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A bill to be entitled An act relating to local government fiscal transparency; amending s. 11.40, F.S.; expanding the scope of the Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; amending s. 11.45, F.S.; providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; amending ss. 125.045 and 166.021, F.S.; revising reporting requirements for certain local government economic development incentives; creating pt. VIII of ch. 218, consisting of sections 218.80, 218.801, 218.805, 218.81, 218.82, 218.83, 218.84, 218.88, and 218.89, F.S.; providing a short title; specifying purpose of the local government fiscal transparency requirements; providing definitions; requiring local governments to post certain voting record information on their websites; requiring the posting of specified links to related sites if certain documentation or details are available; requiring property appraisers to post certain property tax information and history on their websites; requiring local governments to post certain property tax information and history on their websites; requiring public notices for public hearings

Page 1 of 21

and meetings prior to certain increases of local government tax levies or issuance of new tax-supported debt; specifying noticing and advertising requirements for such public hearings and meetings; requiring local governments to conduct certain debt affordability analyses under specified conditions; requiring audits of local governments to include an affidavit signed by the chair of the local government governing board indicating compliance with pt. VIII of ch. 218; providing a method for local governments that do not operate a website to post certain required information; providing this act fulfills an important state interest; amending s. 218.32, F.S.; conforming a cross-reference; providing an effective date.

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

- Section 1. Subsection (2) of section 11.40, Florida Statutes, is amended to read:
 - 11.40 Legislative Auditing Committee.-
- (2) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the

Page 2 of 21

applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), or part VIII of chapter 218, the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

- (a) In the case of a local governmental entity or district school board, direct the Department of Revenue and the Department of Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee shall specify the date such action shall begin, and the directive must be received by the Department of Revenue and the Department of Financial Services 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Financial Services may implement the provisions of this paragraph.
 - (b) In the case of a special district created by:
- 1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district, and the Department of Economic Opportunity

Page 3 of 21

that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

- 2. A local ordinance, notify the chair or equivalent of the local general-purpose government pursuant to s. 189.0652 and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0652, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).
- 3. Any manner other than a special act or local ordinance, notify the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067(3).
- (c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 1002.33 and 1002.34.
 - Section 2. Paragraphs (d)-(j) of subsection (7) of section

Page 4 of 21

101	11.45, Florida Statutes, are redesignated as paragraphs (e)-(k),
102	respectively, and a new paragraph (d) is added to that
103	subsection, to read:
104	11.45 Definitions; duties; authorities; reports; rules.—
105	(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—
106	(d) During the Auditor General's review of audit reports,
107	he or she shall contact each local government, as defined in s.
108	218.805(2), that is not in compliance with Part VIII of chapter
109	218 and request evidence of corrective action. The local
110	government shall provide the Auditor General with evidence of
111	the initiation of corrective action within 45 days after the
112	date it is requested by the Auditor General and evidence of
113	completion of corrective action within 180 days after the date
114	it is requested by the Auditor General. If the local government
115	fails to comply with the Auditor General's request or is unable
116	to take corrective action within the required timeframe, the
117	Auditor General shall notify the Legislative Auditing Committee.
118	Section 3. Section 218.80, Florida Statutes, is renumbered
119	as section 218.795, Florida Statutes.
120	Section 4. Subsection (5) of section 125.045, Florida
121	Statutes, is amended to read:
122	125.045 County economic development powers
123	(5)(a) By January 15 each year By January 15, 2011, and
124	annually thereafter, each county shall report to the Office of
125	Economic and Demographic Research the economic development

Page 5 of 21

incentives in excess of \$25,000 given to <u>businesses</u> any <u>businesses</u> during the county's previous fiscal year. The Office of Economic and Demographic Research shall compile the information from the counties into a report and provide the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Economic Opportunity. The county shall identify whether the economic development incentive is provided directly by the county or by another entity on behalf of the county, as well as the source of local dollars, and any state or federal dollars obligated for the incentive. Economic development incentives, for purposes of this report, are classified as follows include:

- 1. Class One: Direct Financial incentives of monetary assistance provided to an individual a business from the county or through an organization authorized by the county. Such incentives include:, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.
- a. Grants;

- b. Tax-based credits, refunds, or exemptions;
 - c. Fee-based credits, refunds, or exemptions;
 - d. Loans, loan insurance, or loan guarantees;
 - e. Below-market rate leases or deeds for real property;
 - f. Job training or recruitment;
 - g. Subsidized or discounted government services; and

Page 6 of 21

151	h. Infrastructure improvements.
152	2. Class Two: General assistance, services, and support
153	provided collectively to businesses with a common interest or
154	purpose. Such incentives include:
155	a. Technical assistance and training;
156	b. Business incubators and accelerators; and
157	c. Infrastructure improvements. Indirect incentives in the
158	form of grants and loans provided to businesses and community
159	organizations that provide support to businesses or promote
160	business investment or development.
161	3. Class Three: Business recruitment, retention, or
162	expansion efforts provided to benefit an individual business or
163	class of businesses. Such incentives include:
164	a. Marketing and market research;
165	b. Trade missions and trade shows;
166	<pre>c. Site selection;</pre>
167	d. Targeted assistance with the permitting and licensing
168	process; and
169	e. Business plan or project development. Fee-based or tax-
170	based incentives, including, but not limited to, credits,
171	refunds, exemptions, and property tax abatement or assessment
172	reductions.
173	4. Below-market rate leases or deeds for real property.
174	(b) A county shall report its economic development
175	incontinuos in the format specified by the Office of Economic and

Page 7 of 21

176 Demographic Research.

(c) The Office of Economic and Demographic Research shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties. To the extent possible, the Office shall compare the results of the economic development incentives provided by all counties to the results of state incentives provided in similar classes.

Section 5. Paragraph (e) of subsection (8) of section 166.021, Florida Statutes, is amended to read:

166.021 Powers.-

(8)

(e)1. By January 15 each year By January 15, 2011, and annually thereafter, each municipality having annual revenues or expenditures greater than \$250,000 shall report to the Office of Economic and Demographic Research the economic development incentives in excess of \$25,000 given to businesses any business during the municipality's previous fiscal year. The Office of Economic and Demographic Research shall compile the information from the municipalities into a report and provide the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Economic Opportunity. The municipality shall identify whether the economic development incentive was provided directly by the municipality or by

Page 8 of 21

201	another entity on behalf of the municipality, as well as the
202	source of local dollars, and any state or federal dollars
203	obligated for the incentive. Economic development incentives,
204	for purposes of this report, are classified as follows include:
205	a. <u>Class One:</u> Direct Financial incentives of monetary
206	assistance provided to an individual a business from the
207	municipality or through an organization authorized by the
208	municipality. Such incentives include: , but are not limited to,
209	grants, loans, equity investments, loan insurance and
210	guarantees, and training subsidies.
211	<pre>(I) Grants;</pre>
212	(II) Tax-based credits, refunds, or exemptions;
213	(III) Fee-based credits, refunds, or exemptions;
214	(IV) Loans, loan insurance, or loan guarantees;
215	(V) Below-market rate leases or deeds for real property;
216	(VI) Job training or recruitment;
217	(VII) Subsidized or discounted government services; and
218	(VIII) Infrastructure improvements.
219	b. Class Two: General assistance, services, and support
220	provided collectively to businesses with a common interest or
221	<pre>purpose. Such incentives include:</pre>
222	(I) Technical assistance and training;
223	(II) Business incubators and accelerators; and
224	(III) Infrastructure improvements. Indirect incentives in
225	the form of grants and loans provided to businesses and

Page 9 of 21

community organizations that provide support to businesses or promote business investment or development.

- c. <u>Class Three: Business recruitment, retention, or</u>
 expansion efforts provided to benefit an individual business or
 class of businesses. Such incentives include:
 - (I) Marketing and market research;
 - (II) Trade missions and trade shows;
 - (III) Site selection;

- (IV) Targeted assistance with the permitting and licensing process; and
- (V) Business plan or project development. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.
 - d. Below-market rate leases or deeds for real property.
- 2. A municipality shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research.
- 3. The Office of Economic and Demographic Research shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities. To the extent possible, the Office shall compare the results of the economic development incentives provided by all municipalities to the results of state

Page 10 of 21

231	incentives provided in similar classes.
252	Section 6. Part VIII of chapter 218, Florida Statutes,
253	consisting of ss. 218.80, 218.801, 218.805, 218.81, 218.82,
254	218.83, 218.84, 218.88, and 218.89, is created to read:
255	PART VIII
256	LOCAL GOVERNMENT FISCAL TRANSPARANCY ACT
257	218.80 Short title.—This part may be cited as the "Local
258	Government Fiscal Transparency Act."
259	218.801 Purpose.—The purpose of this part is to promote
260	the fiscal transparency of local governments when using public
261	funds by requiring additional public noticing of proposed local
262	government actions that would increase taxes, enact new taxes,
263	extend expiring taxes, or issue tax-supported debt and requiring
264	voting records of local governing bodies related to such actions
265	to be easily and readily accessible by the public.
266	218.805 Definitions.—As used in this part, the term:
267	(1) "Debt" means bonds, loans, promissory notes, lease-
268	purchase agreements, certificates of participation, installment
269	sales, leases, or any other financing mechanisms or financial
270	arrangements, whether or not a debt for legal purposes, for
271	financing or refinancing the acquisition, construction,
272	improvement, or purchase of capital outlay projects.
273	(2) "Local government" means any county, municipality,
274	school district, special district dependent to a county or
275	municipality, municipal service taxing unit, or independent

Page 11 of 21

276 special district.

- (3) "Tax increase" means:
- (a) For ad valorem taxes, any increase in a local government's millage rate above the rolled-back rate as defined in s. 200.065(1).
- (b) For all other taxes, a tax enactment, extension, or an increase in the tax rate.
- (4) "Tax-supported debt" means debt with a duration of more than 5 years secured in whole or in part by state or local tax levies, whether such security is direct or indirect, explicit or implicit, and includes, but is not limited to, debt for which annual appropriations pledged for payment are from government fund types receiving tax revenues or shared revenues from state tax sources. The term does not include debt secured solely by revenues generated by the project that is financed with the debt.
 - 218.81 Voting Record Access.-
- (1) Each local government shall post on its website, in a manner that is easily accessible to the public, a history of the voting record of each action taken by the local governing board that addressed a tax increase or new tax-supported debt issuance, except debt that was refinanced or refunded and that did not extend the term or increase the outstanding principal amount of the original debt, as follows:
 - (a) By October 1, 2017, the voting record history from the

Page 12 of 21

301	<pre>preceding year;</pre>							
302	(b) By October 1, 2018, the voting record history from the							
303	<pre>preceding 2 years;</pre>							
304	(c) By October 1, 2019, the voting record history from the							
305	preceding 3 years; and							
306	(d) By October 1, 2020, and thereafter, the voting record							
307	history required pursuant to this subsection from the preceding							
308	4 years.							
309	(2) The website must provide links to allow users to							
310	navigate to related sites if supporting details or documentation							
311	are available.							
312	(3) In any public notice of a tax increase or the issuance							
313	of new tax-supported debt, each local government shall include							
314	with the public notice the website address where the voting							
315	records can be accessed.							
316	218.82 Property tax information and history							
317	(1) Each county property appraiser, as defined in s.							
318	192.001, shall maintain a website that includes, in a manner							
319	easily accessible to the public, links that provide access to:							
320	(a) The notice of proposed property taxes and non-ad							
321	valorem assessments required under s. 200.069 for each parcel of							
322	property in that county; and							
323	(b) A history of the millage rate and the amount of tax							
324	levied by each taxing authority on each parcel as follows:							
325	1. By October 1, 2017, the history from the 2 preceding							

Page 13 of 21

326	<pre>years;</pre>
327	2. By October 1, 2018, the history from the 3 preceding
328	years; and
329	3. By October 1, 2019, and thereafter, the history from
330	the 4 preceding years.
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332	This subsection does not apply to information that is otherwise
333	exempt from public disclosure.
334	(2) Each local government shall post on its website, in a
335	manner that is easily accessible to the public, links that
336	provide access to a history of each of its millage rates and the
337	total annual amount of revenue generated by each of these
338	<pre>levies, as follows:</pre>
339	(a) By October 1, 2017, the history from the 2 preceding
340	<pre>years;</pre>
341	(b) By October 1, 2018, the history from the 3 preceding
342	years; and
343	(c) By October 1, 2019, and thereafter, the history from
344	the 4 preceding years.
345	218.83 Expanded public noticing of tax increases and new
346	tax-supported debt issuance
347	(1) For the purpose of this section, the term "tax
348	increase" does not include an ad valorem tax increase.
349	(2) A local government that intends to vote on a proposed
350	tax increase or the issuance of new tax-supported debt shall

Page 14 of 21

advertise a public hearing to solicit public input concerning the proposed tax increase or new tax-supported debt issuance. This public hearing must occur at least 14 days prior to the date that the local governing body meets to take a final vote on the tax increase or issuance of new tax-supported debt. Any hearing required under this subsection shall be held after 5 p.m. if scheduled on a day other than Saturday. No hearing shall be held on a Sunday. The general public shall be allowed to speak and to ask questions relevant to the tax increase or the tax-supported debt issuance. The local government shall provide public notice as set forth in subsection (4).

- (3) (a) If, following the public hearing required under subsection (2), the local government intends to proceed with a vote to approve a tax increase or the new issuance of tax-supported debt, the local government shall provide public notice in the manner set forth in subsection (4) at least 10 days prior to the date of the scheduled public meeting.
- (b) For a tax increase, the notice shall also include, at a minimum:
- 1. A statement prominently posted that the local government intends to vote on a proposed new tax enactment, tax extension or tax rate increase.
 - 2. The time and place of the meeting.
- 3. The amount of the tax increase, including both the rate and total amount of annual revenue expected to be generated and

Page 15 of 21

376	the ex	pected	annual	revenu	ie expres	ssed a	s a	percentage	of	the
377	govern	ment's	general	fund	revenue	<u>•</u>				

- 4. A detailed explanation of the intended uses of the levy.
- 5. A statement indicating whether the local government expects to use the proceeds to secure debt.
- (c) For new tax-supported debt issuance, the notice shall also include, at a minimum:
- 1. A statement prominently posted that the local government intends to vote on a proposed new issuance of tax-supported debt.
 - 2. The time and place of the meeting.
- 3. A truth in bonding statement in substantially the following form:

The ...(insert local government name)... is proposing to issue \$...(insert principal)... of debt or obligation for the purpose of ...(insert purpose).... This debt or obligation is expected to be repaid over a period of ...(insert term of issue)... years. At a forecasted interest rate of ...(insert rate of interest)..., total interest paid over the life of the debt or obligation will be \$...(insert sum of interest payments).... The source of repayment or security for this proposal is the ...(insert the local government name)... existing ...(insert fund).... Authorizing this debt or obligation will result in \$...(insert the annual amount)... of

Page 16 of 21

...(insert local government name)... (insert fund)... moneys

affordability ratio).

not being available to finance the other services of the
(insert local government name) each year for(insert
the length of the debt or obligation)
4. Presentation of the debt affordability ratios
calculated pursuant to s. 218.84, described in substantially the
following form:
The following ratios measure the affordability of
outstanding and proposed new long-term, tax-supported debt
issued by(insert local government name) The ratios show
debt service as a percentage of the revenues available to
support that debt, including the new debt being proposed
(insert 5 year history and 2 year projection of debt

- (4) The notice provided by a local government announcing a public hearing to take public input as set forth in subsection

 (2) or the public meeting to take a final vote as set forth in subsection (3) must meet the following requirements:
- (a) The local government must advertise notice in a newspaper of general circulation in the county or counties where the local government exists. A local government may advertise in a geographically limited insert of a general circulation newspaper if the region encompassed by the insert contains the jurisdictional boundaries of the local government. The newspaper must be of general interest with readership in the community and

Page 17 of 21

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not one of limited subject matter, pursuant to chapter 50. The advertisement must be at least one-quarter page in size of a standard size newspaper or a half-page in size of a tabloid size newspaper and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must appear in a newspaper that is published at least 5 days a week unless the only newspaper in the county is published less than 5 days a week. If the advertisement appears in a geographically limited insert of a general circulation newspaper, the insert must be one that is published at least twice a week throughout the local government's jurisdiction. In lieu of publishing the notice set out in this paragraph, the local government may mail a copy of the notice to each elector residing within the jurisdiction of the local government; and The local government must post on its website in a manner that is easily accessible to the public the information required under subsections (2) and (3), as applicable. This section does not apply to the refinancing or refunding of debt that does not extend the term or increase the outstanding principal amount of the original debt.

Page 18 of 21

218.84 Local government debt fiscal responsibility.-

local governments to exercise prudence in authorizing and

It is the public policy of this state to encourage

issuing debt. Before a local government authorizes debt, it must consider its ability to meet its total debt service requirements in light of other demands on the local government's fiscal resources. Each local government shall perform a debt affordability analysis as set forth in subsection (2) and the governing board shall consider the analysis before approving the issuance of new tax-supported debt.

- (2) The debt affordability analysis shall, at a minimum, consist of the calculation of the local government's actual debt affordability ratio for the 5 fiscal years prior to the year the debt is expected to be issued and a projection of the ratio for at least the first 2 fiscal years in which the new debt is expected to be issued. The analysis shall include a comparison of the debt affordability ratio with and without the new debt issuance.
- (3) The debt affordability ratio for a given fiscal year shall be a ratio:
- (a) The denominator of which is the total annual revenues available to pay debt service on outstanding tax-supported debt of the local government; and
- (b) The numerator of which is the total annual debt service for outstanding tax-supported debt of the local government.
- 218.88 Audits.— Audits of financial statements of local governments which are performed by a certified public accountant

Page 19 of 21

pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chair of the governing board of the local government stating that the local government has complied with this part. In the event the local government has not complied with this part, the affidavit shall instead include a description of the noncompliance and corrective action taken by the local government to correct the noncompliance and to prevent such noncompliance in the future.

218.89 Local government websites.—If a local government is required under this part to post information on its website, but does not operate an official website, the local government must provide the county or counties within which the local government is located the information required to be posted, and each such county shall post the required information on its website.

Section 7. Paragraph (e) of subsection (1) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

494 (1)

(e) Each local governmental entity that is not required to provide for an audit under s. 218.39 must submit the annual financial report to the department no later than 9 months after the end of the fiscal year. The department shall consult with the Auditor General in the development of the format of annual financial reports submitted pursuant to this paragraph. The

Page 20 of 21

format must include balance sheet information used by the
Auditor General pursuant to $\underline{s.\ 11.45(7)(g)}$ $\underline{s.\ 11.45(7)(f)}$. The
department must forward the financial information contained
within the annual financial reports to the Auditor General in
electronic form. This paragraph does not apply to housing
authorities created under chapter 421.

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Section 8. The Legislature finds that this act fulfills an important state interest.

Section 9. This act shall take effect July 1, 2017.

Page 21 of 21