

1 A bill to be entitled
2 An act relating to local government finance; creating
3 s. 166.225, F.S.; authorizing a municipality to levy a
4 special assessment to fund the costs of providing law
5 enforcement services if certain criteria are met;
6 providing a methodology for apportionment of the
7 special assessment and reduction of ad valorem
8 millage; requiring the property appraiser to list the
9 special assessment on the notice of property taxes;
10 providing for termination of a municipality's
11 authority to levy the special assessment under certain
12 circumstances; authorizing the Department of Revenue
13 to adopt rules and forms; providing for construction;
14 creating s. 166.30, F.S.; providing definitions;
15 requiring municipalities that meet certain thresholds
16 for specified delinquent revenues to issue a
17 procurement request to collect such revenues;
18 requiring procurement requests to be sent to consumer
19 collection agencies; providing that municipalities
20 issuing procurement requests are not required to enter
21 into a contract; excluding certain delinquent revenues
22 from threshold calculations under certain
23 circumstances; requiring that copies of all bids
24 received be filed with the Department of Financial
25 Services; amending s. 218.39, F.S.; requiring that a
26 discussion of capital recovery efforts be included in

27 the management letter accompanying a municipality's
 28 annual financial audit report; providing an effective
 29 date.

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 31 Be It Enacted by the Legislature of the State of Florida:

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 33 Section 1. Section 166.225, Florida Statutes, is created
 34 to read:

35 166.225 Law enforcement services special assessment.-

36 (1) GENERAL.—The governing body of a municipality may levy
 37 a law enforcement services special assessment to fund all or a
 38 portion of its costs of providing law enforcement services, if
 39 the governing body:

40 (a) Apportions the cost of law enforcement services among
 41 the parcels of real property in the municipality in reasonable
 42 proportion to the benefit received by each parcel;

43 (b) Levies ad valorem taxes for the fiscal year
 44 immediately preceding the fiscal year in which the law
 45 enforcement services special assessment is first collected;

46 (c) Reduces its ad valorem millage pursuant to subsection
 47 (3); and

48 (d) Levies and collects the law enforcement services
 49 special assessment pursuant to s. 197.3632.

50 (2) APPORTIONMENT METHODOLOGY.—The methodology used to
 51 determine the benefit that a parcel of real property derives
 52 from law enforcement services may be based on the following:

- 53 (a) The square footage of structures on the parcel.
- 54 (b) The location of the parcel.
- 55 (c) The use of the parcel.
- 56 (d) The projected amount of time the municipal law
 57 enforcement agency will spend serving and protecting the parcel,
 58 grouped by neighborhood, zone, or category of use, which may
 59 include the projected amount of time that will be spent
 60 responding to calls for law enforcement services and the
 61 projected amount of time law enforcement officers will spend
 62 patrolling or regulating traffic on the streets that provide
 63 access to the parcel.
- 64 (e) Any other factor that may reasonably be used to
 65 determine the benefit of law enforcement services to a parcel of
 66 real property.
- 67 (3) REDUCTION IN AD VALOREM MILLAGE.—
- 68 (a) In the first year in which the law enforcement
 69 services special assessment is levied, the governing body of the
 70 municipality must reduce its ad valorem millage, calculated as
 71 if there were no law enforcement services special assessment, by
 72 the millage that would be required to collect revenue equal to
 73 the revenue that is forecast to be collected from the special
 74 assessment.
- 75 (b) When preparing the notice of proposed property taxes
 76 pursuant to s. 200.069 in the first year of the assessment, the
 77 governing body of the municipality shall calculate the rolled-
 78 back millage rate pursuant to s. 200.065(5) and shall determine

79 the preliminary proposed millage rate as if there were no law
 80 enforcement services special assessment. The governing body
 81 shall then adopt the proposed law enforcement services special
 82 assessment and determine the equivalent millage rate pursuant to
 83 paragraph (a). The preliminary proposed millage rate must then
 84 be reduced by the amount of the law enforcement services special
 85 assessment equivalent millage rate and the resulting millage
 86 rate reported to the property appraiser, together with the
 87 amount of the law enforcement services special assessment,
 88 pursuant to the notice requirements of ss. 200.065 and 200.069.
 89 The property appraiser shall list the law enforcement services
 90 special assessment on the notice of proposed property taxes
 91 below the line in the columns reserved for non-ad valorem
 92 assessments. After the first year of the assessment, the millage
 93 rate and rolled-back rate for the notice of proposed property
 94 taxes shall be calculated pursuant to s. 200.065(5) and must be
 95 based on the adopted millage rate from the previous year.

96 (c) The law enforcement services special assessment
 97 revenues may not be greater than an amount that would result in
 98 a proposed millage rate of zero for the first year of the
 99 assessment reported to the property appraiser under paragraph
 100 (b).

101 (4) TERMINATION OF AUTHORITY.—A municipality's authority
 102 to levy the law enforcement services special assessment
 103 terminates beginning in any fiscal year for which the
 104 municipality's final adopted millage rate exceeds the proposed

105 millage rate for the first year of the assessment reported to
 106 the property appraiser under paragraph (3) (b) .

107 (5) RULES AND FORMS.—The Department of Revenue may adopt
 108 rules and forms necessary to administer this section.

109 (6) CONSTRUCTION.—The levy of a law enforcement services
 110 special assessment pursuant to this section shall be construed
 111 as being authorized by general law in accordance with ss. 1 and
 112 9, Art. VII of the State Constitution.

113 Section 2. Section 166.30, Florida Statutes, is created to
 114 read:

115 166.30 Municipal capital recovery.—

116 (1) As used in this section, the term:

117 (a) "Abatement fine" means an amount billed to an owner of
 118 real property by a municipality after the municipality brings
 119 such real property or a portion thereof into compliance with a
 120 municipal ordinance or code by removing, repairing,
 121 rehabilitating, demolishing, improving, remediating, storing,
 122 transporting, or disposing of any portion of the real property
 123 or any tangible personal property located thereon, regardless of
 124 whether a lien was attached to the property related to such
 125 fine.

126 (b) "Administrative fine" means an amount billed to an
 127 individual for a violation of a municipal ordinance or code
 128 unrelated to real property.

129 (c) "Delinquent" means unpaid after the due date listed on
 130 the original billing of an abatement fine, administrative fine,

131 property fine, or utility charge, regardless of whether the
132 municipality has contracted with a collection agency pursuant to
133 s. 938.35 for the collection of the unpaid fines or charges.

134 (d) "Designated revenues" means abatement fines,
135 administrative fines, property fines, and utility charges.

136 (e) "Procurement request" means an invitation to bid, an
137 invitation to negotiate, or a request for proposals issued by a
138 municipality pursuant to its procurement policies.

139 (f) "Property fine" means an amount, other than an
140 abatement fine, billed to a property owner due to the property
141 owner's property being out of compliance with a municipal
142 ordinance or code, regardless of whether a lien was attached to
143 the property related to such fine.

144 (g) "Utility charge" means an amount billed to a customer,
145 other than a government entity as defined in s. 768.295, by a
146 municipally owned utility for providing utility service.

147 (2) Beginning October 1, 2016, a municipality shall issue
148 a procurement request meeting the requirements of subsection (4)
149 if the municipality has designated revenues totaling at least:

150 (a) Ten million dollars which are more than 90 days
151 delinquent;

152 (b) Five million dollars which are more than 180 days
153 delinquent; or

154 (c) One million dollars which are more than 270 days
155 delinquent.

156 (3) A municipality that meets at least one of the criteria
157 in subsection (2) 1 year after issuing a procurement request
158 pursuant to this section must issue an additional procurement
159 request meeting the requirements of subsection (4).

160 (4) A procurement request issued pursuant to this section
161 must be issued no later than 30 days after the criteria set
162 forth in subsection (2) or subsection (3) are met and must seek
163 bids from consumer collection agencies registered pursuant to s.
164 559.553.

165 (5) Subsections (2) and (3) do not apply to a municipality
166 the delinquent designated revenues of which are less than 20
167 percent of the total designated revenues billed by the
168 municipality in the previous 12 months.

169 (6) A municipality is not required to enter into a
170 contract for services with any consumer collection agency that
171 responds to the procurement request.

172 (7) Any delinquent designated revenues that a consumer
173 collection agency has contracted to collect in response to a
174 procurement request issued pursuant to this section shall be
175 excluded from the calculation made by the municipality when
176 determining whether any of the criteria in subsection (2) are
177 met.

178 (8) The municipality shall forward a copy of all bids it
179 has received in response to any procurement request issued
180 pursuant to this section to the Department of Financial
181 Services. The Department of Financial Services shall keep all of

182 the bids on file for at least 5 years.

183 Section 3. Subsection (4) of section 218.39, Florida
184 Statutes, is amended to read:

185 218.39 Annual financial audit reports.—

186 (4) A management letter shall be prepared and included as
187 a part of each financial audit report. For each municipal
188 financial audit report, the letter must include a discussion of
189 the current balance of the municipality's delinquent designated
190 revenues as defined in s. 166.30 and the efforts the
191 municipality has undertaken to collect such revenues.

192 Section 4. This act shall take effect July 1, 2016.