

<b>Tab 1</b>	<b>CS/SB 324</b> by <b>CA, Young</b> ; (Similar to CS/CS/H 00697) Impact Fees					
400120	A	S	RCS	AFT, Young	btw L.76 - 77:	01/29 03:01 PM
565236	A	S	RCS	AFT, Perry	btw L.76 - 77:	01/29 03:01 PM
<b>Tab 2</b>	<b>SB 538</b> by <b>Garcia (CO-INTRODUCERS) Rodriguez</b> ; (Similar to H 00279) State and Local Governmental Relations with The Government of Venezuela					
<b>Tab 3</b>	<b>SB 688</b> by <b>Garcia (CO-INTRODUCERS) Campbell</b> ; (Similar to CS/H 00243) Charter County and Regional Transportation System Surtax					
<b>Tab 4</b>	<b>SJR 1742</b> by <b>Stargel</b> ; (Compare to H 07001) Supermajority Vote Required to Increase State Tax Revenues by Increasing Taxes					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS SUBCOMMITTEE ON FINANCE AND  
TAX**

**Senator Stargel, Chair**  
**Senator Garcia, Vice Chair**

**MEETING DATE:** Monday, January 29, 2018

**TIME:** 1:30—3:30 p.m.

**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Stargel, Chair; Senator Garcia, Vice Chair; Senators Campbell, Perry, Rodriguez, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 324</b> Community Affairs / Young (Similar CS/CS/H 697)	Impact Fees; Revising the minimum requirements for impact fees, etc.  CA 12/05/2017 Fav/CS AFT 01/29/2018 Fav/CS AP	Fav/CS Yeas 6 Nays 0
2	<b>SB 538</b> Garcia (Similar H 279, H 359, S 70)	State and Local Governmental Relations with The Government of Venezuela; Requiring the State Board of Administration to divest investments, and prohibiting it from investment, in any institution or company or subsidiary of a company domiciled in the United States which does business in or with the government of Venezuela or its agencies or instrumentalities in violation of federal law; authorizing the Governor to waive such requirements under certain circumstances, etc.  GO 01/16/2018 Favorable AFT 01/29/2018 Favorable AP	Favorable Yeas 6 Nays 0
3	<b>SB 688</b> Garcia (Similar CS/H 243)	Charter County and Regional Transportation System Surtax; Requiring counties, except under certain circumstances, to use surtax proceeds only for specified purposes; prohibiting the use of such proceeds for nontransit purposes, etc.  CA 12/05/2017 Favorable AFT 01/29/2018 Favorable AP	Favorable Yeas 6 Nays 0
4	<b>SJR 1742</b> Stargel (Compare HJR 7001)	Supermajority Vote Required to Increase State Tax Revenues by Increasing Taxes; Proposing an amendment to the State Constitution to require a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature, etc.  AFT 01/29/2018 Favorable AP	Favorable Yeas 4 Nays 2

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Finance and Tax  
Monday, January 29, 2018, 1:30—3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

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BILL: PCS/CS/SB 324 (841860)

INTRODUCER: Appropriations Subcommittee on Finance and Tax; Community Affairs Committee; and Senator Young

SUBJECT: Impact Fees

DATE: January 31, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 324 requires that the collection of an impact fee be no earlier than the issuance of the building permit for the property that is subject to the fee and provides that the statutory provisions related to impact fees do not apply to water and sewer connection fees.

The bill also codifies the dual rational nexus test. The bill requires impact fees to have a rational nexus with the need for additional capital facilities and the expenditures of the funds collected. The local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents. The bill prohibits the use of impact fee revenues to pay existing debt unless certain conditions are met.

Lastly, the bill prohibits local governments from requiring developers to pay for land acquisition or construction of public facilities as a condition for approving a development order unless the local government has an ordinance imposing similar requirements on all developers.

The Revenue Estimating Conference (REC) has not completed an analysis of the bill; however, the REC has determined that the portions of the bill that prohibit the collection of impact fees prior to the issuance of a building permit will reduce local revenues by an indeterminate amount. Staff estimates that the remaining bill will reduce local revenues by an indeterminate amount.

## II. Present Situation:

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>1</sup> Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>2</sup> Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>3</sup>

The Florida Statutes enumerate the powers and duties of all county governments, unless preempted on a particular subject by general or special law.<sup>4</sup> Those powers include the provision of fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.<sup>5</sup> Article VIII, Section 2 of the State Constitution and s. 166.021, F.S., grant municipalities broad home rule powers.

Given these constitutional and statutory powers, local governments may use a variety of revenue sources to fund services and improvements without express statutory authorization.<sup>6</sup> Special assessments, impact fees, franchise fees, and user fees or service charges are examples of these home rule revenue sources.<sup>7</sup>

### Impact Fees

Impact fees are enacted by local ordinance. These fees are tailored to pay the cost of additional infrastructure necessitated by new development. As a result, impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

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<sup>1</sup> FLA. CONST. art VIII, s. 1(f).

<sup>2</sup> FLA. CONST. art VIII, s. 1(g).

<sup>3</sup> FLA. CONST. art VIII, s. 2(b). *See also* s. 166.021(1), F.S.

<sup>4</sup> Section 125.01, F.S.

<sup>5</sup> Section 125.01(1), F.S.

<sup>6</sup> The exercise of home rule powers by local governments is constrained by whether an inconsistent provision or outright prohibition exists in the constitution or a general law or special law regarding the power at issue. Article VII, s. 1 of the State Constitution prohibits counties and municipalities from levying a tax without express statutory authorization. However, local governments may levy special assessments and a variety of fees absent any general law prohibition, provided such home rule funding source meets the relevant legal sufficiency tests.

<sup>7</sup> For a catalogue of such revenue sources, see the most recent editions of the Florida Legislature's *Local Government Financial Information Handbook* and the *Florida Tax Handbook*.

In 2015, 38 counties reported impact fee revenues of approximately \$504 million, and 193 cities reported impact fee revenues of approximately \$225.3 million.<sup>8</sup> In 2016, 28 school districts reported impact fee revenues of approximately \$265.3 million.<sup>9</sup>

### Statutory Authority for Impact Fees

In 2006, the Legislature enacted s. 163.31801, F.S., which provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee. An impact fee ordinance adopted by local government must:

- Require that the calculation of the impact fee be based on the most recent and localized data.
- Provide for accounting and reporting of impact fee collections and expenditures. If a local government imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.
- Limit administrative charges for the collection of impact fees to actual costs.
- Require that notice be provided at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.<sup>10</sup>

### The Dual Rational Nexus Test

Impact fees have their roots in the common law. A number of court decisions have addressed challenges to the legality of impact fees.<sup>11</sup> In *Hollywood, Inc. v. Broward County*,<sup>12</sup> the Fourth District Court of Appeal addressed the validity of a county ordinance that required a developer, as a condition of plat approval, to dedicate land or pay a fee for the expansion of the county level park system to accommodate the new residents of the proposed development. The court found that a reasonable dedication or impact fee requirement is permissible if (1) it offsets reasonable needs that are sufficiently attributable to the new development and (2) the fees collected are adequately earmarked for the acquisition of capital assets that will benefit the residents of the new development.<sup>13</sup> These two requirements are called the dual rational nexus test. In order to show the impact fee meets those requirements, the local government must demonstrate a rational relationship between the need for additional capital facilities and the proposed development. In addition, the local government must show the funds are earmarked for the provision of public facilities to benefit the new residents.<sup>14</sup>

In *Volusia County v. Aberdeen at Ormond Beach*, the Florida Supreme Court ruled that when a residential development has no potential to increase school enrollment, public school impact fees may not be imposed.<sup>15</sup> The county in that case had imposed a school impact fee on a deed-

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<sup>8</sup> Office of Economic Demographic Research, The Florida Legislature, *Impact Fees*, available at <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>. County Revenues were updated July 25, 2017, and City Revenues were updated September 28, 2017.

<sup>9</sup> *Id.* School District Revenues were updated October 5, 2017.

<sup>10</sup> Section 163.31801, F.S. Other sections of law also address the ability of local governments or special districts to levy impact fees. See ss. 163.3202(3), 191.009(4), and 380.06(15) and (16), F.S.

<sup>11</sup> See, e.g., *Contractors & Builders Ass'n v. City of Dunedin*, 329 So.2d 314 (Fla. 1976); *Home Builders and Contractors' Association v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4th DCA 1983).

<sup>12</sup> *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983).

<sup>13</sup> *Id.* at 611.

<sup>14</sup> *Id.* at 611-12.

<sup>15</sup> *Volusia County v. Aberdeen at Ormond Beach*, 760 So.2d 126, 134 (Fla. 2000).

restricted community for adults 55 years old and older. In *City of Zephyrhills v. Wood*, the Second District Court of Appeal upheld an impact fee on a recently purchased and renovated building, finding that structural changes had corresponding impacts on the city's water and sewer system.<sup>16</sup>

As developed under case law, an impact fee must have the following characteristics to be legal:

- The fee is levied on new development, the expansion of existing development, or a change in land use that requires additional capacity for public facilities;
- The fee represents a proportionate share of the cost of public facilities needed to serve new development;
- The fee is earmarked and expended for the benefit of those in the new development who have paid the fee;
- The fee is a one-time charge, although collection may be spread over a period of time;
- The fee is earmarked for capital outlay only and is not expended for operating costs; and
- The fee-payers receive credit for the contributions toward the cost of the increased capacity for public facilities.<sup>17</sup>

### **Time of Collection for Impact Fees**

The Florida Statutes do not specify when a local government must collect impact fees. As a result, the applicable local government makes this decision, and the time of collection varies. For example, in Orange County, residential impact fees are due when the building permit is issued, although the county allows the fee to be deferred in certain circumstances.<sup>18</sup> In contrast, in Volusia County, impact fees are due before the issuance of a certificate of occupancy or business tax receipt.<sup>19</sup>

### **Sector Plans**

Local governments are authorized to adopt sector plans into their comprehensive plans.<sup>20</sup> Sector planning is a process whereby local governments engage in long-term planning for a large area of land and address regional issues through adoption of detailed specific area plans within the planning area.<sup>21</sup> Sector plans are approved in two stages: first, the local government approves an amendment to its comprehensive plan, and second, the local government adopts development orders approving one or more detailed specific area plans.<sup>22</sup>

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<sup>16</sup> *City of Zephyrhills v. Wood*, 831 So.2d 223, 225 (Fla. 2d DCA 2002).

<sup>17</sup> The Florida Senate, Issue Brief 2010-310, 4 (Sept. 2009), available at [http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim\\_reports/pdf/2010-310ca.pdf](http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-310ca.pdf) (last visited Jan. 17, 2018).

<sup>18</sup> Orange County, Residential Impact Fees, <http://www.orangecountyfl.net/PermitsLicenses/Permits/ResidentialImpactFees.aspx#.WgnLs0kUmUI> (last visited Jan. 17, 2018).

<sup>19</sup> Volusia County, Frequently Asked Questions on Impact Fees, <https://www.volusia.org/services/growth-and-resource-management/impact-fees/faqs-impact-fees.stml> (last visited Jan. 17, 2018).

<sup>20</sup> Section 163.3245(1), F.S.

<sup>21</sup> Section 163.3164(42), F.S.

<sup>22</sup> Section 163.3245(3), F.S.

### III. Effect of Proposed Changes:

The bill provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum, specify that the impact fee be collected no earlier than the issuance of the building permit for the property that is subject to the fee.

The bill also codifies the dual rational nexus test. Specifically, the bill requires that an impact fee be reasonably connected to, or have a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

Additionally, the local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents. Finally, the bill prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

The bill provides that water and sewer connection fees are excluded from the statutory provisions related to impact fees contained in s. 163.31801, F.S.

The bill provides that in adopting a detailed specific area plan or related development order a local government may not require a developer to contribute or pay for land acquisition or construction or expansion of public facilities unless the local government has enacted an ordinance that requires developers of other developments not within the sector planning area to contribute a proportionate share of the funds, land or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development. Obligations to fund or construct new facilities or add to the present system of public facilities must have an essential nexus with, and be roughly proportionate to, the proposed development.

The bill provides that, within 30 days of receipt of an application for approval of a detailed specific area plan or related development order, a local government must review the application for completeness and issue a letter either indicating that all required information has been submitted or specifying, with particularity, any areas that are deficient. If the application is found to be deficient, the applicant must address the deficiencies within 30 days after receiving notice of the deficiencies by submitting the required additional information. The local government must approve, approve with conditions, or deny the application for a detailed specific area plan within 90 days after receipt of the initial or supplemental submission, whichever is later, unless the deadline is waived in writing by the applicant. An approval or denial of the application for approval of a detailed specific area plan or related development order must include written findings supporting the local government's decision.

The bill takes effect July 1, 2018.



#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

Subsection 18(b) of article VII of the Florida Constitution provides that the Legislature, except upon approval by a two-thirds vote, may not enact a general law if the anticipated effect of doing so would be to reduce the authority that counties or municipalities have to raise revenues in the aggregate.

The county/municipality mandates provision of Art. VII, S. 18 of the Florida Constitution may apply because the bill restricts the time at which a county or municipality may collect its impact fees and prohibits counties and municipalities from requiring certain payments as a condition of approving a detailed specific area plan or related development order as part of sector planning.

The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was \$2.05 million or less.<sup>23,24,25</sup> If the bill is determined to reduce the authority that counties and municipalities have to raise revenues in the aggregate and exceeds the threshold for insignificant fiscal impact, the bill may qualify as a mandate and require final passage by a two-thirds vote of the membership of each house of the Legislature.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

#### V. Fiscal Impact Statement:

##### A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) has not completed an analysis of this bill; however, the REC has determined that the portions of the bill that prohibit collection of impact fees prior to issuance of a building permit will reduce local revenues by an indeterminate amount. Staff estimates that the remaining portions of the bill will reduce local revenues by an indeterminate amount.

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<sup>23</sup> FLA. CONST. art. VII, s. 18(d).

<sup>24</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 17, 2018).

<sup>25</sup> Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Jan. 18, 2018).

**B. Private Sector Impact:**

Developers will not have to pay impact fees prior to the issuance of the building permit for a property, and developers will not have to contribute or pay for land acquisition or construction of public facilities related to detailed specific area plans or related development orders unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

**C. Government Sector Impact:**

Counties, municipalities, and special districts will not be able to collect impact fees prior to the issuance of the building permit for a property, and local governments will not be able to require contributions of or payments for land or construction of public facilities as a condition for approving a detailed specific area plan or related development order unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 163.31801 and 163.3245.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on Finance and Tax on January 29, 2018:**

- Provides that impact fee requirements do not apply to water or sewer connection fees.
- Prohibits local governments from requiring developers to contribute or pay for land acquisition or construction of public facilities as a condition for approving a detailed specific area plan or related development order unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

**CS by Community Affairs Committee on December 5, 2017:**

- Provides that collection of impact fees may not occur before the issuance of the building permit, rather than the issuance of the certificate of occupancy, for the property that is subject to the fee.
- Requires that the impact fee be reasonably connected to, or have a rational nexus with:
  - The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
  - The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.
- Requires the local government to specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents.
- Prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

**B. Amendments:**

None.



400120

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2018	.	
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Appropriations Subcommittee on Finance and Tax (Young)  
recommended the following:

**Senate Amendment (with title amendment)**

Between lines 76 and 77

insert:

(6) This section does not apply to water and sewer  
connection fees.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:



400120

11           Delete line 4  
12 and insert:  
13           fees; prohibiting the application of impact fee  
14           provisions to water and sewer connection fees;  
15           providing an effective date.



565236

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2018	.	
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Appropriations Subcommittee on Finance and Tax (Perry)  
recommended the following:

**Senate Amendment (with title amendment)**

Between lines 76 and 77

insert:

Section 2. Paragraph (b) of subsection (3) and subsection  
(4) of section 163.3245, Florida Statutes, are amended to read:  
163.3245 Sector plans.-

(3) Sector planning encompasses two levels: adoption  
pursuant to s. 163.3184 of a long-term master plan for the  
entire planning area as part of the comprehensive plan, and



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11 adoption by local development order of two or more detailed  
12 specific area plans that implement the long-term master plan and  
13 within which s. 380.06 is waived.

14 (b)1. In addition to the other requirements of this  
15 chapter, except for those that are inconsistent with or  
16 superseded by the planning standards of this paragraph, the  
17 detailed specific area plans must ~~shall~~ be consistent with the  
18 long-term master plan and ~~must~~ include conditions and  
19 commitments that provide for:

20 a.1. Development or conservation of an area of at least  
21 1,000 acres consistent with the long-term master plan. The local  
22 government may approve detailed specific area plans of less than  
23 1,000 acres based on local circumstances if it is determined  
24 that the detailed specific area plan furthers the purposes of  
25 this part and part I of chapter 380.

26 b.2. Detailed identification and analysis of the maximum  
27 and minimum densities and intensities of use and the  
28 distribution, extent, and location of future land uses.

29 c.3. Detailed identification of water resource development  
30 and water supply development projects and related infrastructure  
31 and water conservation measures to address water needs of  
32 development in the detailed specific area plan.

33 d.4. Detailed identification of the transportation  
34 facilities to serve the future land uses in the detailed  
35 specific area plan.

36 e.5. Detailed identification of other regionally  
37 significant public facilities, including public facilities  
38 outside the jurisdiction of the host local government, impacts  
39 of future land uses on those facilities, and required



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40 improvements consistent with the long-term master plan.

41 ~~f.6.~~ Public facilities necessary to serve development in  
42 the detailed specific area plan, including developer  
43 contributions in a 5-year capital improvement schedule of the  
44 affected local government.

45 ~~g.7.~~ Detailed analysis and identification of specific  
46 measures to ensure the protection and, as appropriate,  
47 restoration and management of lands within the boundary of the  
48 detailed specific area plan identified for permanent  
49 preservation through recordation of conservation easements  
50 consistent with s. 704.06, which easements shall be effective  
51 before or concurrent with the effective date of the detailed  
52 specific area plan and other important resources both within and  
53 outside the host jurisdiction. Any such conservation easement  
54 may be based on digital orthophotography prepared by a surveyor  
55 and mapper licensed under chapter 472 and may include a right of  
56 adjustment authorizing the grantor to modify portions of the  
57 area protected by a conservation easement and substitute other  
58 lands in their place if the lands to be substituted contain no  
59 less gross acreage than the lands to be removed; have equivalent  
60 values in the proportion and quality of wetlands, uplands, and  
61 wildlife habitat; and are contiguous to other lands protected by  
62 the conservation easement. Substitution is accomplished by  
63 recording an amendment to the conservation easement as accepted  
64 by and with the consent of the grantee, and which consent may  
65 not be unreasonably withheld.

66 ~~h.8.~~ Detailed principles and guidelines addressing the  
67 urban form and the interrelationships of future land uses;  
68 achieving a more clean, healthy environment; limiting urban





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69 sprawl; providing a range of housing types; protecting wildlife  
70 and natural areas; advancing the efficient use of land and other  
71 resources; creating quality communities of a design that  
72 promotes travel by multiple transportation modes; and enhancing  
73 the prospects for the creation of jobs.

74 i.9. Identification of specific procedures to facilitate  
75 intergovernmental coordination to address extrajurisdictional  
76 impacts from the detailed specific area plan.

77 2. A detailed specific area plan adopted by local  
78 development order pursuant to this section may be based upon a  
79 planning period longer than the generally applicable planning  
80 period of the local comprehensive plan and shall specify the  
81 projected population within the specific planning area during  
82 the chosen planning period. A detailed specific area plan  
83 adopted pursuant to this section is not required to demonstrate  
84 need based upon projected population growth or on any other  
85 basis. All lands identified in the long-term master plan for  
86 permanent preservation shall be subject to a recorded  
87 conservation easement consistent with s. 704.06 before or  
88 concurrent with the effective date of the final detailed  
89 specific area plan to be approved within the planning area. Any  
90 such conservation easement may be based on digital  
91 orthophotography prepared by a surveyor and mapper licensed  
92 under chapter 472 and may include a right of adjustment  
93 authorizing the grantor to modify portions of the area protected  
94 by a conservation easement and substitute other lands in their  
95 place if the lands to be substituted contain no less gross  
96 acreage than the lands to be removed; have equivalent values in  
97 the proportion and quality of wetlands, uplands, and wildlife



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98 habitat; and are contiguous to other lands protected by the  
99 conservation easement. Substitution is accomplished by recording  
100 an amendment to the conservation easement as accepted by and  
101 with the consent of the grantee, and which consent may not be  
102 unreasonably withheld.

103 3. In adopting a detailed specific area plan or related  
104 development order, a local government may not include or impose  
105 as a development order condition a requirement that a developer  
106 contribute or pay for land acquisition or construction or  
107 expansion of public facilities, or portions thereof, unless the  
108 local government has enacted a local ordinance that requires  
109 developers of other developments not within a sector planning  
110 area to contribute a proportionate share of the funds, land, or  
111 public facilities necessary to accommodate any impacts having a  
112 rational nexus to the proposed development. When allowed under  
113 this section, the obligation to fund or construct new facilities  
114 or add to the present system of public facilities must have an  
115 essential nexus and be roughly proportionate to the proposed  
116 development.

117 4. Within 30 days of receipt of an application for approval  
118 of a detailed specific area plan or related development order, a  
119 local government must review the application for completeness  
120 and issue a letter either indicating that all required  
121 information has been submitted or specifying, with  
122 particularity, any areas that are deficient. If the application  
123 is found to be deficient, the applicant must address the  
124 deficiencies within 30 days after receiving notice of the  
125 deficiencies by submitting the required additional information.  
126 The local government must approve, approve with conditions, or



127 deny the application for the detailed specific area plan within  
128 90 days after receipt of the initial or supplemental submission,  
129 whichever is later, unless the deadline is waived in writing by  
130 the applicant. An approval or denial of the application for  
131 approval of a detailed specific area plan or related development  
132 order must include written findings supporting the local  
133 government decision.

134 (4) Upon the long-term master plan becoming legally  
135 effective:

136 (a) Any long-range transportation plan developed by a  
137 metropolitan planning organization pursuant to s. 339.175(7)  
138 must be consistent, to the maximum extent feasible, with the  
139 long-term master plan, including, but not limited to, the  
140 projected population and the approved uses and densities and  
141 intensities of use and their distribution within the planning  
142 area. The transportation facilities identified in adopted plans  
143 pursuant to subparagraph (3) (a)3. and sub-subparagraph  
144 (3) (b)1.d. subparagraphs (3) (a)3. and (b)4. must be developed in  
145 coordination with the adopted M.P.O. long-range transportation  
146 plan.

147 (b) The water needs, sources and water resource  
148 development, and water supply development projects identified in  
149 adopted plans pursuant to subparagraph (3) (a)2. and sub-  
150 subparagraph (3) (b)1.d. must ~~subparagraphs (3) (a)2. and (b)3.~~  
151 ~~shall~~ be incorporated into the applicable district and regional  
152 water supply plans adopted in accordance with ss. 373.036 and  
153 373.709. Accordingly, and notwithstanding the permit durations  
154 stated in s. 373.236, an applicant may request and the  
155 applicable district may issue consumptive use permits for



565236

156 durations commensurate with the long-term master plan or  
157 detailed specific area plan, considering the ability of the  
158 master plan area to contribute to regional water supply  
159 availability and the need to maximize reasonable-beneficial use  
160 of the water resource. The permitting criteria in s. 373.223  
161 shall be applied based upon the projected population and the  
162 approved densities and intensities of use and their distribution  
163 in the long-term master plan; however, the allocation of the  
164 water may be phased over the permit duration to correspond to  
165 actual projected needs. This paragraph does not supersede the  
166 public interest test set forth in s. 373.223.

167  
168 ===== T I T L E A M E N D M E N T =====

169 And the title is amended as follows:

170 Delete line 4

171 and insert:

172 fees; amending s. 163.3245, F.S.; prohibiting local  
173 governments from requiring certain conditions in  
174 development orders, except under certain conditions;  
175 specifying the process for the local government review  
176 and approval of detailed specific area plans or  
177 related development orders; providing an effective  
178 date.

By the Committee on Community Affairs; and Senator Young

578-01794-18

2018324c1

1 A bill to be entitled  
 2 An act relating to impact fees; amending s. 163.31801,  
 3 F.S.; revising the minimum requirements for impact  
 4 fees; providing an effective date.  
 5  
 6 Be It Enacted by the Legislature of the State of Florida:  
 7  
 8 Section 1. Section 163.31801, Florida Statutes, is amended  
 9 to read:  
 10 163.31801 Impact fees; short title; intent; minimum  
 11 requirements; audits; challenges definitions; ordinances levying  
 12 impact fees.-  
 13 (1) This section may be cited as the "Florida Impact Fee  
 14 Act."  
 15 (2) The Legislature finds that impact fees are an important  
 16 source of revenue for a local government to use in funding the  
 17 infrastructure necessitated by new growth. The Legislature  
 18 further finds that impact fees are an outgrowth of the home rule  
 19 power of a local government to provide certain services within  
 20 its jurisdiction. Due to the growth of impact fee collections  
 21 and local governments' reliance on impact fees, it is the intent  
 22 of the Legislature to ensure that, when a county or municipality  
 23 adopts an impact fee by ordinance or a special district adopts  
 24 an impact fee by resolution, the governing authority complies  
 25 with this section.  
 26 (3) At a minimum, impact fees ~~An impact fee~~ adopted by  
 27 ordinance of a county or municipality or by resolution of a  
 28 special district must, ~~at minimum~~ satisfy the following  
 29 conditions:

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-01794-18

2018324c1

30 (a) ~~Require that~~ The calculation of the impact fees must  
 31 ~~fee~~ be based on the most recent and localized data.  
 32 (b) ~~The local government must~~ provide for accounting and  
 33 reporting of impact fee collections and expenditures. If a local  
 34 governmental entity imposes an impact fee to address its  
 35 infrastructure needs, the entity shall account for the revenues  
 36 and expenditures of such impact fee in a separate accounting  
 37 fund.  
 38 (c) ~~Limit~~ Administrative charges for the collection of  
 39 impact fees must be limited to actual costs.  
 40 (d) ~~Require that~~ Notice must be provided no less than 90  
 41 days before the effective date of an ordinance or resolution  
 42 imposing ~~a~~ new or increased impact fees ~~fee~~. A county or  
 43 municipality is not required to wait 90 days to decrease,  
 44 suspend, or eliminate ~~an~~ impact fees ~~fee~~.  
 45 (e) Collection of the impact fees may not occur earlier  
 46 than the issuance of the building permit for the property that  
 47 is subject to the fee.  
 48 (f) The impact fee must be reasonably connected to, or have  
 49 a rational nexus with, the need for additional capital  
 50 facilities and the increased impact generated by the new  
 51 residential or commercial construction.  
 52 (g) The impact fee must be reasonably connected to, or have  
 53 a rational nexus with, the expenditures of the funds collected  
 54 and the benefits accruing to the new residential or commercial  
 55 construction.  
 56 (h) The local government must specifically earmark funds  
 57 collected by the impact fees for use in acquiring capital  
 58 facilities to benefit the new residents.

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-01794-18

2018324c1

59       (i) The collection or expenditure of the impact fee  
60 revenues may not be used, in whole or part, to pay existing debt  
61 or be used for prior approved projects unless the expenditure is  
62 reasonably connected to, or has a rational nexus with, the  
63 increased impact generated by the new residential or commercial  
64 construction.

65       (4) Audits of financial statements of local governmental  
66 entities and district school boards which are performed by a  
67 certified public accountant pursuant to s. 218.39 and submitted  
68 to the Auditor General must include an affidavit signed by the  
69 chief financial officer of the local governmental entity or  
70 district school board stating that the local governmental entity  
71 or district school board has complied with this section.

72       (5) In any action challenging an impact fee, the government  
73 has the burden of proving by a preponderance of the evidence  
74 that the imposition or amount of the fee meets the requirements  
75 of state legal precedent or this section. The court may not use  
76 a deferential standard.

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

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Health Policy, *Chair*  
Appropriations Subcommittee on Pre-K - 12  
Education, *Vice Chair*  
Commerce and Tourism  
Communications, Energy, and Public Utilities  
Regulated Industries

## JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

## SENATOR DANA YOUNG

18th District

December 12, 2017

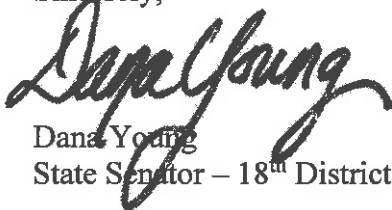
Senator Kelli Stargel, Chair  
Appropriations Subcommittee on Finance and Tax  
207 The Capitol  
404 S. Monroe Street  
Tallahassee, Florida 32399-1100

Dear Chair Stargel,

My Senate Bill 324 relating to Impact Fees has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,



Dana Young  
State Senator – 18<sup>th</sup> District

cc: Jose Diez-Arguelles, Staff Director – Appropriations Subcommittee on Finance & Tax

## REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-29-18

Meeting Date

SB 324

Bill Number (if applicable)

400120

Amendment Barcode (if applicable)

Topic IMPACT FEES

Name KEVIN NOONAN

Job Title DIRECTOR, LEGISLATIVE AFFAIRS

Address 100 W. ANDERSON ST. Street

Phone 407.466.1287

ORLANDO FL 32801 City State Zip

Email KNOONAN@OVL.COM

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against OF AMENDMENT (The Chair will read this information into the record.)

Representing ORLANDO UTILITIES COMMISSION

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18

Meeting Date

324

Bill Number (if applicable)

400120

Amendment Barcode (if applicable)

Topic Impact Fees

Name Joanna Bonfanti

Job Title Government Relations, Gunster Firm

Address 215 S. Monroe St., Suite 601

Phone 850-521-1980

Tallahassee

City

FL

State

32301

Zip

Email jbonfanti@gunster.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Section, American Water Works Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1-29-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

324

Meeting Date

Bill Number (if applicable)

400120

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Miami-Dade County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18  
Meeting Date

324  
Bill Number (if applicable)  
400120  
Amendment Barcode (if applicable)

Topic Impact fees

Name Ryan Matthews

Job Title Legislative Advocate

Address PO Box 10930  
Street

Phone 850 294 8591

Tallahassee FL 32381  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Gainesville Regional Utilities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-29-18

Meeting Date

SB 324

Bill Number (if applicable)

400120

Amendment Barcode (if applicable)

Topic IMPACT OF FEES

Name KARI HERBANK

Job Title

Address 113 EAST COLLEGE

Phone 850-566-7824

Street FALL HARBOR FL 32301

Email kari@wilsonmgmt.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against (The Chair will read this information into the record.)

Representing FLORIDA HOME BUILDERS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.29.18  
Meeting Date

324  
Bill Number (if applicable)  
400/20  
Amendment Barcode (if applicable)

Topic Impact Fees

Name Sarah Busk

Job Title \_\_\_\_\_

Address 204 S Monroe St

Phone 850 222 8900

TLH FL 32301  
City State Zip

Email sjb@cardenaspartners.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Okaloosa County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

1/29/2018

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB 324

*Meeting Date*

*Bill Number (if applicable)*

400120

Topic Impact Fees

*Amendment Barcode (if applicable)*

Name Pepper Uchino

Job Title Member

Address 201 W. Park Ave., Suite 100

Phone (850) 727-9040

*Street*  
Tallahassee

*State*  
FL

*Zip*  
32301

Email pepper@anfiledflorida.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Palm Beach County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

*Meeting Date*

SB 324

*Bill Number (if applicable)*

565236

*Amendment Barcode (if applicable)*

Topic Impact Fees

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams At

*Street*

TLH

*City*

FL

*State*

32301

*Zip*

Phone 224-7173

Email bbevis@aif.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

SB 324

*Meeting Date*

*Bill Number (if applicable)*

Topic Impact Fees

*Amendment Barcode (if applicable)*

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams At

Phone 224-7173

*Street*

TLH

FL

32301

Email bbevis@aif.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18

Meeting/Date

324

Bill Number (if applicable)

Topic Impact Fees

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St Suite 300

Phone 222-7500

Tallahassee FL 32301

Email garyh@hgsllaw.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

---

BILL: SB 538

INTRODUCER: Senators Garcia and Rodriguez

SUBJECT: State and Local Governmental Relations with The Government of Venezuela

DATE: January 26, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>Caldwell</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 538 requires the State Board of Administration to divest any investment in stocks, securities, or other obligations of any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with the government of Venezuela, or with agencies or instrumentalities thereof, in violation of federal law.

The bill prohibits a state agency from investing in any financial institution or company domiciled in the U.S., or any foreign subsidiary of a company domiciled in the U.S. which, directly or through a U.S. or foreign subsidiary, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law.

The bill authorizes the Governor to waive the bill's prohibitions if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

The bill has no fiscal impact on state or local revenues.

The bill has an effective date of July 1, 2018.

**II. Present Situation:**

**State Board of Administration**

The State Board of Administration (SBA) is established by Art. IV, s. 4(e) of the State Constitution and is composed of the Governor as chair, the Chief Financial Officer (CFO), and the Attorney General. The board members are commonly referred to as "Trustees." The SBA

derives its powers to oversee state funds from Art. XII, s. 9 of the State Constitution and ch. 215, F.S.

The SBA has responsibility for oversight of the Florida Retirement System (FRS) Pension Plan investments and the FRS Investment Plan,<sup>1</sup> which represent approximately \$168.8 billion, or 86.3 percent, of the \$195.7 billion in assets managed by the SBA as of October 26, 2017.<sup>2</sup> The SBA also manages more than 30 other investment portfolios with combined assets of \$26.9 billion, including the Florida Hurricane Catastrophe Fund, the Florida Lottery Fund, the Florida Pre-Paid College Plan, and various debt-service accounts for state bond issues.<sup>3</sup>

The Trustees, at the August 16, 2017, Cabinet meeting, passed a resolution to add the following language to the SBA's Investment Policy Statement for the FRS:

- Prohibited Investments. Until such as time as the SBA determines it is otherwise prudent to do so, the SBA is prohibited from investing in:
  - any financial institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States, which directly or through a United States or foreign subsidiary and in violation of federal law, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services in or with the government of Venezuela; and
  - any securities issued by the government of Venezuela or any company that is majority-owned by the government of Venezuela.
- Proxy Voting. The SBA will not vote in favor of any proxy resolution advocating the support of the Maduro Regime in Venezuela.<sup>4</sup>

The SBA's Investment Advisory Council formally recommended that the language be added to the FRS Investment Policy Statement at its meeting on September 25, 2017. The Trustees accepted the updated Investment Policy Statement at their October 17, 2017, meeting.

### **State Divestment Laws**

Section 215.471, F.S., enacted in 1993, prohibits the SBA from investing in stocks, securities, or other obligations of:

- Any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with Cuba, or with agencies or instrumentalities thereof in violation of federal law.
- Any institution or company domiciled outside of the U.S. if the President of the U.S. has applied sanctions against the foreign country in which the institution or company is domiciled, pursuant to s. 4 of the Cuban Democracy Act of 1992.

Section 215.471, F.S., also prohibits the SBA from acting as a fiduciary with respect to voting on, or in favor of, any proxy resolution advocating expanded U.S. trade with Cuba or Syria.

---

<sup>1</sup> Members in the FRS may elect to participate in the pension plan, which is a defined benefit plan, or the investment plan, which is a defined contribution plan.

<sup>2</sup> State Board of Administration, SB 538 Agency Analysis (Oct. 27, 2017).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Section 215.472, F.S., enacted in 1993, prohibits each state agency from investing in:

- Any financial institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., which directly or through a U.S. or foreign subsidiary makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with Cuba, the government of Cuba, or any company doing business in or with Cuba in violation of federal law.
- Any financial institution or company domiciled outside of the U.S. if the President of the U.S. has applied sanctions against the foreign country in which the institution or company is domiciled pursuant to s. 4 of the Cuban Democracy Act of 1992.

Section 215.473, F.S., enacted in 2007, requires the SBA to assemble and publish a list of scrutinized companies that have prohibited business operations in Sudan or Iran. Once placed on the list of scrutinized companies, the SBA is prohibited from acquiring those companies' securities and is required to divest such securities if the companies do not cease the prohibited activities or take certain compensating actions.

Section 215.4725, F.S., enacted in 2016, requires the SBA to identify and assemble a list of companies that boycott Israel. The SBA must provide written notice to the companies that may be placed on the list and give those companies an opportunity to respond prior to the company becoming subject to investment prohibition and placement on the list.

The state has practiced divestment several times in modern history.<sup>5</sup> From 1986 to 1993, the Legislature directed the SBA to divest investments of companies doing business with South Africa. From 1988 to 2015, the Legislature placed restrictions on investments in any institution or company doing business in or with Northern Ireland. From 1997 until 2001, the SBA made a decision to divest of 16 tobacco stocks due to pending litigation involving the state and those companies.

### **Federal Venezuela Sanctions**

In recent years, the federal government has imposed various sanctions on the government of Venezuela. On August 24, 2017, President Trump signed Executive Order 13808 to prohibit U.S. persons and entities from engaging in transactions involving the following:

- New debt with a maturity of greater than 90 days of Petroleos de Venezuela, S.A. (PdVSA), Venezuela's state-owned oil company;
- New debt with a maturity of greater than 30 days, or new equity, of the government of Venezuela, other than debt of PdVSA as defined above;
- Bonds issued by the government of Venezuela prior to August 25, 2017;
- Dividend payments or other distributions of profits to the government of Venezuela from any entity owned or controlled, directly or indirectly, by the government of Venezuela; and
- The purchase, directly or indirectly, of securities from the government of Venezuela, other than security qualifying as new debt with a maturity of less than or equal to 90 days (for PdVSA) or 30 days (for the government of Venezuela).<sup>6</sup>

<sup>5</sup> See CS/CS/HB 959 House of Representatives Final Bill Analysis, Notes 14 through 17 (May 11, 2012).

<sup>6</sup> Exec. Order No. 13808, 3 C.F.R. 41155 (2017).

The executive order defined the term “government of Venezuela” to mean the government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and PdVSA, and any person or entity owned or controlled by, or acting for or on behalf of, the government of Venezuela.<sup>7</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 215.471, F.S., to require the SBA to divest any investment in stocks, securities, or other obligations of any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with the government of Venezuela, or with agencies or instrumentalities thereof, in violation of federal law.

For this section, the bill defines the term “government of Venezuela” to mean the government of Venezuela, its agencies or instrumentalities, or companies majority-owned or controlled by the government of Venezuela.

Also, the bill authorizes the Governor to waive the divestiture requirements if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

Additionally, the bill prohibits the SBA from being a fiduciary with respect to voting on, and may not have the right to vote in favor of, any proxy resolution advocating expanded U.S. trade with the government of Venezuela.

**Section 2** amends s. 215.472, F.S., to prohibit a state agency from investing in any financial institution or company domiciled in the U.S., or any foreign subsidiary of a company domiciled in the U.S. which, directly or through a U.S. or foreign subsidiary, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law.

For this section, the bill defines the term “government of Venezuela” to mean the government of Venezuela, its agencies or instrumentalities, or companies majority-owned or controlled by the government of Venezuela.

The bill authorizes the Governor to waive the prohibitions on state agency actions if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

**Section 3** provides the bill takes effect July 1, 2018.

---

<sup>7</sup> *Id.* at 41156.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

The U.S. Constitution grants the federal government various powers related to foreign affairs, such as the power to declare war,<sup>8</sup> maintain a military,<sup>9</sup> enter into treaties and other international agreements,<sup>10</sup> regulate foreign commerce,<sup>11</sup> and to hear cases involving foreign states and citizens.<sup>12</sup> These grants of power have been interpreted to grant the federal government the exclusive power to act in the area of foreign affairs.<sup>13</sup> When a state law operates in the field of foreign affairs without federal authorization, a reviewing court might find the state law to be invalid.<sup>14</sup>

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Indeterminate.

**C. Government Sector Impact:**

The bill may have an insignificant negative fiscal impact on the SBA related to conducting research. The SBA, however, will absorb these costs.<sup>15</sup>

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<sup>8</sup> Section 8, Art. I, U.S. Constitution.

<sup>9</sup> *Id.*

<sup>10</sup> Section 2, Art. II, U.S. Constitution.

<sup>11</sup> Section 8, Art. I, U.S. Constitution.

<sup>12</sup> Section 2, Art. III, U.S. Constitution.

<sup>13</sup> *Hines v. Davidowitz*, 312 U.S. 52, 63 (1941) (Stating that the "Federal Government, representing as it does the collective interests of the forty-eight states, is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties.").

<sup>14</sup> *Zschernig v. Miller*, 389 U.S. 429 (1968); *American Ins. Ass'n v. Garamendi*, 539 U.S. 396 (2003).

<sup>15</sup> See *supra* note 2.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 215.471 and 215.472.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Garcia

36-00707-18

2018538\_\_

1 A bill to be entitled  
 2 An act relating to state and local governmental  
 3 relations with the government of Venezuela; amending  
 4 s. 215.471, F.S.; requiring the State Board of  
 5 Administration to divest investments, and prohibiting  
 6 it from investment, in any institution or company or  
 7 subsidiary of a company domiciled in the United States  
 8 which does business in or with the government of  
 9 Venezuela or its agencies or instrumentalities in  
 10 violation of federal law; defining the term  
 11 "government of Venezuela"; authorizing the Governor to  
 12 waive such requirements under certain circumstances;  
 13 prohibiting the State Board of Administration from  
 14 voting on any proxy resolution advocating expanded  
 15 United States trade with the government of Venezuela;  
 16 amending s. 215.472, F.S.; prohibiting state agencies  
 17 from investing in any financial institution or company  
 18 or foreign subsidiary of a company domiciled in the  
 19 United States which engages in specified transactions  
 20 with the government of Venezuela or certain companies  
 21 in violation of federal law; defining the term  
 22 "government of Venezuela"; authorizing the Governor to  
 23 waive such prohibition under certain circumstances;  
 24 providing an effective date.  
 25  
 26 WHEREAS, the current government of Venezuela is intolerable  
 27 to its people and continues to demonstrate the use of extreme  
 28 violence and political persecution in the orchestrated  
 29 suppression of human rights, and

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

36-00707-18

2018538\_\_

30 WHEREAS, the regime of President Nicolas Maduro continues  
 31 to unjustly detain and prosecute political prisoners in spite of  
 32 international calls for their complete freedom, and  
 33 WHEREAS, the State of Florida stands in unity with the  
 34 people of Venezuela in their fight for democracy and freedom  
 35 from the oppressive Maduro regime, and  
 36 WHEREAS, the United States has deemed the situation in  
 37 Venezuela an extraordinary threat to our national security and  
 38 foreign policy, and  
 39 WHEREAS, the United States has issued sanctions against  
 40 Venezuelan officials, including Nicolas Maduro, who has been  
 41 identified as a "specially designated national" and labeled a  
 42 dictator by the United States Department of the Treasury, NOW,  
 43 THEREFORE,  
 44  
 45 Be It Enacted by the Legislature of the State of Florida:  
 46  
 47 Section 1. Paragraph (c) is added to subsection (1) of  
 48 section 215.471, Florida Statutes, and subsection (2) of that  
 49 section is amended, to read:  
 50 215.471 Divestiture by the State Board of Administration;  
 51 reporting requirements.—  
 52 (1) The State Board of Administration shall divest any  
 53 investment under s. 121.151 and ss. 215.44-215.53, and is  
 54 prohibited from investment in stocks, securities, or other  
 55 obligations of:  
 56 (c) Any institution or company domiciled in the United  
 57 States, or foreign subsidiary of a company domiciled in the  
 58 United States, doing business in or with the government of

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36-00707-18

2018538\_\_

59 Venezuela, or with agencies or instrumentalities thereof, in  
 60 violation of federal law. As used in this section, the term  
 61 "government of Venezuela" means the government of Venezuela, its  
 62 agencies or instrumentalities, or companies majority-owned or  
 63 controlled by the government of Venezuela. The Governor may  
 64 waive the requirements of this paragraph in the event that there  
 65 is a collapse of the government in Venezuela and there is a need  
 66 for immediate aid to Venezuela before the convening of the  
 67 Legislature, or for other humanitarian reasons as determined by  
 68 the Governor.

69 (2) The State Board of Administration may not be a  
 70 fiduciary under this section with respect to voting on, and may  
 71 not have the right to vote in favor of, any proxy resolution  
 72 advocating expanded United States trade with Cuba, ~~or~~ Syria, or  
 73 the government of Venezuela. The board's staff shall report on  
 74 its activities in its annual proxy voting report.

75 Section 2. Subsection (3) is added to section 215.472,  
 76 Florida Statutes, to read:

77 215.472 Prohibited investments.—Notwithstanding any other  
 78 provision of law, each state agency, as defined in s. 216.011,  
 79 is prohibited from investing in:

80 (3) Any financial institution or company domiciled in the  
 81 United States, or any foreign subsidiary of a company domiciled  
 82 in the United States, which directly or through a United States  
 83 or foreign subsidiary makes any loan, extends credit of any kind  
 84 or character, advances funds in any manner, or purchases or  
 85 trades any goods or services with the government of Venezuela,  
 86 or any company doing business in or with the government of  
 87 Venezuela in violation of federal law. As used in this

Page 3 of 4

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36-00707-18

2018538\_\_

88 subsection, the term "government of Venezuela" means the  
 89 government of Venezuela, its agencies or instrumentalities, or  
 90 companies majority-owned or controlled by the government of  
 91 Venezuela. The Governor may waive the prohibition in this  
 92 subsection in the event that there is a collapse of the  
 93 government in Venezuela and there is a need for immediate aid to  
 94 Venezuela before the convening of the Legislature, or for other  
 95 humanitarian reasons as determined by the Governor.

96 Section 3. This act shall take effect July 1, 2018.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

---

BILL: SB 688

INTRODUCER: Senator Garcia

SUBJECT: Charter County and Regional Transportation System Surtax

DATE: January 26, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Gross</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 688 requires each county, as defined in s. 125.011(1), F.S., to the extent not prohibited by contracts or bond covenants in effect on July 1, 2018, to use Charter County and Regional Transportation System Surtax proceeds only for the following purposes:

- The planning, design, engineering, and construction of fixed guideway rapid transit systems.
- The acquisition of right-of-way for fixed guideway rapid transit systems, provided that the current owner of the right-of-way is a willing seller or lessor.
- The purchase of buses and other capital costs for a bus system.
- The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems or bus systems.
- As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, and construction of fixed guideway rapid transit systems or bus systems.

Additionally, the bill prohibits the use of such surtax proceeds for nontransit purposes for each county, as defined in s. 125.011(1), F.S.

The bill does not affect state or local revenues. However, the bill does limit the purposes for which a county may use the surtax proceeds.

The bill provides an effective date of July 1, 2018

**II. Present Situation:**

**Discretionary Sales Surtaxes**

In addition to the state sales and use tax, s. 212.055, F.S., authorizes counties to impose nine local discretionary sales surtaxes. A surtax applies to “all transactions occurring in the county

which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and on communications services as defined in ch. 202, F.S.”<sup>1</sup> The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold, or are delivered into. Discretionary sales surtax rates currently levied vary from 0.5 percent to 1.5 percent.<sup>2</sup>

The Department of Revenue (DOR) administers, collects, and enforces county discretionary sales surtaxes pursuant to the same procedures used in the administration, collection, and enforcement of the state sales tax.<sup>3</sup> DOR then remits to the appropriate county the surtax proceeds less an administration fee not to exceed 3 percent.<sup>4</sup>

### **Charter County and Regional Transportation System Surtax**

Any county that has adopted a home rule charter, any county government that has consolidated with one or more municipalities, and any county that is within or under an interlocal agreement with a regional transportation or transit authority created under ch. 343 or 349, F.S., may levy this surtax at a rate of up to 1 percent, subject to approval by a majority vote of the county’s electorate or a charter amendment approved by a majority vote of the county’s electorate.<sup>5</sup>

Based on these criteria, 31 counties (i.e., Alachua, Bay, Brevard, Broward, Charlotte, Citrus, Clay, Columbia, Duval, Escambia, Franklin, Gulf, Hernando, Hillsborough, Lee, Leon, Manatee, Miami-Dade, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Santa Rosa, Sarasota, Seminole, Volusia, Wakulla, and Walton) are eligible to levy the surtax. Currently, only two of the 31 eligible counties (Duval and Miami-Dade) levy this surtax, each at a rate of 0.5 percent.

Generally, the surtax proceeds are used for the development, construction, operation, and maintenance of fixed guideway rapid transit systems; bus systems; on-demand transportation services; and roads and bridges.<sup>6</sup> Counties eligible to levy the surtax may also use up to 25 percent of the proceeds for nontransit purposes.<sup>7</sup>

The Charter County and Regional Transportation System Surtax is estimated to produce \$329.5 million in Fiscal Year 2017-2018.<sup>8</sup>

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<sup>1</sup> Section 212.054, F.S.

<sup>2</sup> Florida Legislature, Office of Economic and Demographic Research, *Florida Tax Handbook*, 2017 Local Discretionary Sales Surtax Rates in Florida’s Counties, 224-225 (2017), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2017.pdf> (last visited Nov. 15, 2017).

<sup>3</sup> Section 212.054(4)(a), F.S.

<sup>4</sup> Section 212.054(4)(b) and (c), F.S.

<sup>5</sup> Section 212.055(1), F.S. See also Florida Revenue Estimating Conference, *2017 Florida Tax Handbook*, pp. 226-227, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2017.pdf> (last visited Jan. 18, 2018).

<sup>6</sup> Section 212.055(1)(d), F.S.

<sup>7</sup> Section 212.055(1)(d)3., F.S.

<sup>8</sup> See *supra* note 2.

## **Miami-Dade County**

Miami-Dade County is the only county that currently meets the description contained in s. 125.011(1), F.S., of a “county operating under a home rule charter” adopted under constitutional authority and which “by resolution of its board of county commissioners, elects the powers” conferred by that statutory section.<sup>9</sup> General laws used by Miami-Dade County, and only Miami-Dade County, have survived various legal challenges claiming such general laws are, in actuality, special laws.<sup>10</sup>

### **III. Effect of Proposed Changes:**

The bill requires each county, as defined in s. 125.011(1), F.S., to the extent not prohibited by contracts or bond covenants in effect on July 1, 2018, to use Charter County and Regional Transportation System Surtax proceeds only for the following purposes:

- The planning, design, engineering, and construction of fixed guideway rapid transit systems.
- The acquisition of right-of-way for fixed guideway rapid transit systems, provided that the current owner of the right-of-way is a willing seller or lessor.
- The purchase of buses and other capital costs for a bus system.
- The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems or bus systems.
- As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, and construction of fixed guideway rapid transit systems or bus systems.

Additionally, the bill prohibits the use of such surtax proceeds for nontransit purposes for each county, as defined in s. 125.011(1), F.S.

The bill also makes several non-substantive changes and removes redundant provisions.

The bill provides that the act takes effect July 1, 2018.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

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<sup>9</sup> Memorandum from the Florida Legislative Committee on Intergovernmental Relations, (dated Apr. 20, 2006)(on file with the Senate Appropriations Subcommittee on Finance and Tax).

<sup>10</sup> See *Metropolitan Dade County v. Golden Nugget Group*, 448 So. 515 (Fla. 3<sup>rd</sup> DCA 1984), *aff'd*, 464 So. 2d 535 (Fla. 1985); *City of Miami v. McGrath*, 824 So. 143 (Fla. 2002); and *Homestead Hospital v. Miami-Dade County*, 829 So. 2d 259 (Fla. 3<sup>rd</sup> DCA 1992).

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The bill does not affect state or local revenues. However, the bill does limit the purposes for which a county may use the surtax proceeds.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Each county as defined in s. 125.011(1), F.S., may use Charter County and Regional Transportation System Surtax proceeds only for the purposes provided by the bill and may not use the surtax for nontransit purposes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 212.055 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Garcia

36-00717A-18

2018688\_\_

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

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

36-00717A-18

2018688\_\_

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~~

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

36-00717A-18

2018688\_\_

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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00717A-18

2018688\_\_

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.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.



**The Florida Senate**  
State Senator René García  
36<sup>th</sup> District

**Please reply to:**

**District Office:**

1490 West 68 Street  
Suite # 201  
Hialeah, FL 33014  
Phone# (305) 364-3100

December 7, 2017

The Honorable Kelli Stargel  
Chair, Finance and Tax Appropriations Subcommittee  
207 Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear Senator Stargel,

Please have this letter serve as my formal request to have **SB 688: Charter County and Regional Transportation System Surtax** be heard during the next scheduled Finance and Tax Appropriations Committee Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García  
District 36

CC: Jose Diez-Arguelles  
Lynn Wells

**Committees:** Children, Families, and Elder Affairs, Chair, Appropriations Subcommittee on Finance and Tax, Vice Chair, Appropriations Subcommittee on the Environment and Natural Resources, Appropriations Subcommittee on General Government, Banking and Insurance, Judiciary, Joint Administrative Procedures Committee.



THE FLORIDA SENATE

APPEARANCE RECORD

1-29-18

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

688

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Miami-Dade County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

---

BILL: SJR 1742

INTRODUCER: Senator Stargel

SUBJECT: Supermajority Vote Required to Increase State Tax Revenues by Increasing Taxes

DATE: January 26, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fournier</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	<b>Recommend: Favorable</b>
2.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SJR 1742 proposes an amendment to the State Constitution to require a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election specifically authorized by law for that purpose.

The Revenue Estimating Conference (REC) has not reviewed this proposed amendment. Based on the impact adopted by the REC for HJR 7001, staff estimates a zero impact on state revenues because the amendment does not directly impact current baseline revenue forecasts since they are based on current law and current administration and do not contain assumptions regarding future legislative changes.

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. Based on 2016 advertising costs, staff estimates full publication costs for advertising the proposed constitutional amendment to be approximately \$43,732, which will likely be funded by appropriations from the General Revenue Fund.

**II. Present Situation:**

The State Constitution grants the Legislature authority (with some specific exceptions) to enact legislation by a majority vote in each house.<sup>1</sup> Every bill passed by the Legislature must be

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<sup>1</sup> Fla. const. art. III, s. 7.

presented to the Governor for approval, and it becomes law if the Governor approves and signs it or fails to veto it.<sup>2</sup> Vetoes can be overcome by a two-thirds vote of each house of the Legislature.<sup>3</sup>

### **Exceptions to Legislation by Majority Vote for Bills Relating to Taxation and Revenues**

The State Constitution provides for exceptions to majority-vote passage of certain laws related to taxes.

- The corporate income tax rate is limited to 5 percent of net income unless a higher rate is authorized by a three-fifths vote of the membership of each house of the Legislature.<sup>4</sup> (The tax is currently levied at a rate of 5.5 percent.<sup>5</sup>)
- Bills that would create certain local mandates requiring counties or municipalities to expend funds,<sup>6</sup> reduce their authority to raise revenue,<sup>7</sup> or reduce the percentage of a state tax shared with counties and municipalities<sup>8</sup> must be approved by two-thirds of the membership of each house of the Legislature.
- Bills that would cause state revenue collections to exceed the limit set forth in the State Constitution<sup>9</sup> must be passed by a two-thirds vote of the membership of each house of the Legislature in a separate bill that contains no other subject.<sup>10</sup>

### **Constitutional Amendments Relating to Taxation**

While the general requirement is that a proposed amendment to the State Constitution must be approved by a vote of at least sixty percent of the electors voting on the measure,<sup>11</sup> constitutional amendments that impose new state taxes or fees must be approved by at least two-thirds of the voters voting in the election in which the proposed amendment is considered.<sup>12</sup> For purposes of such an amendment, the phrase “new State tax or fee” means any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the general revenue fund or any trust fund, which was not in effect November 7, 1994.

### **Taxes and Fees**

Taxes and fees are both imposed by government and raise revenue, but they have been recognized as being fundamentally different by statute and case law in nearly every state, the United States, and internationally as part of the Vienna Convention on Diplomatic Relations of 1961.<sup>13</sup>

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<sup>2</sup> Fla. const. art. III, s. 8 (a).

<sup>3</sup> Fla. const. art. III, s. 8(c).

<sup>4</sup> Fla. const. art. VII, s. 5(b).

<sup>5</sup> Section 220.11(2), F.S.

<sup>6</sup> Fla. const. art VII, s. 18(a).

<sup>7</sup> Fla. const. art VII, s. 18(b).

<sup>8</sup> Fla. const. art VII, s. 18(c).

<sup>9</sup> Fla. const. art VII, s. 1(e).

<sup>10</sup> *Id.*

<sup>11</sup> Fla. const. art. XI, s. 5(e).

<sup>12</sup> Fla. const. art. XI, s. 7.

<sup>13</sup> Henchman, Joseph, *How is the Money Used: Federal and State Cases Distinguishing Taxes and Fees*, 5-9 (2013).

- **Taxes** are compulsory exactions imposed for the primary purpose of raising revenue, with the resultant funds spent on general government services. Examples are corporate income tax, gross receipts tax, sales and use tax, cigarette and alcoholic beverage excise taxes, motor fuel tax, property tax, and utility taxes.
- **Fees** are imposed for the primary purpose of covering the cost of providing a service, with the funds raised directly from those benefitting from, or creating a need for, a particular provided service. “User fees” are assessed for goods and services provided by government such as tolls, parks and recreation fees, and solid waste management charges. “Regulatory fees” are assessed to those obtaining a license, permit, or other privilege under regulatory laws enacted to protect public health, welfare, and safety.

Generally, the label applied to a charge or imposition is less important than how it operates. For example, in *Collier County v. State*, the Florida Supreme Court held that a “fee” on property owners was in fact a tax “because it is proposed to support many of the general sovereign functions contemplated within the definition of a tax,” such as “sheriff services; libraries; parks; election services; public health services; and public works.”<sup>14</sup>

### **Tax Exemptions and Credits**

Tax statutes are generally written to apply to broad classes of property, income, or activity. For example, Florida’s sales and use tax is levied “at the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state....”<sup>15</sup> Similarly, the corporate income tax is “a tax measured by net income...on every taxpayer for each taxable year...”<sup>16</sup> These and other statutes create the “tax base” for each tax, and by their construction certain classes are excluded. The sales tax, for instance, does not include intangible property or wholesale sales.

Tax exemptions create exceptions to the broad application of the tax and take several forms. A sales tax exemption may apply to a product, (food products for human consumption are exempt from sales and use tax<sup>17</sup>) a purchaser, ( sales or leases made to s. 501(c)(3) organizations are exempt from sales and use tax<sup>18</sup>) or a seller, ( farm products sold directly by the producer are exempt from sales tax<sup>19</sup>). Exemptions often apply only if a product is being used for a specific purpose.

Tax credits enable taxpayers to reduce their tax liability by providing that certain other payments they make may be credited against their tax liability. For example, corporations may receive credits against their income tax for making certain capital investments,<sup>20</sup> performing voluntary cleanup of contaminated sites,<sup>21</sup> or making contributions to Scholarship Funding Organizations.<sup>22</sup>

<sup>14</sup> See *Collier v. State*, 733 So. 2d 1012, 1018 (Fla. 1999).

<sup>15</sup> Section 212.05(1)(a)1.a., F.S.

<sup>16</sup> Section 220.11(1), F.S.

<sup>17</sup> Section 212.08(1)(a), F.S.

<sup>18</sup> Section 212.08(7)(p), F.S.

<sup>19</sup> Section 212.07(5), F.S.

<sup>20</sup> Section 220.191, F.S.

<sup>21</sup> Section 220.1845, F.S.

<sup>22</sup> Section 220.187, F.S.

## Determining the Impact of Tax Law Changes on State Revenues

Florida's revenue forecasting system is based on a consensus estimating process, by which professional staff of the Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and the House of Representatives, designated by their respective presiding officers, unanimously adopt forecasts of economic, demographic, resource-demand, and revenue measures.<sup>23</sup> This process includes conferences convened to develop official information on behalf of the Legislature to use in its budget deliberations<sup>24</sup> and to consider impacts of specific changes or proposed changes.<sup>25</sup>

## Other States with Supermajority Vote Requirements for Tax or Revenue Increases

Currently, 15 states (including Florida) require a supermajority vote to impose or increase taxes. Except for Wisconsin, these requirements are found in the states' constitutions. These requirements vary widely in their application. The following table summarizes the requirements for each affected state:

State	Year Adopted	Vote Requirement	Application
Arizona <sup>26</sup>	1992	2/3	New taxes, tax rates, fees, reduction or elimination of exemptions, etc., assessments, authorizations
Arkansas <sup>27</sup>	1934	3/4	Tax rates, applicable only to taxes in effect as of the effective date of the amendment
California <sup>28</sup>	1979	2/3	New or increased taxes, levies, exactions (not fees)
Delaware <sup>29</sup>	1980	3/5	New taxes and fees
Florida <sup>30</sup>	1971	3/5	Corporate income tax rate above 5 percent
Kentucky <sup>31</sup>	2000	3/5	"Raising revenue or appropriating funds"
Louisiana <sup>32</sup>	1966	2/3	New taxes
Michigan <sup>33</sup>	1994	3/4	A law that increases the statutory limits on ad valorem taxes in effect as of 02-01-1994.
Mississippi <sup>34</sup>	1970	3/5	Any revenue bill, or any bill providing for assessments of property for taxation

<sup>23</sup> Sections 216.133-137, F.S.

<sup>24</sup> Section 216.137(1)(b), F.S.

<sup>25</sup> Section 216.137(1)(d), F.S.

<sup>26</sup> A.R.S. Const. art. 9, s. 22.

<sup>27</sup> AR Const. art. 5, s. 38.

<sup>28</sup> West's Ann. Cal. Const. art. 13A, s. 3.

<sup>29</sup> Del. C. Ann. Const. art. 8, s. 11.

<sup>30</sup> Fla. Const. art. VII, s. 5(b).

<sup>31</sup> KY Const. s. 36.

<sup>32</sup> LSA-Const. art. 7, s. 2.

<sup>33</sup> M.C.L.A. Const. art. 9, s 3.

<sup>34</sup> MS Const. art. 4, s 70.

Missouri <sup>35</sup>	1996	2/3	Any increase in taxes or fees that produces annual revenue increases of \$50 million or more
Nevada <sup>36</sup>	1996	2/3	Increases in public revenue, including taxes, fees, assessments and rates, or tax base changes
Oklahoma	1992	3/4	New taxes and tax rates
Oregon <sup>37</sup>	1996	3/5	New taxes and tax rates
South Dakota <sup>38</sup>	1996	2/3	New taxes and tax rates
Wisconsin <sup>39</sup>	2011	2/3	Increases in sales or income tax rates (Statutory requirement)

### III. Effect of Proposed Changes:

This joint resolution requires a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature.

- It defines the term “expands the tax base” to mean broadening the scope of a tax to include additional classes of property, activity, or income, but it does not include the amendment or repeal of a credit or exemption. For example, a bill that extends a new tax to a previously-untaxed class of property, income, or activity, such as the 1986 extension of Florida’s sales and use tax to the service sector,<sup>40</sup> must pass by a three-fifths majority. A bill that repeals a specific sales and use tax exemption may be adopted by a simple majority vote.
- It defines the term “net increase in state revenues” to mean the revenues produced by the tax increases contained in the law, minus any revenue reductions contained in the law. A bill that includes both tax increases and revenue reductions requires a three-fifths vote only if the tax increases are not offset by reductions in state revenues. An example of a bill with this effect is HB 7099 (2016),<sup>41</sup> which included many tax reductions as well as a change in the definition of the “wholesale sales price” of other tobacco products. This definition change, which was enacted to overcome a court decision<sup>42</sup> that was inconsistent with historic practices in tobacco taxation, had the effect of increasing state tax revenues, but this increase was offset by other provisions of the bill.

<sup>35</sup> V.A.M.S. Const. art. 10. s. 18(e).

<sup>36</sup> N.R.S. Const. art 4, s. 18.

<sup>37</sup> OR Const. art IV, s. 25.

<sup>38</sup> SD Const. art. 11, s. 14.

<sup>39</sup> Wisconsin Statutes 13.085.

<sup>40</sup> Section 212.059, F.S. (1987).

<sup>41</sup> Chapter 2016-220, Laws of Florida

<sup>42</sup> MICJO, INC., v. DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, Division of Alcoholic Beverages and Tobacco, 78 So. 3d 124 (Fla 2<sup>nd</sup> DCA 2012).

Whether a law results in a net increase is determined by the annual net revenues estimated to be collected in the first state fiscal year when all the changes in the bill are fully effective. If a law both increases and reduces revenues, a revenue increase of less than one percent of the tax increase contained in the law is not considered a net increase in state revenues. For example, a bill with a tax increase of \$1,000,000 and a revenue decrease of \$995,000 would not require a three-fifths vote because the net revenue increase of \$5,000 is less than 1 percent of the tax increase of \$1,000,000.

The joint resolution does not authorize the Legislature to impose any state tax otherwise prohibited by the State Constitution, and it does not apply to any tax imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

Not applicable to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) has not reviewed this proposed amendment. Based on the impact adopted by the conference for HJR 7001, staff estimates a zero impact on state revenues because the amendment does not directly impact current baseline revenue forecasts because they are based on current law and current administration and do not contain assumptions regarding future legislative changes.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State has not estimated the publication costs for advertising the joint resolution.

Based on 2016 advertising costs, staff estimates full publication costs for advertising the proposed constitutional amendment to be approximately \$43,732, which will likely be funded by appropriations from the General Revenue Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This resolution creates Article VII, section 19 of the State Constitution.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



By Senator Stargel

22-01244D-18

20181742\_\_

Senate Joint Resolution

A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution to require a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 19 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 19. Supermajority vote required to increase state tax revenues by increasing taxes.—

(a) A law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, must be approved by three-fifths of the membership of each house of the legislature.

(b) As used in this section, the term:

(1) "Expands a tax base" means broadening the scope of a tax to include additional classes of property, activity, or income, but does not include the amendment or repeal of a credit or exemption.

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

22-01244D-18

20181742\_\_

(2) "Net increase in state revenues" means the revenues produced by the tax increases contained in the law, minus any revenue reductions contained in the law. For purposes of this paragraph, whether a law results in a net increase is determined by the annual net revenues estimated to be collected in the first state fiscal year when all the changes in the bill are fully effective. For a law that both increases and reduces revenues, a revenue increase of less than one percent (1%) of the tax increases contained in the law is not considered a net increase in state revenues.

(c) This section does not authorize the imposition of any state tax otherwise prohibited by this constitution, and does not apply to any tax imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 19

SUPERMAJORITY VOTE REQUIRED TO INCREASE STATE TAX REVENUES BY INCREASING TAXES.—Requires a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature. Defines the terms "expands a tax base" and "net increase in state revenues." This amendment does not apply to county, municipality, school board, or special district taxes.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18  
Meeting Date

SJR 1742  
Bill Number (if applicable)

Topic Super Majority Vote

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St.

Phone 850-321-9386

Tallahassee  
City

FL  
State

32301  
Zip

Email fcsep@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Center for Fiscal & Economic Policy

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18  
Meeting Date

1742  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY PKWY #296  
Street

Phone 941.323.2404

SARASOTA FL 34243  
City State Zip

Email cullenasea@aol.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/29/18

Meeting Date

1742

Bill Number (if applicable)

Topic Supermajority Vote

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronaugh St

Phone 521-1200

Street

Tallahassee

FL

32301

Email cjohnson@flchamber.com

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against (The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [ ] No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Jan 29, 2018  
Meeting Date

SJR 1742  
Bill Number (if applicable)

Topic SJR 1742

Amendment Barcode (if applicable)

Name Richard Polangin

Job Title \_\_\_\_\_

Address 2507 Callaway Rd, STE 102-A  
Street  
Tallahassee FL 32303  
City State Zip

Phone 850 224-2545

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida League of Women Voters

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18

Meeting Date

SB 1742

Bill Number (if applicable)

Topic Tax Increases

Amendment Barcode (if applicable)

Name Dr. Rick Templin

Job Title

Address 135 S. Monroe

Phone 850-224-6926

Street

Tallahassee

FL

State

32301

Zip

Email

City

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida AFL-CIO

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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1-29-18

Meeting Date

SJR1742

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Susan Smith

Job Title \_\_\_\_\_

Address 16111 Vanderbilt Dr

Phone 813-926-2768

Street

Odessa

FL

33556

Email stsmith222@aol.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18  
Meeting Date

1742  
Bill Number (if applicable)

Topic TAXES

Amendment Barcode (if applicable)

Name GAIL MARIE PERRY

Job Title CHAIR

Address PO BOX 1766

Phone 954 850 4053

POMPANO BEACH FL 33061  
City State Zip

Email workingdoll@hotmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

1-29-18  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1742  
Bill Number (if applicable)  
NA  
Amendment Barcode (if applicable)

Topic State TAX REVENUE

Name Willie Bailey

Job Title Constituent

Address 5310 NW 89th Terr  
Street

Phone 305-903-7811

SUNRISE FL 33351  
City State Zip

Email bailey.willie1968@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18

Meeting Date

SB 1742

Bill Number (if applicable)

Topic State Tax Revenue

Amendment Barcode (if applicable)

Name Jeremiah Tattersall

Job Title Student

Address 230 NW 14th Ave

Phone 352-222-1991

Street

Gamesville FL 32601

City

State

Zip

Email Jeremiah.Tattersall@GMA.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18

Meeting Date

SJR-1742

Bill Number (if applicable)

N/A

Amendment Barcode (if applicable)

Topic State Tax Revenue

Name Josian Scurlock

Job Title CONSTITUENT

Address 5940 NW 16th PLACE, APT# 3

Phone 954-829-0248

Street

SUNRISE, FL 33313

Email mylove4himalways@gmail.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing My Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-29-2018

Meeting Date

1742

Bill Number (if applicable)

NA

Amendment Barcode (if applicable)

Topic STATE TAX REVENUE

Name John W Mahaffy

Job Title VICE CHAIRMAN SUNCOAST RETIRES

Address 71122 IBRO TERRACE

Street

Phone 989 709 0574

LARGO

City

FL

State

33778

Zip

Email JMAHAFFY45@LIVECO.

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

1-29-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) Meeting Date

1742 Bill Number (if applicable)

Topic State Tax Revenue

NIA Amendment Barcode (if applicable)

Name Pamela D. Mahaffy

Job Title Voter

Address 11122 103rd Terrace Street

Phone 9897090574

Largo, FL 33778 City State Zip

Email pmahaffy45@live.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [x] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-29-18

Meeting Date

SB1742

Bill Number (if applicable)

Topic State Tax Revenue

Amendment Barcode (if applicable)

Name Roger Simmermaker

Job Title CEO - Consumer Patriotism Corp

Address 13112 Aronmink Lane

Phone 407-234-4626

City Orlando State FL Zip 32828

Email roger@howtobuyamerican.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [X] Against (The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/18

Meeting Date

SB 1742

Bill Number (if applicable)

Topic Super-Majority Vote to increase STATE TAX Revenue

Amendment Barcode (if applicable)

Name JAMES JUNECKO

Job Title Constituent

Address 441 33rd St. N. # 712

Phone 407-346-3525

Street

St. Petersburg

FL

33713

City

State

Zip

Email Jim.Junecko@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/30/18

*Meeting Date*

SJR 1742

*Bill Number (if applicable)*

Topic Supermajority Vote Requirement

*Amendment Barcode (if applicable)*

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams At

Phone 224-7173

*Street*

TLH

*City*

FL

*State*

32301

*Zip*

Email bbevis@aif.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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***This form is part of the public record for this meeting.***

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-29-18

1742

*Meeting Date*

*Bill Number (if applicable)*

Topic Supermajority to raise taxes

*Amendment Barcode (if applicable)*

Name Kurt Wenner

Job Title Vice President

Address 106 N. Bronough

Phone 222-5052

*Street*

Tallahassee

FL

32301

Email kwenner@floridatxwatch.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida TaxWatch

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

# CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Appropriations Subcommittee on Finance and Tax

Judge:

Started: 1/29/2018 1:32:09 PM

Ends: 1/29/2018 2:22:54 PM

Length: 00:50:46

1:32:15 PM Sen. Stargel (Chair)  
1:32:24 PM Roll Call  
1:33:07 PM S 538  
1:33:15 PM Sen. Garcia  
1:34:34 PM Roll Call (Favorable)  
1:34:41 PM S 324  
1:34:49 PM Sen. Young  
1:36:04 PM Am. 400120  
1:36:09 PM Sen. Young  
1:36:27 PM Kevin Noonan, Director of Legislative Affairs, Orlando Utilities Commission (Waives in Support)  
1:36:36 PM Joanna Bonfanti, Government Relations, Florida Section American Water Works Association (Waives in Support)  
1:36:44 PM Jess McCarty, Assistant County Attorney, Miami-Dade County (Waives in Support)  
1:36:50 PM Ryan Matthews, Legislative Advocate, Gainesville Regional Utilities (Waives in Support)  
1:36:58 PM Kari Hebrank, Florida Home Builders (Waives in Support)  
1:37:05 PM Sarah Busk, Okaloosa County (Waives in Support)  
1:37:15 PM Pepper Uchino, Member, Palm Beach County (Waives in Support)  
1:37:38 PM Am. 565236  
1:37:41 PM Sen. Perry  
1:38:22 PM Sen. Rodriguez  
1:38:28 PM Sen. Perry  
1:39:05 PM Sen. Rodriguez  
1:39:16 PM Sen. Perry  
1:40:05 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida (Waives in Support)  
1:40:15 PM Sen Young  
1:40:23 PM Sen. Rodriguez  
1:40:54 PM Sen Perry  
1:41:19 PM Sen. Garcia  
1:41:28 PM Sen. Young  
1:42:35 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida (Waives in Support)  
1:42:41 PM Gary Hunter, Attorney, Florida Chamber of Commerce  
1:45:12 PM Sen. Young  
1:45:30 PM Roll Call (Favorable)  
1:45:44 PM S 688  
1:45:50 PM Sen. Garcia  
1:47:40 PM Jess McCarty, Assistant County Attorney, Miami-Dade County  
1:49:40 PM Sen. Rodriguez  
1:49:54 PM J. McCarty  
1:50:40 PM Sen. Rodriguez  
1:51:23 PM Sen. Garcia  
1:53:58 PM Roll Call (Favorable)  
1:54:21 PM Sen. Garcia  
1:54:25 PM S 1742  
1:54:35 PM Sen. Stargel  
1:55:30 PM Karen Woodall, Executive Director, Florida Center for Fiscal and Economic Policy  
1:59:57 PM Sen. Rodriguez  
2:00:31 PM K. Woodall  
2:01:44 PM Sen. Perry  
2:01:52 PM K. Woodall  
2:01:59 PM Sen. Perry  
2:02:03 PM K. Woodall  
2:02:16 PM Sen. Perry

**2:02:26 PM** K. Woodall  
**2:02:32 PM** Sen. Perry  
**2:02:37 PM** K. Woodall  
**2:02:38 PM** Sen. Perry  
**2:02:42 PM** K. Woodall  
**2:02:50 PM** S 1742 (cont.)  
**2:02:55 PM** David Cullen, Sierra Club Florida  
**2:05:23 PM** Carolyn Johnson, Policy Director, FL Chamber of Commerce (Waives in Support)  
**2:05:29 PM** Richard Polangin, Florida League of Women Voters (Waives in Opposition)  
**2:05:56 PM** Sen. Campbell (Motion to vote yes on 324)  
**2:06:06 PM** Dr. Rich Templin, Florida AFL-CIO  
**2:11:19 PM** Susan Smith (Waives in Opposition)  
**2:11:33 PM** Gail Marie Perry, Chair, Communication Workers of America  
**2:12:35 PM** Willie Bailey, Constituent (Waives in Opposition)  
**2:12:40 PM** Jeremiah Tattersall, Student (Waives in Opposition)  
**2:12:53 PM** Josian Scurluck, Constituent (Waives in Opposition)  
**2:13:01 PM** John Mahaffy, Vice Chairman Suncoast Retires (Waives in Opposition)  
**2:13:17 PM** Pamela Mahaffy, Voter (Waives in Opposition)  
**2:13:20 PM** Roger Simmermaker, CEO, Consumer Patriotism Corporation (Waives in Opposition)  
**2:13:27 PM** James Junecko, Constituent (Waives in Opposition)  
**2:13:41 PM** Brewster Bevis, Senior Vice President, Associated Industries of Florida (Waives in Support)  
**2:13:51 PM** Kurt Wenner, Vice President, Florida Taxwatch (Waives in Support)  
**2:13:56 PM** S 1742 (cont.)  
**2:14:09 PM** Sen. Rodriguez  
**2:15:30 PM** Sen. Campbell  
**2:17:38 PM** Sen. Garcia  
**2:19:58 PM** Sen. Stargel  
**2:22:35 PM** Roll Call (Favorable)  
**2:22:47 PM** Meeting Adjourned