more municipalities,
31 may levy a discretionary sales surtax, subject to approval by a
32 majority vote of the electorate of the county or by a charter
33 amendment approved by a majority vote of the electorate of the
34 county.

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

36 (c) The proposal to adopt a discretionary sales surtax as
37 provided in this subsection and to create a trust fund within
38 the county accounts shall be placed on the ballot in accordance
39 with law at a time to be set at the discretion of the governing
40 body.

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

44 1. Deposited by the county in the trust fund and shall be
45 used for the purposes of development, construction, equipment,
46 maintenance, operation, supportive services, including a
47 countywide bus system, and related costs of a fixed guideway
48 rapid transit system;

49 2. Remitted by the governing body of the county to an
50 expressway, transit, or transportation authority created by law
51 to be used, at the discretion of such authority, for the
52 development, construction, operation, or maintenance of roads or
53 bridges in the county, for the operation and maintenance of a
54 bus system, for the payment of principal and interest on
55 existing bonds issued for the construction of such roads or
56 bridges, and, upon approval by the county commission, such

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57 | proceeds may be pledged for bonds issued to refinance existing
58 | bonds or new bonds issued for the construction of such roads or
59 | bridges;

60 | 3. Used by the charter county for the development,
61 | construction, operation, and maintenance of roads and bridges in
62 | the county; for the expansion, operation, and maintenance of bus
63 | and fixed guideway systems; and for the payment of principal and
64 | interest on bonds issued for the construction of fixed guideway
65 | rapid transit systems, bus systems, roads, or bridges; and such
66 | proceeds may be pledged by the governing body of the county for
67 | bonds issued to refinance existing bonds or new bonds issued for
68 | the construction of such fixed guideway rapid transit systems,
69 | bus systems, roads, or bridges and no more than 25 percent used
70 | for nontransit uses; and

71 | 4. Used by the charter county for the planning,
72 | development, construction, operation, and maintenance of roads
73 | and bridges in the county; for the planning, development,
74 | expansion, operation, and maintenance of bus and fixed guideway
75 | systems; and for the payment of principal and interest on bonds
76 | issued for the construction of fixed guideway rapid transit
77 | systems, bus systems, roads, or bridges; and such proceeds may
78 | be pledged by the governing body of the county for bonds issued
79 | to refinance existing bonds or new bonds issued for the
80 | construction of such fixed guideway rapid transit systems, bus
81 | systems, roads, or bridges. Pursuant to an interlocal agreement
82 | entered into pursuant to chapter 163, the governing body of the
83 | charter county may distribute proceeds from the tax to a
84 | municipality, or an expressway or transportation authority

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85 created by law to be expended for the purpose authorized by this
86 paragraph. Any charter county that has entered into interlocal
87 agreements for distribution of proceeds to one or more
88 municipalities in the county shall revise such interlocal
89 agreements no less than every 5 years in order to include any
90 municipalities that have been created since the prior interlocal
91 agreements were executed.

92 Section 2. This act shall take effect July 1, 2009.