

By Senator Garcia

36-00717A-18

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1 A bill to be entitled
 2 An act relating to the charter county and regional
 3 transportation system surtax; amending s. 212.055,
 4 F.S.; requiring counties, except under certain
 5 circumstances, to use surtax proceeds only for
 6 specified purposes; prohibiting the use of such
 7 proceeds for nontransit purposes; providing an
 8 effective date.

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

11
 12 Section 1. Paragraph (d) of subsection (1) of section
 13 212.055, Florida 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 AND REGIONAL TRANSPORTATION SYSTEM
 28 SURTAX.—

29 (d) 1. Except as set forth in subparagraph 2., proceeds from

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30 the surtax shall be applied to as many or as few of the uses
31 enumerated below in whatever combination the county commission
32 deems appropriate:

33 ~~a.1.~~ Deposited by the county in the trust fund and shall be
34 used for the purposes of development, construction, equipment,
35 maintenance, operation, supportive services, including a
36 countywide bus system, on-demand transportation services, and
37 related costs of a fixed guideway rapid transit system;

38 ~~b.2.~~ Remitted by the governing body of the county to an
39 expressway, transit, or transportation authority created by law
40 to be used, at the discretion of such authority, for the
41 development, construction, operation, or maintenance of roads or
42 bridges in the county, for the operation and maintenance of a
43 bus system, for the operation and maintenance of on-demand
44 transportation services, for the payment of principal and
45 interest on existing bonds issued for the construction of such
46 roads or bridges, and, upon approval by the county commission,
47 such proceeds may be pledged for bonds issued to refinance
48 existing bonds or new bonds issued for the construction of such
49 roads or bridges; and

50 ~~3. Used by the county for the development, construction,~~
51 ~~operation, and maintenance of roads and bridges in the county;~~
52 ~~for the expansion, operation, and maintenance of bus and fixed~~
53 ~~guideway systems; for the expansion, operation, and maintenance~~
54 ~~of on-demand transportation services; and for the payment of~~
55 ~~principal and interest on bonds issued for the construction of~~
56 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
57 ~~bridges; and such proceeds may be pledged by the governing body~~
58 ~~of the county for bonds issued to refinance existing bonds or~~

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59 ~~new bonds issued for the construction of such fixed guideway~~
60 ~~rapid transit systems, bus systems, roads, or bridges and no~~
61 ~~more than 25 percent used for nontransit uses; and~~

62 c.4. Used by the county for the planning, development,
63 construction, operation, and maintenance of roads and bridges in
64 the county; for the planning, development, expansion, operation,
65 and maintenance of bus and fixed guideway systems; for the
66 planning, development, construction, expansion, operation, and
67 maintenance of on-demand transportation services; and for the
68 payment of principal and interest on bonds issued for the
69 construction of fixed guideway rapid transit systems, bus
70 systems, roads, or bridges; and such proceeds may be pledged by
71 the governing body of the county for bonds issued to refinance
72 existing bonds or new bonds issued for the construction of such
73 fixed guideway rapid transit systems, bus systems, roads, or
74 bridges and no more than 25 percent used for nontransit uses.
75 Pursuant to an interlocal agreement entered into pursuant to
76 chapter 163, the governing body of the county may distribute
77 proceeds from the tax to a municipality, or an expressway or
78 transportation authority created by law to be expended for the
79 purpose authorized by this paragraph. Any county that has
80 entered into interlocal agreements for distribution of proceeds
81 to one or more municipalities in the county shall revise such
82 interlocal agreements no less than every 5 years in order to
83 include any municipalities that have been created since the
84 prior interlocal agreements were executed.

85 2. To the extent not prohibited by contracts or bond
86 covenants in effect on July 1, 2018, each county, as defined in
87 s. 125.011(1), shall use surtax proceeds only for the following

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88 purposes:

89 a. The planning, design, engineering, and construction of
90 fixed guideway rapid transit systems.

91 b. The acquisition of right-of-way for fixed guideway rapid
92 transit systems, provided that the current owner of the right-
93 of-way is a willing seller or lessor.

94 c. The purchase of buses and other capital costs for a bus
95 system.

96 d. The payment of principal and interest on bonds
97 previously issued related to fixed guideway rapid transit
98 systems or bus systems.

99 e. As security by the governing body of the county to
100 refinance existing bonds or to issue new bonds for the planning,
101 design, engineering, and construction of fixed guideway rapid
102 transit systems or bus systems.

103
104 Surtax proceeds may not be used for nontransit purposes.

105 Section 2. This act shall take effect July 1, 2018.