

By Senator Fasano

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1 A bill to be entitled
2 An act relating to a discretionary surtax on
3 documents; amending s. 125.0167, F.S.; deleting
4 provisions relating to funding housing assistance for
5 low-income and moderate-income families; authorizing
6 counties to levy a discretionary surtax on documents
7 for the purpose of financing school and transportation
8 facilities; increasing the types of documents to which
9 the surtax applies to include documents relating to
10 single-family residences; authorizing counties to
11 provide a tiered rate structure for the discretionary
12 surtax; providing for discretionary surtax revenues to
13 offset certain impact fees; requiring counties that
14 levy the discretionary surtax to reduce certain impact
15 fees; amending s. 201.031, F.S.; to conform; providing
16 that counties that levy a discretionary surtax on
17 documents for the purpose of funding housing
18 assistance may not levy a certain discretionary surtax
19 on documents until the prior surtax terminates;
20 providing an effective date.

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

23
24 Section 1. Section 125.0167, Florida Statutes, is amended
25 to read:

26 125.0167 Discretionary surtax on documents; adoption;
27 application of revenue.—

28 (1) Pursuant to ~~the provisions of~~ s. 201.031, the governing
29 authority in each county, ~~as defined by s. 125.011(1),~~ is

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30 authorized to levy a discretionary surtax on documents taxable
31 under s. 201.02 for the purpose of financing transportation,
32 school, and mass transit facilities required by s. 163.3180 or
33 s. 163.3177(3) establishing and financing a Housing Assistance
34 Loan Trust Fund to assist in the financing of construction,
35 rehabilitation, or purchase of housing for low-income and
36 moderate-income families. No less than 50 percent of the funds
37 used in each county to provide such housing assistance shall be
38 for the benefit of low-income families. For the purpose of this
39 section, "low-income family" means a family whose income does
40 not exceed 80 percent of the median income for the area, and
41 "moderate-income family" means a family whose income is in
42 excess of 80 percent but less than 140 percent of the median
43 income for the area. For purposes of this section, the term
44 "housing" is not limited to single-family, detached dwellings.
45 The rate of the surtax shall not exceed the rate of 45 cents for
46 each \$100 or fractional part thereof of the consideration for
47 the document therefor. ~~Such surtax shall apply only to those~~
48 ~~documents taxable under s. 201.02, except that there shall be no~~
49 ~~surtax on any document pursuant to which the interest granted,~~
50 ~~assigned, transferred, or conveyed involves only a single-family~~
51 ~~residence. Such single-family residence may be a condominium~~
52 ~~unit, a unit held through stock ownership or membership~~
53 ~~representing a proprietary interest in a corporation owning a~~
54 ~~fee or a leasehold initially in excess of 98 years, or a~~
55 ~~detached dwelling.~~

56 (2) The county shall levy ~~of~~ the discretionary surtax ~~and~~
57 ~~the creation of a Housing Assistance Loan Trust Fund shall be by~~
58 an ordinance that establishes which shall set forth the policies

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59 and procedures for expenditure of the revenues. The ordinance
60 may set a tiered tax rate based on the differential impacts of
61 land use types on facilities for transportation, schools, and
62 mass transit ~~of the assistance program~~. The ordinance shall be
63 proposed at a regular meeting of the governing authority at
64 least 2 weeks prior to formal adoption. The ordinance must
65 ~~Formal adoption shall not be effective unless approved on final~~
66 ~~vote~~ by a vote of a majority of the total membership of the
67 governing authority. If the county levying the discretionary
68 surtax imposes an impact fee for facilities for transportation,
69 schools, or mass transit, the county must apply the
70 discretionary surtax as a revenue credit against such impact
71 fees to ensure that new development does not pay twice for the
72 same facilities. The county must revise any transportation,
73 school, or mass transit impact fees before the effective date of
74 the discretionary surtax ordinance in order to reflect the
75 credit from the discretionary surtax. The discretionary surtax
76 ordinance may ~~shall not~~ take effect ~~until~~ 90 days after ~~formal~~
77 adoption.

78 (3) The county shall use the revenues from the
79 discretionary surtax only to:

80 (a) Finance land acquisition, design, engineering, and
81 construction expenses associated with transportation, school,
82 and mass transit facilities required by s. 163.3180 or s.
83 163.3177(3); and

84 (b) Fund projects of a Regional Transportation or Transit
85 Authority created pursuant to chapter 343. The county shall
86 ~~deposit revenues from the discretionary surtax in the Housing~~
87 ~~Assistance Loan Trust Fund of the county, except that a portion~~

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88 ~~of such revenues may be deposited into the Home Investment Trust~~
89 ~~Fund of the county as defined by and created pursuant to the~~
90 ~~requirements of federal law. The county shall use the revenues~~
91 ~~only to help finance the construction, rehabilitation, or~~
92 ~~purchase of housing for low-income families and moderate-income~~
93 ~~families, to pay necessary costs of collection and enforcement~~
94 ~~of the surtax, and to fund any local matching contributions~~
95 ~~required pursuant to federal law. For purposes of this section,~~
96 ~~authorized uses of the revenues include, but are not limited to,~~
97 ~~providing funds for first and second mortgages and acquiring~~
98 ~~property for the purpose of forming housing cooperatives.~~
99 ~~Special consideration shall be given toward using the revenues~~
100 ~~in the neighborhood economic development programs of community~~
101 ~~development corporations. No more than 50 percent of the~~
102 ~~revenues collected each year pursuant to this section may be~~
103 ~~used to help finance new construction as provided herein. The~~
104 ~~proceeds of the surtax shall not be used for rent subsidies or~~
105 ~~grants.~~

106 Section 2. Section 201.031, Florida Statutes, is amended to
107 read:

108 201.031 Discretionary surtax; administration and
109 collection; ~~Housing Assistance Loan Trust Fund~~; reporting
110 requirements.—

111 (1) Each county, ~~as defined by s. 125.011(1)~~, may levy,
112 subject to the provisions of s. 125.0167, a discretionary surtax
113 on documents taxable under the provisions of s. 201.02, ~~except~~
114 ~~that there shall be no surtax on any document pursuant to which~~
115 ~~the interest granted, assigned, transferred, or conveyed~~
116 ~~involves only a single-family residence. Such single-family~~

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117 ~~residence may be a condominium unit, a unit held through stock~~
118 ~~ownership or membership representing a proprietary interest in a~~
119 ~~corporation owning a fee or a leasehold initially in excess of~~
120 ~~98 years, or a detached dwelling.~~

121 (2) All provisions of chapter 201, except s. 201.15, shall
122 apply to the surtax. The Department of Revenue shall pay to the
123 governing authority of the county that ~~which~~ levies the surtax
124 all taxes, penalties, and interest collected under this section
125 less any costs of administration.

126 (3) Each county that ~~which~~ levies the surtax shall include
127 in the financial report required under s. 218.32 information
128 showing the revenues and the expenses ~~of the trust fund~~ for the
129 fiscal year.

130 Section 3. This act does not apply to any county that has
131 implemented, before July 1, 2009, the provisions of chapter 83-
132 220, Laws of Florida, as amended by chapters 84-270, 86-152, and
133 89-252, Laws of Florida. However, such county may adopt a
134 discretionary surtax authorized by this act upon the termination
135 of the discretionary surtax authorized by chapter 83-220, Laws
136 of Florida.

137 Section 4. This act shall take effect July 1, 2009.