

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Avila offered the following:

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3 **Amendment to Amendment (749698) (with title amendment)**

4 Between lines 316 and 317 of the amendment, insert:

5 Section 15. Paragraph (a) of subsection (6) of section
6 337.401, Florida Statutes, is amended to read:

7 337.401 Use of right-of-way for utilities subject to
8 regulation; permit; fees.—

9 (6) (a) As used in this subsection, the following
10 definitions apply:

11 1.a. A "pass-through provider" is any person who places or
12 maintains a communications facility in the roads or rights-of-
13 way of a municipality or county that levies a tax pursuant to

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14 chapter 202 and who does not remit taxes imposed by that
15 municipality or county pursuant to chapter 202.

16 b. Notwithstanding sub-subparagraph a., a person who does
17 not remit taxes imposed by a municipality or county pursuant to
18 chapter 202, but pursuant to s. 202.16(2) sells communications
19 services for resale to a person who sells such services at
20 retail or who integrates such services into communications
21 services sold at retail in that municipality or county and who
22 remits taxes imposed by that municipality or county pursuant to
23 chapter 202, is not a pass-through provider.

24 2. A "communications facility" is a facility that may be
25 used to provide communications services. Multiple cables,
26 conduits, strands, or fibers located within the same conduit
27 shall be considered one communications facility for purposes of
28 this subsection.

29 Section 16. Subsection (9) of section 1011.71, Florida
30 Statutes, is amended to read:

31 1011.71 District school tax.—

32 (9) In addition to the maximum millage levied under this
33 section and the General Appropriations Act, a school district
34 may levy, by local referendum or in a general election,
35 additional millage for school operational purposes up to an
36 amount that, when combined with nonvoted millage levied under
37 this section, does not exceed the 10-mill limit established in
38 s. 9(b), Art. VII of the State Constitution. Any such levy shall

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39 | be for a maximum of 4 years and shall be counted as part of the
40 | 10-mill limit established in s. 9(b), Art. VII of the State
41 | Constitution. For the purpose of distributing taxes collected
42 | pursuant to this subsection, the term "school operational
43 | purposes" includes charter schools sponsored by a school
44 | district. Millage elections conducted under the authority
45 | granted pursuant to this section are subject to s. 1011.73.
46 | Funds generated by such additional millage do not become a part
47 | of the calculation of the Florida Education Finance Program
48 | total potential funds in 2001-2002 or any subsequent year and
49 | must not be incorporated in the calculation of any hold-harmless
50 | or other component of the Florida Education Finance Program
51 | formula in any year. If an increase in required local effort,
52 | when added to existing millage levied under the 10-mill limit,
53 | would result in a combined millage in excess of the 10-mill
54 | limit, any millage levied pursuant to this subsection shall be
55 | considered to be required local effort to the extent that the
56 | district millage would otherwise exceed the 10-mill limit. Funds
57 | levied under this subsection shall be shared with charter
58 | schools based on each charter school's proportionate share of
59 | the district's total unweighted full-time equivalent student
60 | enrollment and used in a manner consistent with the purposes of
61 | the levy.

62 | Section 17. The provisions of this act relating to s.
63 | 1011.71, Florida Statutes, amending the use of certain voted

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64 discretionary operating millages levied by school districts,
65 apply to such levies authorized by a vote of the electors on or
66 after July 1, 2019.

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69 **T I T L E A M E N D M E N T**

70 Remove line 676 of the amendment and insert:
71 providing applicability; amending s. 337.401, F.S.;
72 specifying conditions under which certain persons who
73 place or maintain a communications facility in the
74 roads or rights-of-way are not considered pass-through
75 providers; amending s. 1011.71, F.S.; defining the
76 term "school operational purposes" to include charter
77 schools sponsored by a school district; requiring that
78 voted levies for school operational purposes be shared
79 with charter schools in accordance with certain
80 provisions; providing applicability; providing sales
81 tax

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