

1                                   A bill to be entitled  
 2           An act relating to disaster recovery; amending s.  
 3           212.055, F.S.; authorizing specified counties to levy  
 4           a discretionary sales surtax if certain criteria are  
 5           met; amending s. 252.38, F.S.; authorizing political  
 6           subdivisions to declare a local emergency irrespective  
 7           of the number of political subdivisions it affects;  
 8           revising the number of days each state of emergency is  
 9           effective; specifying conditions and areas in which  
 10          certain counties or their authorized collectors may  
 11          remove debris as a result of a declared local or state  
 12          emergency; amending s. 288.0656, F.S.; revising the  
 13          definition of the term "rural community" for purposes  
 14          of the rural economic development initiative program;  
 15          providing an effective date.

16  
 17   Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Paragraph (a) of subsection (3) of section  
 20   212.055, Florida Statutes, is amended to read:

21           212.055 Discretionary sales surtaxes; legislative intent;  
 22   authorization and use of proceeds.—It is the legislative intent  
 23   that any authorization for imposition of a discretionary sales  
 24   surtax shall be published in the Florida Statutes as a  
 25   subsection of this section, irrespective of the duration of the

26 | levy. Each enactment shall specify the types of counties  
27 | authorized to levy; the rate or rates which may be imposed; the  
28 | maximum length of time the surtax may be imposed, if any; the  
29 | procedure which must be followed to secure voter approval, if  
30 | required; the purpose for which the proceeds may be expended;  
31 | and such other requirements as the Legislature may provide.  
32 | Taxable transactions and administrative procedures shall be as  
33 | provided in s. 212.054.

34 | (3) SMALL COUNTY SURTAX.—

35 | (a) The governing authority in each county that has a  
36 | population of 50,000 or less on April 1, 1992, or the governing  
37 | authority of any county that meets the criteria set forth in s.  
38 | 288.0656(2)(e)3. and that was named in a major disaster  
39 | declaration by the President of the United States within two  
40 | years preceding enactment of an ordinance as described in this  
41 | subsection, may levy a discretionary sales surtax of 0.5 percent  
42 | or 1 percent. The levy of the surtax shall be pursuant to  
43 | ordinance enacted by an extraordinary vote of the members of the  
44 | county governing authority if the surtax revenues are expended  
45 | for operating purposes. If the surtax revenues are expended for  
46 | the purpose of servicing bond indebtedness, the surtax shall be  
47 | approved by a majority of the electors of the county voting in a  
48 | referendum on the surtax.

49 | Section 2. Subsection (3) of section 252.38, Florida  
50 | Statutes, is amended to read:

51           252.38 Emergency management powers of political  
 52 subdivisions.—Safeguarding the life and property of its citizens  
 53 is an innate responsibility of the governing body of each  
 54 political subdivision of the state.

55           (3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

56           (a) In carrying out the provisions of ss. 252.31-252.90,  
 57 each political subdivision has ~~shall have~~ the power and  
 58 authority:

59           1. To appropriate and expend funds; make contracts; obtain  
 60 and distribute equipment, materials, and supplies for emergency  
 61 management purposes; provide for the health and safety of  
 62 persons and property, including emergency assistance to the  
 63 victims of any emergency; and direct and coordinate the  
 64 development of emergency management plans and programs in  
 65 accordance with the policies and plans set by the federal and  
 66 state emergency management agencies.

67           2. To appoint, employ, remove, or provide, with or without  
 68 compensation, coordinators, rescue teams, fire and police  
 69 personnel, and other emergency management workers.

70           3. To establish, as necessary, a primary and one or more  
 71 secondary emergency operating centers to provide continuity of  
 72 government and direction and control of emergency operations.

73           4. To assign and make available for duty the offices and  
 74 agencies of the political subdivision, including the employees,  
 75 property, or equipment thereof relating to firefighting,

76 | engineering, rescue, health, medical and related services,  
77 | police, transportation, construction, and similar items or  
78 | services for emergency operation purposes, as the primary  
79 | emergency management forces of the political subdivision for  
80 | employment within or outside the political limits of the  
81 | subdivision.

82 |       5. To request state assistance or invoke emergency-related  
83 | mutual-aid assistance by declaring a state of local emergency in  
84 | the event of an emergency ~~affecting only one political~~  
85 | ~~subdivision~~. The duration of each state of emergency declared  
86 | locally is limited to 30 ~~7~~ days; it may be extended, as  
87 | necessary, in 30-day ~~7-day~~ increments. Further, the political  
88 | subdivision has the power and authority to waive the procedures  
89 | and formalities otherwise required of the political subdivision  
90 | by law pertaining to:

91 |       a. Performance of public work and taking whatever prudent  
92 | action is necessary to ensure the health, safety, and welfare of  
93 | the community.

94 |       b. Entering into contracts.

95 |       c. Incurring obligations.

96 |       d. Employment of permanent and temporary workers.

97 |       e. Utilization of volunteer workers.

98 |       f. Rental of equipment.

99 |       g. Acquisition and distribution, with or without  
100 | compensation, of supplies, materials, and facilities.

101           h. Appropriation and expenditure of public funds.

102           (b) Upon the request of two or more adjoining counties, or

103 if the Governor finds that two or more adjoining counties would

104 be better served by an interjurisdictional arrangement than by

105 maintaining separate emergency management agencies and services,

106 the Governor may delineate by executive order or rule an

107 interjurisdictional area adequate to plan for, prevent,

108 mitigate, or respond to emergencies in such area and may direct

109 steps to be taken as necessary, including the creation of an

110 interjurisdictional relationship, a joint emergency plan, a

111 provision for mutual aid, or an area organization for emergency

112 planning and services. A finding of the Governor pursuant to

113 this paragraph shall be based on one or more factors related to

114 the difficulty of maintaining an efficient and effective

115 emergency prevention, mitigation, preparedness, response, and

116 recovery system on a unijurisdictional basis, such as:

117           1. Small or sparse population.

118           2. Limitations on public financial resources severe enough

119 to make maintenance of a separate emergency management agency

120 and services unreasonably burdensome.

121           3. Unusual vulnerability to emergencies as evidenced by a

122 past history of emergencies, topographical features, drainage

123 characteristics, emergency potential, and presence of emergency-

124 prone facilities or operations.

125           4. The interrelated character of the counties in a

126 multicounty area.

127 5. Other relevant conditions or circumstances.

128 (c) During or following a declared local or state  
 129 emergency, each county named in the emergency declaration or the  
 130 authorized collectors of the county, may enter upon and remove  
 131 debris from:

132 1. Public and private streets and rights-of-way.

133 2. Private roads and rights-of-way over which the county  
 134 is regularly provided access for emergency vehicles and other  
 135 public service vehicles. For gated communities with restricted  
 136 public access, the debris clearing is limited to that which is  
 137 necessary to allow access by emergency vehicles and to deliver  
 138 services essential to the public health and safety. Debris  
 139 removal services will only be provided if the gated community  
 140 allows unrestricted access during removal times. A county may  
 141 agree to provide additional debris removal services within a  
 142 gated community with the consent of the community homeowner's  
 143 association.

144 Section 3. Paragraph (e) of subsection (2) of section  
 145 288.0656, Florida Statutes, is amended to read:

146 288.0656 Rural Economic Development Initiative.—

147 (2) As used in this section, the term:

148 (e) "Rural community" means:

149 1. A county with a population of 75,000 or fewer.

150 2. A county with a population of 125,000 or fewer which is

151 contiguous to a county with a population of 75,000 or fewer.

152 3. A county with a population of 200,000 or fewer which is  
153 contiguous to three or more counties, each with a population of  
154 50,000 or fewer.

155 ~~4.3.~~ A municipality within a county described in  
156 subparagraph 1. or subparagraph 2.

157 ~~5.4.~~ An unincorporated federal enterprise community or an  
158 incorporated rural city with a population of 25,000 or fewer and  
159 an employment base focused on traditional agricultural or  
160 resource-based industries, located in a county not defined as  
161 rural, which has at least three or more of the economic distress  
162 factors identified in paragraph (c) and verified by the  
163 department.

164  
165 For purposes of this paragraph, population shall be determined  
166 in accordance with the most recent official estimate pursuant to  
167 s. 186.901.

168 Section 4. This act shall take effect upon becoming a law.