

1 A bill to be entitled
2 An act relating to local government fiscal
3 responsibility; amending ss. 125.0104, 125.0108, and
4 125.901, F.S.; revising voting requirements for
5 referenda related to the tourist development taxes,
6 tourist impact taxes, and children's services and
7 independent special district property taxes,
8 respectively; amending s. 200.065, F.S.; providing the
9 maximum millage rate local governments may levy under
10 certain circumstances; providing exceptions; amending
11 ss. 200.091 and 200.101, F.S.; revising dates and
12 voting requirements for referenda related to increases
13 in county ad valorem tax millages and increases in
14 municipal ad valorem tax millages, respectively;
15 creating s. 200.105, F.S.; providing dates and
16 approval thresholds for certain referenda; amending s.
17 212.055, F.S.; revising voting requirements for
18 referenda to adopt or amend local government
19 discretionary sales surtaxes; creating part IX of ch.
20 218, consisting of ss. 218.90, 218.901, 218.905,
21 218.91, and 218.92, F.S.; providing a short title;
22 specifying purpose to promote the fiscal
23 responsibility of local governments; providing
24 definitions related to debt; prohibiting certain local
25 governments from enacting, extending, or increasing

26 taxes otherwise authorized under specified conditions;
27 requiring local governments to receive voter approval
28 for the issuance of any new tax-supported debt with
29 certain terms; providing dates and voting requirements
30 for such referenda; authorizing referenda at times
31 other than at general election if an emergency exists;
32 providing exceptions for refunding or refinancing
33 certain debt; amending s. 336.021, F.S.; providing
34 voting requirements for certain referenda related to
35 the ninth-cent fuel tax; amending s. 336.025, F.S.;
36 revising voting requirements for certain referenda
37 related to local option fuel taxes; amending s.
38 1011.73, F.S.; revising dates and voting requirements
39 for referenda related to certain school voted property
40 taxes; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Subsection (6) of section 125.0104, Florida
45 Statutes, is amended to read:

46 125.0104 Tourist development tax; procedure for levying;
47 authorized uses; referendum; enforcement.—

48 (6) REFERENDUM.—

49 (a) A referendum under this section shall be held only at
50 a general election, as defined in s. 97.021, and requires the

51 approval of 60 percent of the voters voting on the ballot
52 question for passage of the question.

53 (b)(a) No ordinance enacted by any county levying the tax
54 authorized by paragraphs (3)(b) and (c) shall take effect until
55 the ordinance levying and imposing the tax has been approved in
56 a referendum election by ~~a majority of~~ the electors voting in
57 such election in the county or by ~~a majority of~~ the electors
58 voting in the subcounty special tax district affected by the
59 tax.

60 (c)(b) The governing board of the county levying the tax
61 shall arrange to place a question on the ballot at an ~~the next~~
62 ~~regular or special~~ election to be held within the county,
63 substantially as follows:

64FOR the Tourist Development Tax

65AGAINST the Tourist Development Tax.

66 (d)(e) If ~~a majority of~~ the electors voting on the
67 question approve the levy, the ordinance shall be deemed to be
68 in effect.

69 (e)(d) In any case where a referendum levying and imposing
70 the tax has been approved pursuant to this section and 15
71 percent of the electors in the county or 15 percent of the
72 electors in the subcounty special district in which the tax is
73 levied file a petition with the board of county commissioners
74 for a referendum to repeal the tax, the board of county
75 commissioners shall cause an election to be held for the repeal

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of the tax which election shall be subject only to the outstanding bonds for which the tax has been pledged. However, the repeal of the tax shall not be effective with respect to any portion of taxes initially levied in November 1989, which has been pledged or is being used to support bonds under paragraph (3) (d) or paragraph (3) (1) until the retirement of those bonds.

Section 2. Subsection (5) of section 125.0108, Florida Statutes, is amended to read:

125.0108 Areas of critical state concern; tourist impact tax.—

(5) The tourist impact tax authorized by this section shall take effect only upon express approval ~~by a majority vote~~ of those qualified electors in the area or areas of critical state concern in the county seeking to levy such tax, voting in a referendum to be held by the governing board of such county ~~in conjunction with a general or special election, in accordance with the provisions of law relating to elections currently in force~~. However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county and the tax is to be imposed throughout the entire county, the tax shall take effect only upon express approval of ~~a majority of~~ the qualified electors of the county voting in such a referendum. A referendum to adopt or amend the tourist impact tax authorized by this section shall be held only at a general election, as defined in s. 97.021, and requires the approval of

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101 | 60 percent of the voters voting on the ballot question for
102 | passage of the question.

103 | Section 3. Subsection (1) of section 125.901, Florida
104 | Statutes, is amended to read:

105 | 125.901 Children's services; independent special district;
106 | council; powers, duties, and functions; public records
107 | exemption.—

108 | (1) Each county may by ordinance create an independent
109 | special district, as defined in ss. 189.012 and 200.001(8)(e),
110 | to provide funding for children's services throughout the county
111 | in accordance with this section. The boundaries of such district
112 | shall be coterminous with the boundaries of the county. The
113 | county governing body shall obtain approval, by a ~~majority~~ vote
114 | of those electors voting on the question, to annually levy ad
115 | valorem taxes which shall not exceed the maximum millage rate
116 | authorized by this section. A referendum under this section
117 | shall be held only at a general election, as defined in s.
118 | 97.021, and requires the approval of 60 percent of the voters
119 | voting on the ballot question for passage of the question. Any
120 | district created pursuant to the provisions of this subsection
121 | shall be required to levy and fix millage subject to the
122 | provisions of s. 200.065. Once such millage is approved by the
123 | electorate, the district shall not be required to seek approval
124 | of the electorate in future years to levy the previously
125 | approved millage.

(a) The governing body of the district shall be a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 10 members, including: the superintendent of schools; a local school board member; the district administrator from the appropriate district of the Department of Children and Families, or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the county governing body; and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the

151 Governor shall have been residents of the county for the
152 previous 24-month period. Such members shall be appointed for 4-
153 year terms, except that the length of the terms of the initial
154 appointees shall be adjusted to stagger the terms. The Governor
155 may remove a member for cause or upon the written petition of
156 the county governing body. If any of the members of the council
157 required to be appointed by the Governor under the provisions of
158 this subsection shall resign, die, or be removed from office,
159 the vacancy thereby created shall, as soon as practicable, be
160 filled by appointment by the Governor, using the same method as
161 the original appointment, and such appointment to fill a vacancy
162 shall be for the unexpired term of the person who resigns, dies,
163 or is removed from office.

164 (b) However, any county as defined in s. 125.011(1) may
165 instead have a governing body consisting of 33 members,
166 including: the superintendent of schools; two representatives of
167 public postsecondary education institutions located in the
168 county; the county manager or the equivalent county officer; the
169 district administrator from the appropriate district of the
170 Department of Children and Families, or the administrator's
171 designee who is a member of the Senior Management Service or the
172 Selected Exempt Service; the director of the county health
173 department or the director's designee; the state attorney for
174 the county or the state attorney's designee; the chief judge
175 assigned to juvenile cases, or another juvenile judge who is the

176 chief judge's designee and who shall sit as a voting member of
177 the board, except that the judge may not vote or participate in
178 setting ad valorem taxes under this section; an individual who
179 is selected by the board of the local United Way or its
180 equivalent; a member of a locally recognized faith-based
181 coalition, selected by that coalition; a member of the local
182 chamber of commerce, selected by that chamber or, if more than
183 one chamber exists within the county, a person selected by a
184 coalition of the local chambers; a member of the early learning
185 coalition, selected by that coalition; a representative of a
186 labor organization or union active in the county; a member of a
187 local alliance or coalition engaged in cross-system planning for
188 health and social service delivery in the county, selected by
189 that alliance or coalition; a member of the local Parent-
190 Teachers Association/Parent-Teacher-Student Association,
191 selected by that association; a youth representative selected by
192 the local school system's student government; a local school
193 board member appointed by the chair of the school board; the
194 mayor of the county or the mayor's designee; one member of the
195 county governing body, appointed by the chair of that body; a
196 member of the state Legislature who represents residents of the
197 county, selected by the chair of the local legislative
198 delegation; an elected official representing the residents of a
199 municipality in the county, selected by the county municipal
200 league; and 4 members-at-large, appointed to the council by the

majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

(c) This subsection does not prohibit a county from exercising such power as is provided by general or special law to provide children's services or to create a special district to provide such services.

Section 4. Subsection (5) of section 200.065, Florida Statutes, is amended to read:

200.065 .Method of fixing millage.—

(5) In each fiscal year:

226 (a) A county, municipality, dependent special district as
227 defined in s. 189.012, municipal service taxing unit or
228 independent special district may not levy a millage rate in
229 excess of the rolled-back rate as defined in subsection (1)
230 unless the county, municipality, dependent special district,
231 municipal service taxing unit, or independent special district
232 has no excess unencumbered fund balances as of the beginning of
233 the fiscal year for which the millage rate is being considered,
234 or, if excess unencumbered fund balances are expected, the
235 budget for the fiscal year for which the millage is being
236 considered must approve expenditures to eliminate the excess
237 unencumbered fund balances. Notwithstanding any restriction on
238 the use of funds within those balances, expenditures of excess
239 unencumbered fund balances may be for any public purpose, with
240 the exception of funds subject to restrictions imposed by the
241 federal government or revenues that were approved by referendum
242 of the electors in the affected jurisdiction.

243 1. For purposes of this subsection, the term "excess
244 unencumbered fund balances" means any non-fee revenues, in any
245 special revenue fund of a county, municipality, dependent
246 special district, municipal service taxing unit or independent
247 special district, which are not otherwise committed by ordinance
248 or resolution of the governing board to either a contingency
249 reserve or to the future funding of specific projects or
250 services, are not encumbered by appropriations or contractual

251 obligations and are in excess of 10 percent of total annual
252 revenues to the account or fund. The term does not include
253 monies subject to restrictions imposed by the federal government
254 or revenues that were approved by referendum of the electors in
255 the affected jurisdiction. The term "non-fee revenues" means any
256 monies, except as otherwise provided in this subsection, that
257 are derived from any taxes levied by a local government, revenue
258 shared by another government with a local government, or
259 revenues, the use of which may be for any public purpose,
260 derived from other sources. The term "special revenue fund"
261 means a governmental fund type other than the general fund to
262 account for proceeds of specific revenue sources that are
263 restricted or committed to expenditure for specified purposes
264 other than debt service or capital projects.

265 2. The maximum millage rate limitation in this paragraph
266 does not apply to any millage approved by a vote of the electors
267 pursuant to s. 9(b), Art. VII of the State Constitution, or
268 millage approved by a vote of the electors pursuant to s. 12,
269 Art. VII of the State Constitution.

270 (b) ~~(a)~~ If the maximum millage rate under paragraph (a) is
271 not applicable, then the maximum millage rate that a county,
272 municipality, special district dependent to a county or
273 municipality, municipal service taxing unit, or independent
274 special district may levy is a rolled-back rate based on the
275 amount of taxes which would have been levied in the prior year

276 | if the maximum millage rate had been applied, adjusted for
277 | change in per capita Florida personal income, unless a higher
278 | rate was adopted, in which case the maximum is the adopted rate.
279 | The maximum millage rate applicable to a county authorized to
280 | levy a county public hospital surtax under s. 212.055 and which
281 | did so in fiscal year 2007 shall exclude the revenues required
282 | to be contributed to the county public general hospital in the
283 | current fiscal year for the purposes of making the maximum
284 | millage rate calculation, but shall be added back to the maximum
285 | millage rate allowed after the roll back has been applied, the
286 | total of which shall be considered the maximum millage rate for
287 | such a county for purposes of this subsection. The revenue
288 | required to be contributed to the county public general hospital
289 | for the upcoming fiscal year shall be calculated as 11.873
290 | percent times the millage rate levied for countywide purposes in
291 | fiscal year 2007 times 95 percent of the preliminary tax roll
292 | for the upcoming fiscal year. A higher rate may be adopted only
293 | under the following conditions:

294 | 1. A rate of not more than 110 percent of the rolled-back
295 | rate based on the previous year's maximum millage rate, adjusted
296 | for change in per capita Florida personal income, may be adopted
297 | if approved by a two-thirds vote of the membership of the
298 | governing body of the county, municipality, or independent
299 | district; or

300 | 2. A rate in excess of 110 percent may be adopted if

301 approved by a unanimous vote of the membership of the governing
302 body of the county, municipality, or independent district or by
303 a three-fourths vote of the membership of the governing body if
304 the governing body has nine or more members, or if the rate is
305 approved by a referendum.

306 (c) ~~(b)~~ The millage rate of a county or municipality,
307 municipal service taxing unit of that county, and any special
308 district dependent to that county or municipality may exceed the
309 maximum millage rate calculated pursuant to this subsection if
310 the total county ad valorem taxes levied or total municipal ad
311 valorem taxes levied do not exceed the maximum total county ad
312 valorem taxes levied or maximum total municipal ad valorem taxes
313 levied respectively. Voted millage and taxes levied by a
314 municipality or independent special district that has levied ad
315 valorem taxes for less than 5 years are not subject to this
316 limitation. The millage rate of a county authorized to levy a
317 county public hospital surtax under s. 212.055 may exceed the
318 maximum millage rate calculated pursuant to this subsection to
319 the extent necessary to account for the revenues required to be
320 contributed to the county public hospital. Total taxes levied
321 may exceed the maximum calculated pursuant to subsection (6) as
322 a result of an increase in taxable value above that certified in
323 subsection (1) if such increase is less than the percentage
324 amounts contained in subsection (6) or if the administrative
325 adjustment cannot be made because the value adjustment board is

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326 still in session at the time the tax roll is extended;
327 otherwise, millage rates subject to this subsection may be
328 reduced so that total taxes levied do not exceed the maximum.
329

330 Any unit of government operating under a home rule charter
331 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
332 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
333 State Constitution of 1968, which is granted the authority in
334 the State Constitution to exercise all the powers conferred now
335 or hereafter by general law upon municipalities and which
336 exercises such powers in the unincorporated area shall be
337 recognized as a municipality under this subsection. For a
338 downtown development authority established before the effective
339 date of the 1968 State Constitution which has a millage that
340 must be approved by a municipality, the governing body of that
341 municipality shall be considered the governing body of the
342 downtown development authority for purposes of this subsection.

343 Section 5. Section 200.091, Florida Statutes, is amended
344 to read:

345 200.091 Referendum to increase millage.—The millage
346 authorized to be levied in s. 200.071 for county purposes,
347 including dependent districts therein, may be increased for
348 periods not exceeding 2 years, provided such levy has been
349 approved by a majority vote, as set forth in s. 200.105, of the
350 qualified electors in the county or district voting in an

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election called for such purpose. Such an election may be called by the governing body of any such county or district on its own motion and shall be called upon submission of a petition specifying the amount of millage sought to be levied and the purpose for which the proceeds will be expended and containing the signatures of at least 10 percent of the persons qualified to vote in such election, signed within 60 days prior to the date the petition is filed.

Section 6. Section 200.101, Florida Statutes, is amended to read:

200.101 Referendum for millage in excess of limits.—The qualified electors of a municipality may ~~by majority vote, as set forth in s. 200.105, to of those voting approve an increase~~ of millage above those limits imposed by s. 200.081 in a referendum called for such purpose by the governing body of the municipality, but the period of such increase may not exceed 2 years. Such referendum also may be initiated by submission of a petition to the governing body of the municipality containing the signatures of 10 percent of those persons eligible to vote in such referendum, which signatures were affixed to the petition within 60 days prior to its submission.

Section 7. Section 200.105, Florida Statutes, is created to read:

200.105 Dates for referenda.—A referendum under this chapter, pursuant to s. 9(b), Art. VII of the State Constitution

376 or pursuant to s. 12, Art. VII of the State Constitution, shall
377 be held only at a general election, as defined in s. 97.021, and
378 requires the approval of 60 percent of the voters voting on the
379 ballot question for passage of the question.

380 Section 8. Paragraphs (a) and (c) of subsection (1),
381 paragraph (a) of subsection (2), paragraph (a) of subsection
382 (3), subsections (4) and (5), paragraph (a) of subsection (6),
383 paragraph (a) of subsection (7), paragraph (b) of subsection
384 (8), and paragraph (a) of subsection (9) of section 212.055,
385 Florida Statutes, are amended, and subsection (10) is added to
386 that section, to read:

387 212.055 Discretionary sales surtaxes; legislative intent;
388 authorization and use of proceeds.—It is the legislative intent
389 that any authorization for imposition of a discretionary sales
390 surtax shall be published in the Florida Statutes as a
391 subsection of this section, irrespective of the duration of the
392 levy. Each enactment shall specify the types of counties
393 authorized to levy; the rate or rates which may be imposed; the
394 maximum length of time the surtax may be imposed, if any; the
395 procedure which must be followed to secure voter approval, if
396 required; the purpose for which the proceeds may be expended;
397 and such other requirements as the Legislature may provide.
398 Taxable transactions and administrative procedures shall be as
399 provided in s. 212.054.

400 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM

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401 SURTAX.—

402 (a) Each charter county that has adopted a charter, each
403 county the government of which is consolidated with that of one
404 or more municipalities, and each county that is within or under
405 an interlocal agreement with a regional transportation or
406 transit authority created under chapter 343 or chapter 349 may
407 levy a discretionary sales surtax, ~~subject to approval by a~~
408 ~~majority vote of the electorate of the county or by a charter~~
409 ~~amendment approved by a majority vote of the electorate of the~~
410 ~~county.~~

411 (c) The proposal to adopt a discretionary sales surtax as
412 provided in this subsection and to create a trust fund within
413 the county accounts shall be placed on the ballot in accordance
414 with law and must be approved in a referendum as set forth in
415 subsection (10) ~~at a time to be set at the discretion of the~~
416 ~~governing body.~~

417 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

418 (a)1. The governing authority in each county may levy a
419 discretionary sales surtax of 0.5 percent or 1 percent. The levy
420 of the surtax shall be pursuant to ordinance enacted by a
421 majority of the members of the county governing authority and
422 approved by ~~a majority of the electors of the county,~~ as set
423 forth in subsection (10), voting in a referendum on the surtax.
424 If the governing bodies of the municipalities representing a
425 majority of the county's population adopt uniform resolutions

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426 establishing the rate of the surtax and calling for a referendum
427 on the surtax, the levy of the surtax shall be placed on the
428 ballot and shall take effect if approved by ~~a majority of the~~
429 electors of the county, as set forth in subsection (10), voting
430 in the referendum on the surtax.

431 2. If the surtax was levied pursuant to a referendum held
432 before July 1, 1993, the surtax may not be levied beyond the
433 time established in the ordinance, or, if the ordinance did not
434 limit the period of the levy, the surtax may not be levied for
435 more than 15 years. The levy of such surtax may be extended only
436 by approval of ~~a majority of the~~ electors of the county, as set
437 forth in subsection (10), voting in a referendum on the surtax.

438 (3) SMALL COUNTY SURTAX.—

439 (a) The governing authority in each county that has a
440 population of 50,000 or fewer ~~less~~ on April 1, 1992, may levy a
441 discretionary sales surtax of 0.5 percent or 1 percent. The levy
442 of the surtax shall be pursuant to ordinance enacted by an
443 extraordinary vote of the members of the county governing
444 authority if the surtax revenues are expended for operating
445 purposes. If the surtax revenues are expended for the purpose of
446 servicing bond indebtedness, the surtax shall be approved by a
447 ~~majority of the~~ electors of the county, as set forth in
448 subsection (10), voting in a referendum on the surtax.

449 (4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

450 (a)1. The governing body in each county the government of

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451 which is not consolidated with that of one or more
452 municipalities, which has a population of at least 800,000
453 residents and is not authorized to levy a surtax under
454 subsection (5), may levy, pursuant to an ordinance either
455 approved by an extraordinary vote of the governing body or
456 conditioned to take effect only upon approval by a ~~majority vote~~
457 of the electors of the county, as set forth in subsection (10),
458 voting in a referendum, a discretionary sales surtax at a rate
459 that may not exceed 0.5 percent.

460 2. If the ordinance is conditioned on a referendum, a
461 statement that includes a brief and general description of the
462 purposes to be funded by the surtax and that conforms to the
463 requirements of s. 101.161 shall be placed on the ballot by the
464 governing body of the county. The following questions shall be
465 placed on the ballot:

466 FOR THE. . . .CENTS TAX

467 AGAINST THE. . . .CENTS TAX

468 3. The ordinance adopted by the governing body providing
469 for the imposition of the surtax shall set forth a plan for
470 providing health care services to qualified residents, as
471 defined in subparagraph 4. Such plan and subsequent amendments
472 to it shall fund a broad range of health care services for both
473 indigent persons and the medically poor, including, but not
474 limited to, primary care and preventive care as well as hospital
475 care. The plan must also address the services to be provided by

476 the Level I trauma center. It shall emphasize a continuity of
477 care in the most cost-effective setting, taking into
478 consideration both a high quality of care and geographic access.
479 Where consistent with these objectives, it shall include,
480 without limitation, services rendered by physicians, clinics,
481 community hospitals, mental health centers, and alternative
482 delivery sites, as well as at least one regional referral
483 hospital where appropriate. It shall provide that agreements
484 negotiated between the county and providers, including hospitals
485 with a Level I trauma center, will include reimbursement
486 methodologies that take into account the cost of services
487 rendered to eligible patients, recognize hospitals that render a
488 disproportionate share of indigent care, provide other
489 incentives to promote the delivery of charity care, promote the
490 advancement of technology in medical services, recognize the
491 level of responsiveness to medical needs in trauma cases, and
492 require cost containment including, but not limited to, case
493 management. It must also provide that any hospitals that are
494 owned and operated by government entities on May 21, 1991, must,
495 as a condition of receiving funds under this subsection, afford
496 public access equal to that provided under s. 286.011 as to
497 meetings of the governing board, the subject of which is
498 budgeting resources for the rendition of charity care as that
499 term is defined in the Florida Hospital Uniform Reporting System
500 (FHURS) manual referenced in s. 408.07. The plan shall also

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include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

4. For the purpose of this paragraph, the term "qualified resident" means residents of the authorizing county who are:

a. Qualified as indigent persons as certified by the authorizing county;

b. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

c. Participating in innovative, cost-effective programs approved by the authorizing county.

5. Moneys collected pursuant to this paragraph remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

a. Maintain the moneys in an indigent health care trust

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526 fund;
 527 b. Invest any funds held on deposit in the trust fund
 528 pursuant to general law;
 529 c. Disburse the funds, including any interest earned, to
 530 any provider of health care services, as provided in
 531 subparagraphs 3. and 4., upon directive from the authorizing
 532 county. However, if a county has a population of at least
 533 800,000 residents and has levied the surtax authorized in this
 534 paragraph, notwithstanding any directive from the authorizing
 535 county, on October 1 of each calendar year, the clerk of the
 536 court shall issue a check in the amount of \$6.5 million to a
 537 hospital in its jurisdiction that has a Level I trauma center or
 538 shall issue a check in the amount of \$3.5 million to a hospital
 539 in its jurisdiction that has a Level I trauma center if that
 540 county enacts and implements a hospital lien law in accordance
 541 with chapter 98-499, Laws of Florida. The issuance of the checks
 542 on October 1 of each year is provided in recognition of the
 543 Level I trauma center status and shall be in addition to the
 544 base contract amount received during fiscal year 1999-2000 and
 545 any additional amount negotiated to the base contract. If the
 546 hospital receiving funds for its Level I trauma center status
 547 requests such funds to be used to generate federal matching
 548 funds under Medicaid, the clerk of the court shall instead issue
 549 a check to the Agency for Health Care Administration to
 550 accomplish that purpose to the extent that it is allowed through

551 the General Appropriations Act; and

552 d. Prepare on a biennial basis an audit of the trust fund
553 specified in sub-subparagraph a. Each ~~Commencing February 1,~~
554 ~~2004,~~ such audit shall be delivered to the governing body and to
555 the chair of the legislative delegation of each authorizing
556 county.

557 6. Notwithstanding any other provision of this section, a
558 county shall not levy local option sales surtaxes authorized in
559 this paragraph and subsections (2) and (3) in excess of a
560 combined rate of 1 percent.

561 (b) Notwithstanding any other provision of this section,
562 the governing body in each county the government of which is not
563 consolidated with that of one or more municipalities and which
564 has a population of fewer ~~less~~ than 800,000 residents, may levy,
565 by ordinance subject to approval by ~~a majority of~~ the electors
566 of the county, as set forth in subsection (10), voting in a
567 referendum, a discretionary sales surtax at a rate that may not
568 exceed 0.25 percent for the sole purpose of funding trauma
569 services provided by a trauma center licensed pursuant to
570 chapter 395.

571 1. A statement that includes a brief and general
572 description of the purposes to be funded by the surtax and that
573 conforms to the requirements of s. 101.161 shall be placed on
574 the ballot by the governing body of the county. The following
575 shall be placed on the ballot:

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FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

2. The ordinance adopted by the governing body of the county providing for the imposition of the surtax shall set forth a plan for providing trauma services to trauma victims presenting in the trauma service area in which such county is located.

3. Moneys collected pursuant to this paragraph remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

- a. Maintain the moneys in a trauma services trust fund.
- b. Invest any funds held on deposit in the trust fund pursuant to general law.
- c. Disburse the funds, including any interest earned on such funds, to the trauma center in its trauma service area, as provided in the plan set forth pursuant to subparagraph 2., upon directive from the authorizing county. If the trauma center receiving funds requests such funds be used to generate federal matching funds under Medicaid, the custodian of the funds shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that the agency is allowed through the General Appropriations Act.
- d. Prepare on a biennial basis an audit of the trauma

601 services trust fund specified in sub-subparagraph a., to be
602 delivered to the authorizing county.

603 4. A discretionary sales surtax imposed pursuant to this
604 paragraph shall expire 4 years after the effective date of the
605 surtax, unless reenacted by ordinance subject to approval by a
606 ~~majority of~~ the electors of the county, as set forth in
607 subsection (10), voting in a subsequent referendum.

608 5. Notwithstanding any other provision of this section, a
609 county shall not levy local option sales surtaxes authorized in
610 this paragraph and subsections (2) and (3) in excess of a
611 combined rate of 1 percent.

612 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
613 in s. 125.011(1) may levy the surtax authorized in this
614 subsection pursuant to an ordinance either approved by
615 extraordinary vote of the county commission or conditioned to
616 take effect only upon approval by ~~a majority vote of the~~
617 electors of the county, as set forth in subsection (10), voting
618 in a referendum. In a county as defined in s. 125.011(1), for
619 the purposes of this subsection, "county public general
620 hospital" means a general hospital as defined in s. 395.002
621 which is owned, operated, maintained, or governed by the county
622 or its agency, authority, or public health trust.

623 (a) The rate shall be 0.5 percent.

624 (b) If the ordinance is conditioned on a referendum, the
625 proposal to adopt the county public hospital surtax shall be

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626 placed on the ballot in accordance with law and must be approved
627 in a referendum as set forth in subsection (10) ~~at a time to be~~
628 ~~set at the discretion of the governing body.~~ The referendum
629 question on the ballot shall include a brief general description
630 of the health care services to be funded by the surtax.

631 (c) Proceeds from the surtax shall be:

632 1. Deposited by the county in a special fund, set aside
633 from other county funds, to be used only for the operation,
634 maintenance, and administration of the county public general
635 hospital; and

636 2. Remitted promptly by the county to the agency,
637 authority, or public health trust created by law which
638 administers or operates the county public general hospital.

639 (d) Except as provided in subparagraphs 1. and 2., the
640 county must continue to contribute each year an amount equal to
641 at least 80 percent of that percentage of the total county
642 budget appropriated for the operation, administration, and
643 maintenance of the county public general hospital from the
644 county's general revenues in the fiscal year of the county
645 ending September 30, 1991:

646 1. Twenty-five percent of such amount must be remitted to
647 a governing board, agency, or authority that is wholly
648 independent from the public health trust, agency, or authority
649 responsible for the county public general hospital, to be used
650 solely for the purpose of funding the plan for indigent health

651 care services provided for in paragraph (e);

652 2. However, in the first year of the plan, a total of \$10
653 million shall be remitted to such governing board, agency, or
654 authority, to be used solely for the purpose of funding the plan
655 for indigent health care services provided for in paragraph (e),
656 and in the second year of the plan, a total of \$15 million shall
657 be so remitted and used.

658 (e) A governing board, agency, or authority shall be
659 chartered by the county commission upon this act becoming law.
660 The governing board, agency, or authority shall adopt and
661 implement a health care plan for indigent health care services.
662 The governing board, agency, or authority shall consist of no
663 more than seven and no fewer than five members appointed by the
664 county commission. The members of the governing board, agency,
665 or authority shall be at least 18 years of age and residents of
666 the county. No member may be employed by or affiliated with a
667 health care provider or the public health trust, agency, or
668 authority responsible for the county public general hospital.
669 The following community organizations shall each appoint a
670 representative to a nominating committee: the South Florida
671 Hospital and Healthcare Association, the Miami-Dade County
672 Public Health Trust, the Dade County Medical Association, the
673 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
674 County. This committee shall nominate between 10 and 14 county
675 citizens for the governing board, agency, or authority. The

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676 | slate shall be presented to the county commission and the county
677 | commission shall confirm the top five to seven nominees,
678 | depending on the size of the governing board. Until such time as
679 | the governing board, agency, or authority is created, the funds
680 | provided for in subparagraph (d)2. shall be placed in a
681 | restricted account set aside from other county funds and not
682 | disbursed by the county for any other purpose.

683 | 1. The plan shall divide the county into a minimum of four
684 | and maximum of six service areas, with no more than one
685 | participant hospital per service area. The county public general
686 | hospital shall be designated as the provider for one of the
687 | service areas. Services shall be provided through participants'
688 | primary acute care facilities.

689 | 2. The plan and subsequent amendments to it shall fund a
690 | defined range of health care services for both indigent persons
691 | and the medically poor, including primary care, preventive care,
692 | hospital emergency room care, and hospital care necessary to
693 | stabilize the patient. For the purposes of this section,
694 | "stabilization" means stabilization as defined in s.

695 | 397.311(44). Where consistent with these objectives, the plan
696 | may include services rendered by physicians, clinics, community
697 | hospitals, and alternative delivery sites, as well as at least
698 | one regional referral hospital per service area. The plan shall
699 | provide that agreements negotiated between the governing board,
700 | agency, or authority and providers shall recognize hospitals

701 that render a disproportionate share of indigent care, provide
702 other incentives to promote the delivery of charity care to draw
703 down federal funds where appropriate, and require cost
704 containment, including, but not limited to, case management.
705 From the funds specified in subparagraphs (d)1. and 2. for
706 indigent health care services, service providers shall receive
707 reimbursement at a Medicaid rate to be determined by the
708 governing board, agency, or authority created pursuant to this
709 paragraph for the initial emergency room visit, and a per-member
710 per-month fee or capitation for those members enrolled in their
711 service area, as compensation for the services rendered
712 following the initial emergency visit. Except for provisions of
713 emergency services, upon determination of eligibility,
714 enrollment shall be deemed to have occurred at the time services
715 were rendered. The provisions for specific reimbursement of
716 emergency services shall be repealed on July 1, 2001, unless
717 otherwise reenacted by the Legislature. The capitation amount or
718 rate shall be determined before program implementation by an
719 independent actuarial consultant. In no event shall such
720 reimbursement rates exceed the Medicaid rate. The plan must also
721 provide that any hospitals owned and operated by government
722 entities on or after the effective date of this act must, as a
723 condition of receiving funds under this subsection, afford
724 public access equal to that provided under s. 286.011 as to any
725 meeting of the governing board, agency, or authority the subject

726 of which is budgeting resources for the retention of charity
727 care, as that term is defined in the rules of the Agency for
728 Health Care Administration. The plan shall also include
729 innovative health care programs that provide cost-effective
730 alternatives to traditional methods of service and delivery
731 funding.

732 3. The plan's benefits shall be made available to all
733 county residents currently eligible to receive health care
734 services as indigents or medically poor as defined in paragraph
735 (4) (d).

736 4. Eligible residents who participate in the health care
737 plan shall receive coverage for a period of 12 months or the
738 period extending from the time of enrollment to the end of the
739 current fiscal year, per enrollment period, whichever is less.

740 5. At the end of each fiscal year, the governing board,
741 agency, or authority shall prepare an audit that reviews the
742 budget of the plan, delivery of services, and quality of
743 services, and makes recommendations to increase the plan's
744 efficiency. The audit shall take into account participant
745 hospital satisfaction with the plan and assess the amount of
746 poststabilization patient transfers requested, and accepted or
747 denied, by the county public general hospital.

748 (f) Notwithstanding any other provision of this section, a
749 county may not levy local option sales surtaxes authorized in
750 this subsection and subsections (2) and (3) in excess of a

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combined rate of 1 percent.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to a resolution approved by a four-fifths vote of the school board and conditioned to take effect only upon approval by ~~a majority vote~~ of the electors of the county, as set forth in subsection (10), voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(7) VOTER-APPROVED INDIGENT CARE SURTAX.—

(a)1. The governing body in each county that has a population of fewer than 800,000 residents may levy an indigent care surtax pursuant to an ordinance conditioned to take effect only upon approval by ~~a majority vote~~ of the electors of the county, as set forth in subsection (10), voting in a referendum. The surtax may be levied at a rate not to exceed 0.5 percent, except that if a publicly supported medical school is located in the county, the rate shall not exceed 1 percent.

2. Notwithstanding subparagraph 1., the governing body of any county that has a population of fewer than 50,000 residents may levy an indigent care surtax pursuant to an ordinance conditioned to take effect only upon approval by ~~a majority vote~~ of the electors of the county, as set forth in subsection (10), voting in a referendum. The surtax may be levied at a rate not to exceed 1 percent.

(8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.—

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776 (b) Upon the adoption of the ordinance, the levy of the
777 surtax must be placed on the ballot by the governing authority
778 of the county enacting the ordinance. The ordinance will take
779 effect if approved by ~~a majority of~~ the electors of the county,
780 as set forth in subsection (10), voting in a referendum held for
781 such purpose. The referendum shall be placed on the ballot of a
782 regularly scheduled election. The ballot for the referendum must
783 conform to the requirements of s. 101.161.

784 (9) PENSION LIABILITY SURTAX.—

785 (a) The governing body of a county may levy a pension
786 liability surtax to fund an underfunded defined benefit
787 retirement plan or system, pursuant to an ordinance conditioned
788 to take effect upon approval by ~~a majority vote of~~ the electors
789 of the county, as set forth in subsection (10), voting in a
790 referendum, at a rate that may not exceed 0.5 percent. The
791 county may not impose a pension liability surtax unless the
792 underfunded defined benefit retirement plan or system is below
793 80 percent of actuarial funding at the time the ordinance or
794 referendum is passed. The most recent actuarial report submitted
795 to the Department of Management Services pursuant to s. 112.63
796 must be used to establish the level of actuarial funding for
797 purposes of determining eligibility to impose the surtax. The
798 governing body of a county may only impose the surtax if:

- 799 1. An employee, including a police officer or firefighter,
800 who enters employment on or after the date when the local

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801 government certifies that the defined benefit retirement plan or
802 system formerly available to such an employee has been closed
803 may not enroll in a defined benefit retirement plan or system
804 that will receive surtax proceeds.

805 2. The local government and the collective bargaining
806 representative for the members of the underfunded defined
807 benefit retirement plan or system or, if there is no
808 representative, a majority of the members of the plan or system,
809 mutually consent to requiring each member to make an employee
810 retirement contribution of at least 10 percent of each member's
811 salary for each pay period beginning with the first pay period
812 after the plan or system is closed.

813 3. The pension board of trustees for the underfunded
814 defined benefit retirement plan or system, if such board exists,
815 is prohibited from participating in the collective bargaining
816 process and engaging in the determination of pension benefits.

817 4. The county currently levies a local government
818 infrastructure surtax pursuant to subsection (2) which is
819 scheduled to terminate and is not subject to renewal.

820 5. The pension liability surtax does not take effect until
821 the local government infrastructure surtax described in
822 subparagraph 4. is terminated.

823 (10) DATES FOR REFERENDA.—A referendum to adopt or amend a
824 local government discretionary sales surtax under this section
825 shall be held only at a general election, as defined in s.

826 97.021, and requires the approval of 60 percent of the voters
827 voting on the ballot question for passage of the question.

828 Section 9. Part IX of chapter 218, Florida Statutes,
829 consisting of sections 218.90, 218.901, 218.905, 218.91, and
830 218.92, is created to read:

831 PART IX

832 LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT

833 218.90 Short title.—This part may be cited as the "Local
834 Government Fiscal Responsibility Act."

835 218.901 Purpose.—The purpose of this part is to promote
836 the fiscal responsibility of local governments in using public
837 funds by providing additional conditions under which local
838 governments may increase taxes, enact new taxes, extend expiring
839 taxes, or issue new tax-supported debt.

840 218.905 Definitions.—As used in this part, the following
841 words or terms shall have the following meanings:

842 (1) "Debt" means bonds, loans, promissory notes, lease-
843 purchase agreements, certificates of participation, installment
844 sales, leases, or any other financing mechanism or financial
845 arrangement, whether or not a debt for legal purposes, for
846 financing or refinancing the acquisition, construction,
847 improvement, or purchase of capital outlay projects.

848 (2) "Tax-supported debt" means debt secured in whole or in
849 part by state or local tax levies, whether such security is
850 direct or indirect, explicit or implicit, including, but not

851 limited to, debt for which annual appropriations pledged for
852 payment are from government fund types receiving tax revenues or
853 shared revenues from state tax sources. The term does not
854 include debt that is secured solely by the revenues generated by
855 the project that is financed with the debt.

856 218.91 Local Option Tax Limitation.—

857 (1) Notwithstanding any other provision of law, a
858 municipality or county that has levied a millage in any of the
859 previous 3 years, other than a millage as authorized in
860 subsection (2), in excess of the rolled-back rate, as defined in
861 s. 200.065(1), may not enact, extend, or increase any tax
862 otherwise authorized under:

863 (a) Section 125.0104, relating to local option tourist
864 development taxes;

865 (b) Section 125.0108, relating to tourist impact tax;

866 (c) Sections 125.0167 and 201.031, relating to
867 discretionary surtaxes on documents;

868 (d) Sections 166.231-166.235, relating to public service
869 taxes;

870 (e) Section 166.271, relating to municipal parking
871 facility space surcharges;

872 (f) Section 202.19, relating to communications services
873 taxes;

874 (g) Chapter 205, relating to local business taxes;

875 (h) Chapter 206, relating to motor fuel and diesel fuel

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taxes;

(i) Section 212.0305, relating to convention development taxes;

(j) Section 212.0306, relating to local option food and beverage taxes; and

(k) Section 212.055, relating to local option sales taxes.

(2) This section does not apply to any millage approved by a vote of the electors pursuant to s. 9(b), Art. VII or s. 12, Art. VII of the State Constitution.

218.92 Voter approval of tax-supported debt.—

(1) Notwithstanding any other provision of law, a county, municipality, dependent special district, municipal service taxing unit, independent special district, or school district must receive voter approval, by referendum, of 60 percent of the voters voting on the ballot question for passage, for the issuance of any new tax-supported debt with a term of more than 5 years.

(2) Except as provided in subsection (3), a referendum under this section shall be held only at a general election, as defined in s. 97.021.

(3) In order to provide funding related to an emergency as defined in s. 252.34, the governing board of a county, municipality, dependent special district, municipal service taxing unit, independent special district, or school district may seek voter approval pursuant to subsection (1) at an

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901 election other than a general election by adopting a resolution
902 by a four-fifths vote of the membership of such board that:

903 (a) Declares that such an emergency exists;

904 (b) Declares that issuance of new tax-supported debt prior
905 to the next general election is necessary as a direct result of
906 the emergency;

907 (c) Sets forth a plan for the use of the tax-supported
908 debt proceeds. The proceeds of new tax-supported debt issued
909 pursuant to this subsection may only be used for purposes
910 directly related to or as a consequence of the emergency.

911 (4) This section does not apply to the refinancing or
912 refunding of debt that does not extend the term or increase the
913 outstanding principle amount of the original debt.

914 Section 10. Paragraph (a) of subsection (4) of section
915 336.021, Florida Statutes, is amended to read:

916 336.021 County transportation system; levy of ninth-cent
917 fuel tax on motor fuel and diesel fuel.—

918 (4) (a) 1. A certified copy of the ordinance proposing to
919 levy the tax pursuant to referendum shall be furnished by the
920 county to the department within 10 days after approval of such
921 ordinance.

922 2. The referendum shall be held only at a general election,
923 as defined in s. 97.021, and requires the approval of 60 percent
924 of the voters voting on the ballot question for passage of the
925 question.

926 ~~3. Furthermore,~~ The county levying the tax pursuant to
927 referendum shall notify the department within 10 days after the
928 passage of the referendum of such passage and of the time period
929 during which the tax will be levied. The failure to furnish the
930 certified copy will not invalidate the passage of the ordinance.

931 Section 11. Paragraph (b) of subsection (1) and paragraph
932 (b) of subsection (3) of section 336.025, Florida Statutes, are
933 amended to read:

934 336.025 County transportation system; levy of local option
935 fuel tax on motor fuel and diesel fuel.-

936 (1)

937 (b) In addition to other taxes allowed by law, there may
938 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
939 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
940 of motor fuel sold in a county and taxed under the provisions of
941 part I of chapter 206. The tax shall be levied by an ordinance
942 adopted by a majority plus one vote of the membership of the
943 governing body of the county or by referendum. A referendum
944 under this subsection shall be held only at a general election,
945 as defined in s. 97.021, and requires the approval of 60 percent
946 of the voters voting on the ballot question for passage of the
947 question.

948 1. All impositions and rate changes of the tax shall be
949 levied before October 1, to be effective January 1 of the
950 following year. However, levies of the tax which were in effect

951 on July 1, 2002, and which expire on August 31 of any year may
952 be reimposed at the current authorized rate effective September
953 1 of the year of expiration.

954 2. The county may, prior to levy of the tax, establish by
955 interlocal agreement with one or more municipalities located
956 therein, representing a majority of the population of the
957 incorporated area within the county, a distribution formula for
958 dividing the entire proceeds of the tax among county government
959 and all eligible municipalities within the county. If no
960 interlocal agreement is adopted before the effective date of the
961 tax, tax revenues shall be distributed pursuant to the
962 provisions of subsection (4). If no interlocal agreement exists,
963 a new interlocal agreement may be established prior to June 1 of
964 any year pursuant to this subparagraph. However, any interlocal
965 agreement agreed to under this subparagraph after the initial
966 levy of the tax or change in the tax rate authorized in this
967 section shall under no circumstances materially or adversely
968 affect the rights of holders of outstanding bonds which are
969 backed by taxes authorized by this paragraph, and the amounts
970 distributed to the county government and each municipality shall
971 not be reduced below the amount necessary for the payment of
972 principal and interest and reserves for principal and interest
973 as required under the covenants of any bond resolution
974 outstanding on the date of establishment of the new interlocal
975 agreement.

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976 3. County and municipal governments shall use moneys
977 received pursuant to this paragraph for transportation
978 expenditures needed to meet the requirements of the capital
979 improvements element of an adopted comprehensive plan or for
980 expenditures needed to meet immediate local transportation
981 problems and for other transportation-related expenditures that
982 are critical for building comprehensive roadway networks by
983 local governments. For purposes of this paragraph, expenditures
984 for the construction of new roads, the reconstruction or
985 resurfacing of existing paved roads, or the paving of existing
986 graded roads shall be deemed to increase capacity and such
987 projects shall be included in the capital improvements element
988 of an adopted comprehensive plan. Expenditures for purposes of
989 this paragraph shall not include routine maintenance of roads.

990 (3) The tax authorized pursuant to paragraph (1)(a) shall
991 be levied using either of the following procedures:

992 (b) If no interlocal agreement or resolution is adopted
993 pursuant to subparagraph (a)1. or subparagraph (a)2.,
994 municipalities representing more than 50 percent of the county
995 population may, prior to June 20, adopt uniform resolutions
996 approving the local option tax, establishing the duration of the
997 levy and the rate authorized in paragraph (1)(a), and setting
998 the date for a countywide referendum on whether to levy the tax
999 provided that the county shall bear the costs thereof. A
1000 referendum under this subsection shall be held only at a general

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election, as defined in s. 97.021, and requires the approval of
60 percent of the voters voting on the ballot question for
passage of the question. ~~shall be held in accordance with the~~
~~provisions of such resolution and applicable state law, provided~~
~~that the county shall bear the costs thereof.~~ The tax shall be
 levied and collected countywide on January 1 following 30 days
 after voter approval.

Section 12. Subsections (1), (2), and (3) of section
 1011.73, Florida Statutes, are amended to read:

1011.73 District millage elections.-

(1) MILLAGE AUTHORIZED NOT TO EXCEED 2 YEARS.-The district
 school board, pursuant to resolution adopted at a regular
 meeting, shall direct the county commissioners to call an
 election at which the electors within the school districts may
 approve an ad valorem tax millage as authorized in s. 9, Art.
 VII of the State Constitution. ~~Such election may be held at any~~
~~time, except that not more than one such election shall be held~~
~~during any 12-month period.~~ Any millage so authorized shall be
 levied for a period not in excess of 2 years or until changed by
 another millage election, whichever is the earlier. In the event
 any such election is invalidated by a court of competent
 jurisdiction, such invalidated election shall be considered not
 to have been held.

(2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.-The district
 school board, pursuant to resolution adopted at a regular

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meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(9). ~~Such election may be held at any time, except that not more than one such election shall be held during any 12-month period.~~ Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(3) HOLDING ELECTIONS.—All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter. A referendum under this part shall be held only at a general election, as defined in s. 97.021, and requires the approval of 60 percent of the voters voting on the ballot question for passage of the question.

Section 13. This act shall take effect October 1, 2018.