

Collier County

Affordable Housing Advisory Committee (AHAC)



Surtax Subcommittee

Growth Management Division Conference Room 609/610

February 2, 2023 – 1:00 p.m.

AGENDA

Subcommittee Members:

Joe Trachtenberg, Chair
Steve Hruby, AHAC Member
Mary Waller, AHAC Member
Commissioner Chris Hall, AHAC Member

County Staff Members:

Cormac Giblin, Interim Director, Economic Development & Housing
Mike Bosi, Director, Planning & Zoning
Jaime Cook, Director, Development Review
Derek Perry, County Attorney's Office
Chris Montolio, Operations Analyst, Economic Development & Housing
Kelly Green, Accountant, Economic Development & Housing

1. **CALL TO ORDER & ROLL CALL**
2. **APPROVAL OF AGENDA & MINUTES**
 - a. Approval of today's agenda
3. **DISCUSSION ITEMS**
 - a. Background and Eligible uses of the Surtax for affordable housing development
 - b. Draft Policy
4. **PUBLIC COMMENT**
5. **NEXT MEETING DATE**

Local Government Infrastructure Surtax

Section 212.055(2), Florida Statutes

Summary:

The Local Government Infrastructure Surtax may be levied at the rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority vote of the county's governing body and approved by voters in a countywide referendum. Generally, the proceeds must be expended to finance, plan, and construct infrastructure; acquire land for public recreation, conservation, or protection of natural resources; or finance the closure of local government-owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection (DEP). Additional spending authority exists for select counties. During the 2018-19 local fiscal year, the 25 counties levying this surtax will realize an estimated \$1.58 billion in revenue. The 20 eligible counties not currently levying this surtax at the maximum rate will allow an estimated \$2.15 billion to go unrealized.

General Law Amendments:

Chapter 2018-118, L.O.F., (CS/HB 7087) amends the definition of infrastructure to clarify that public facilities also includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters. Additionally, the legislation amends the definition of infrastructure to include instructional technology used solely in a school district's classrooms. Instructional technology is defined as an interactive device that assists a teacher in instructing a class or group of students. The hardware and software necessary to operate the interactive device and support systems in which an interactive device may mount are also included as authorized expenditures. These changes became effective on July 1, 2018.

Authorization to Levy:

Local governments may levy this surtax at a rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority of the members of the county's governing body and approved by the voters in a countywide referendum. In lieu of action by the county's governing body, municipalities representing a majority of the county's population may initiate the surtax through the adoption of uniform resolutions calling for a countywide referendum on the issue. If the proposal to levy the surtax is approved by a majority of the electors, the levy takes effect.

Additionally, the surtax may not be levied beyond the time established in the ordinance if the surtax was levied pursuant to a referendum held before July 1, 1993. If the pre-July 1, 1993 ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. There is no state-mandated limit on the length of levy for those surtax ordinances enacted after July 1, 1993. The levy may only be extended by voter approval in a countywide referendum. This surtax is one of several surtaxes subject to a combined rate limitation. A county cannot levy this surtax and the Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax in excess of a combined rate of 1 percent.

Counties Eligible to Levy:

All counties are eligible to levy the surtax.

Distribution of Proceeds:

The surtax proceeds are distributed to the county and its respective municipalities according to one of the following procedures.

Office of Economic and Demographic Research

1. An interlocal agreement approved by county's governing body and the governing bodies of the municipalities representing a majority of the county's municipal population. This agreement may include a school district with the consent of all governing bodies previously mentioned.
2. If there is no interlocal agreement, then the distribution will be based on the Local Government Half-cent Sales Tax formulas provided in s. 218.62, F.S.

Authorized Uses of Proceeds:

The surtax proceeds and any accrued interest are expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, for any of the following purposes.

1. To finance, plan, and construct infrastructure.
2. To acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern.
3. To provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum.
4. To finance the closure of county or municipal-owned solid waste landfills that have been closed or are required to be closed by order of the DEP. Any use of the proceeds or interest for purposes of landfill closures before July 1, 1993, is ratified.

The term *energy efficiency improvement* means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951, F.S.; and installation of efficient lighting equipment.

The surtax proceeds and any interest may not be used to fund the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, F.S., (i.e., Miami-Dade County) and charter counties may use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

As it relates to the authorized uses of the surtax proceeds and any accrued interest, the term *infrastructure* has the following meanings.

1. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For this purpose, the term *public facilities*

- means facilities as defined in ss. 163.3164(39),¹ 163.3221(13),² or 189.012(5),³ F.S., and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.
2. A fire department vehicle, emergency medical services vehicle, sheriff's office vehicle, police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.
 3. Any expenditure for the construction, lease, maintenance, or provision of utilities or security for those court facilities as defined in s. 29.008, F.S.
 4. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38, F.S. These private facility improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The private facility's owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after the completion of the improvement with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.
 5. Any land-acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this provision.
 6. Instructional technology used solely in a school district's classrooms. Pursuant to this provision, the term *instructional technology* means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

Any local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit within a county trust fund created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The referendum ballot statement must indicate the intention to make the allocation. School districts, counties, and municipalities may

1. Section 163.3164(39), F.S., defines the term *public facilities* as major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

2. Section 163.3221(13), F.S., which defines the term *public facilities* as major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

3. Section 189.012(5), F.S., which defines the term *public facilities* as major capital improvements, including, but not limited to, transportation facilities, sanitary sewer facilities, solid waste facilities, water management and control facilities, potable water facilities, alternative water systems, educational facilities, parks and recreational facilities, health systems and facilities, and, except for spoil disposal by those ports listed in s. 311.09(1), F.S., spoil disposal sites for maintenance dredging in waters of the state.

Office of Economic and Demographic Research

pledge the surtax proceeds for the purpose of servicing new bonded indebtedness. Local governments may use the services of the Division of Bond Finance of the State Board of Administration to issue bonds, and counties and municipalities may join together for the issuance of bonds.

A county with a total population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern that imposed the surtax before July 1, 1992, may use the proceeds and accrued interest of the surtax for any public purpose if the county satisfies all of the following criteria.

1. The debt service obligations for any year are met.
2. The county's comprehensive plan has been determined to be in compliance with part II of ch. 163, F.S.
3. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66, F.S., authorizing additional uses of the proceeds and accrued interest.

Those counties designated as an area of critical state concern that qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for authorized infrastructure purposes. A county that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, and that qualified to use the surtax for any public purpose at the time of the designation's removal, may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes for 20 years following the designation's removal. After the 20 year period expires, a county may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure if the county adopts an ordinance providing for such continued use of the surtax proceeds.

Likewise, a municipality located within such a county may not use the proceeds and accrued interest for any purpose other than an authorized infrastructure purpose unless the municipality's comprehensive plan has been determined to be in compliance with part II of ch. 163, F.S., and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041, F.S., authorizing additional uses of the proceeds and accrued interest. Such municipality may expend the proceeds and accrued interest for any public purpose authorized in the amendment.

Despite any other use restrictions to the contrary, a county, having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem tax purposes for the tax year in which the referendum is placed before voters, and the municipalities within such a county may use the surtax proceeds and accrued interest for operation and maintenance of parks and recreation programs and facilities established with the proceeds throughout the duration of the levy or while accrued interest earnings are available for such use, whichever period is longer.

Attorney General Opinions:

Florida's Attorney General has issued the following legal opinions relevant to this revenue source.

<u>Opinion #</u>	<u>Subject</u>
2016-02	Infrastructure surtax, emergency generators
2012-19	Infrastructure surtax, beach erosion projects/studies
2009-28	Counties, use of infrastructure surtax monies
2007-51	Municipalities, use of infrastructure surtax monies
2003-17	Infrastructure surtax use to purchase computer system

2001-45	Local government infrastructure surtax, health care
2000-06	Expenditure of infrastructure surtax revenues
99-24	Capital improvements to property leased by county
95-73	Counties, infrastructure surtax used to fund engineers
95-71	Tourist development tax / infrastructure surtax
94-79	Uses of local government infrastructure surtax
94-46	Vehicles purchased with proceeds of sales surtax
93-92	Local government infrastructure surtax, purchase of vehicle
92-81	Discretionary local option infrastructure sales surtax
92-08	Local government infrastructure surtax proceeds
90-96	Infrastructure surtax proceeds, payment of debt
88-59	Use of discretionary surtax for construction

The full texts of these opinions are available via a searchable on-line database.⁴ Local government officials seeking more clarification should review the opinions in their entirety. The reader should keep the date of the opinion in mind when reviewing its relevance to current law or any interpretations that have been articulated in Florida case law.

4. <http://myfloridalegal.com/ago.nsf/Opinions>

ORDINANCE NO. 2018- 21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, IMPOSING A COUNTYWIDE LOCAL GOVERNMENT INFRASTRUCTURE SURTAX OF ONE PERCENT (1%) ON ALL AUTHORIZED TAXABLE TRANSACTIONS OCCURRING WITHIN COLLIER COUNTY, AS AUTHORIZED BY SECTION 212.055(2), FLORIDA STATUTES, EFFECTIVE BEGINNING JANUARY 1, 2019, FOR A PERIOD OF UP TO SEVEN (7) YEARS OR UNTIL THE AGGREGATE FUNDS OF \$490,000,000 ARE COLLECTED, WHICHEVER IS SOONER; PROVIDING THAT THE IMPOSITION OF THE SURTAX SHALL BE CONTINGENT ON APPROVAL AT A COUNTYWIDE REFERENDUM; PROVIDING FOR A WEBPAGE WHICH DETAILS THE PROPOSED PROJECTS FOR THE PUBLIC; PROVIDING FOR DISTRIBUTION OF SURTAX REVENUES AMONG THE COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY; PROVIDING FOR CITIZEN OVERSIGHT; PROVIDING BALLOT LANGUAGE AND DIRECTING THE SUPERVISOR OF ELECTIONS TO HOLD A COUNTYWIDE PRECINCT REFERENDUM ELECTION ON NOVEMBER 6, 2018.

WHEREAS, Section 212.055(2), Florida Statutes, authorizes the Collier County Board of County Commissioners (“Board”) to impose a 1.0 percent (1%) local government infrastructure surtax (“Surtax”) upon transactions occurring within Collier County (“County”) which are taxable under Chapter 212, Florida Statutes; and

WHEREAS, a 1.0 percent (1%) Surtax would, under current State sales tax rates, result in a one cent (1¢) Surtax on each one dollar (\$1.00) sale as specifically provided by law and will be applied to each fractional part of one dollar accordingly; and

WHEREAS, the Surtax differs from the transactions subject to the State sales tax in that the local option sales tax base applies only to the first \$5,000 of the purchase price of an item of taxable personal property while the State sales tax applies to the entire purchase price regardless of amount, pursuant to Section 212.054(2)(b)(1), Florida Statutes; and

WHEREAS, the Surtax does not apply to certain groceries, medical products and supplies, fuel, and other specifically identified goods and services listed in Section 212.08, Florida Statutes; and

Attachment: Ordinance No 2018-21 last page rotated (7951 : Review of Responsibilities and Mission)

WHEREAS, the funds derived from the imposition of the Surtax shall be distributed to the County and the municipalities of the County (“Municipalities”), as set forth in Section 218.62, Florida Statutes, if no interlocal agreement is entered into; and

WHEREAS, funds received from the Surtax authorized by Section 212.055(2), Florida Statutes, may be utilized by the County and Municipalities to finance, plan, construct, reconstruct, renovate and improve needed infrastructure, as defined in Section 212.055(2)(d), Florida Statutes; and

WHEREAS, the County and the Municipalities are presently without sufficient fiscal and monetary resources to adequately fund their infrastructure needs; and

WHEREAS, adequate public infrastructure facilities of the types herein described promote the safe, efficient and uninterrupted provision of numerous essential public services provided by the County and the Municipalities, including but not limited to roads, bridges, signals, sidewalks, parks, evacuation shelters, governmental facilities, including emergency services facilities; acquiring land and construction for workforce housing and career and technical training, veterans’ nursing home and expand mental health facilities; and

WHEREAS, a brief description of the projects to be funded is set forth in the ballot language contained in this Ordinance and a more specific list of projects to be funded is attached hereto as Exhibit A; and

WHEREAS, the County and the Municipalities shall establish a citizen oversight committee to provide for citizen review of the expenditure of Surtax proceeds.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE. Incorporation of Recitals.

The above recitals are true and correct and are hereby incorporated by reference.

Attachment: Ordinance No 2018-21 last page rotated (7951 : Review of Responsibilities and Mission)

SECTION TWO. Imposition of Local Government Infrastructure Surtax.

There is hereby imposed a one percent (1%) local government infrastructure surtax ("Surtax") upon all authorized taxable transactions occurring within the County.

SECTION THREE. Administration, Collection and Distribution of Proceeds.

The Surtax shall be administered, collected, and enforced in accordance with the provisions of Section 212.054, Florida Statutes, and the rules promulgated by the Florida Department of Revenue. The proceeds of the Surtax shall be distributed by the Department of Revenue directly to the County and Municipalities, in accordance with Section 218.62, Florida Statutes.

SECTION FOUR. Referendum Election.

(a) The Surtax imposed in Section Two hereof shall not take effect unless and until approved by a majority of the electors of the County voting in a countywide precinct referendum election on the Surtax.

(b) The Collier County Supervisor of Elections is hereby directed to hold such countywide precinct referendum election on November 6, 2018.

(c) The Collier County Supervisor of Elections shall cause the following proposition to be placed on the ballot:

**COLLIER COUNTY AND MUNICIPAL INFRASTRUCTURE
ONE-CENT SALES SURTAX**

To enhance safety, mobility, and hurricane preparedness in Collier County and its cities by constructing, repairing, and maintaining roads, bridges, signals, sidewalks, parks, evacuation shelters, governmental and emergency services facilities; acquire land and support construction for workforce housing and career and technical training, veterans' nursing home and expand mental health facilities; shall the County levy a one-cent sales surtax beginning January 1, 2019 and automatically ending December 31, 2025, with oversight by citizen committee?

_____ **FOR THE ONE-CENT SALES TAX**

_____ **AGAINST THE ONE-CENT SALES TAX**

SECTION FIVE. Advertisement and Webpage.

The Collier County Clerk of Court shall insure that notice of this referendum be advertised in accordance with the provisions of Section 100.342, Florida Statutes. Proof of publication shall be provided to the Chair of the Board. Upon adoption of this Ordinance, the County shall create a webpage available to the public on the County's main website which details the proposed projects to be funded by the Surtax, as well as the particulars regarding the imposition and collection of the Surtax.

SECTION SIX. Expiration Date; Survival of Certain Restricted Uses.

(a) *Sunset.* In all events, this Ordinance shall be in effect only through December 31, 2025. It shall sunset and expire thereafter, without further action by the Board and the electors, at which time it shall be deemed repealed and of no further force and effect, and the Surtax levied hereunder shall terminate. Alternatively, this Ordinance shall sunset on December 31st of any year during the term of this Ordinance in the event that the total aggregate distributions of Surtax proceeds equal or exceed the amount of \$490,000,000 at any time during that calendar year, in which event the Board shall take necessary action to repeal this Ordinance and notify the Florida Department of Revenue prior to the applicable deadline so that the Surtax will not continue for the following year.

(b) *Survival of restrictions on use of Surtax proceeds.* Notwithstanding the provisions of subsection (a) for the expiration and repeal of this Ordinance, so long as any Surtax proceeds shall remain unspent, the restrictions hereby imposed concerning the distribution and use of such Surtax proceeds as well as the proceeds of any borrowings payable from Surtax proceeds, and all interest and other investment earnings on either of them shall survive such expiration and repeal and shall be fully enforceable in a court of competent jurisdiction.

SECTION SEVEN. Infrastructure Surtax Citizen Oversight Committee.

(a) *Creation.* Upon the approval of the Surtax by the electors of Collier County, the Board shall hereby assemble an Infrastructure Surtax Citizen Oversight Committee ("Committee") to provide for citizen review of the expenditure of the Surtax proceeds by the County, as soon as

possible after the Surtax becomes effective, but not later than the date on which the funds are first expended. The Committee shall serve as an ad hoc advisory and reporting body to the County.

(b) *Composition.* The Committee shall be comprised of seven (7) members. There shall be one (1) member appointed from each County District, and two (2) at-large members. Upon confirmation that said individuals meet the requirements herein, the Board shall appoint said individuals to this Committee. Appointment of positions, unless otherwise stated herein, shall be governed by Collier County Ordinance No. 2001-55, as may be amended, or by its successor ordinance.

(c) *Membership Qualifications.* All members shall have the following qualifications:

- (1) Member shall be a resident of Collier County;
- (2) Member shall not be an elected official;
- (3) Member shall not be a current employee of any governmental body within Collier County;
- (4) Special consideration shall be given to nominees that have financial or business management backgrounds and experience; and
- (5) Member shall meet the qualifications set forth in Collier County Ordinance No. 2001-55, as may be amended or its successor ordinance.

(d) *Term.* The initial terms for the at-large seats shall be one year; the remainder of the at-large terms shall be for two years or until the Committee sunsets. The initial terms and all terms thereafter for each District seat shall be for two years or until the Committee sunsets. All members shall be eligible for reappointment upon the expiration of their term. Upon resignation or removal of a member from a seat, that seat will be filled for the remainder of its term.

(e) *Removal.* Removal of members from the Committee shall be in accordance with the provisions of Collier County Ordinance No. 2001-55, as it may be amended, or its successor ordinance.

(f) *Sunset.* The Committee shall sunset and terminate without further action by the Board within 2 months of the final expenditure of all of the Surtax proceeds collected by the County. At its final meeting after the Surtax proceeds have been expended, the Committee shall prepare a final report to the Board with its findings and recommendations.

(g) *Duties.* The Committee shall have the responsibility to review the expenditure of Surtax proceeds against the ballot referendum approved by the voters and this Ordinance. The Board may expend proceeds of the Surtax on projects not specifically stated herein or in the attached Exhibit A, so long as those projects (1) comply with the intent of the ballot language, (2) have a positive recommendation by this Committee, and (3) fall within the projects and categories identified. The Committee shall not recommend alternative projects, unless requested by the Board.

(h) *Officer; Meetings; Quorum; Rules of Procedure.*

(1) Annually the members of the Committee shall elect a chairperson and vice chairperson from among the members. The chairperson's and vice chairperson's terms in such positions shall be for one (1) year with eligibility for re-election by the members of the Committee.

(2) The Committee shall meet monthly, or as otherwise needed to fulfill their duties and responsibilities.

(3) The presence of at least five (5) members shall constitute a quorum of the Committee necessary to take action and transact business. In addition, an affirmative vote of a super majority (majority present plus one) shall be necessary in order to take official action. Furthermore, by simple majority vote, but never with less than 5 members present, the Committee shall adopt rules of procedure for its meetings, and thereafter shall be governed by its procedures, as amended from time to time.

(4) The Committee shall keep a written record of meetings, resolutions, findings and determinations. Copies of all Committee minutes, resolutions, reports and exhibits shall be submitted to the Board. The Committee shall submit an annual report of its findings and recommendations to the Board.

(i) *Reimbursement of Expenses.* Committee members shall receive no compensation for the performance of their duties, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval by the Board.

(j) *Duties of the County Manager's Office.* The County Manager's Office will provide such documentation, information, descriptions of procedures, secretarial support and general assistance to the Committee as may be necessary for the Committee to carry out its functions as set forth herein.

(k) The Committee, its members, and all its proceedings shall be governed by and comply with the provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes, the Florida Public Records Law, Chapter 119, Florida Statutes, and the Florida Ethics Code, Chapter 112, Florida Statutes, and all other applicable local or state statutes, ordinances, or rules.

SECTION EIGHT. Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION NINE. Inclusion in The Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

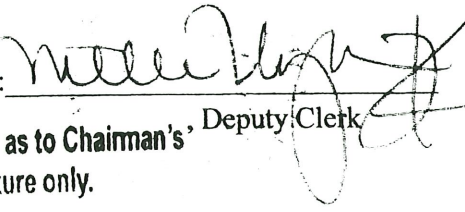
SECTION TEN. Effective Date.

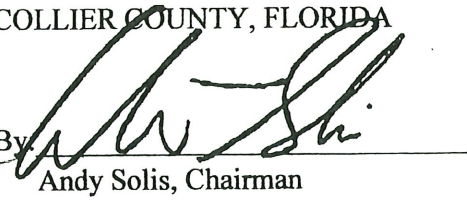
This Ordinance shall be effective upon filing with the Florida Department of State.


PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 24th day of April, 2018.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Attest as to Chairman's
signature only.

By: 
Andy Solis, Chairman

Approved as to form and legality:

Jeffrey A. Klazkow, County Attorney

Attachment: Ordinance No 2018-21 last page rotated (7951 : Review of Responsibilities and Mission)

**Collier County 1% Sales Surtax
Affordable Housing Land Acquisition Policy**

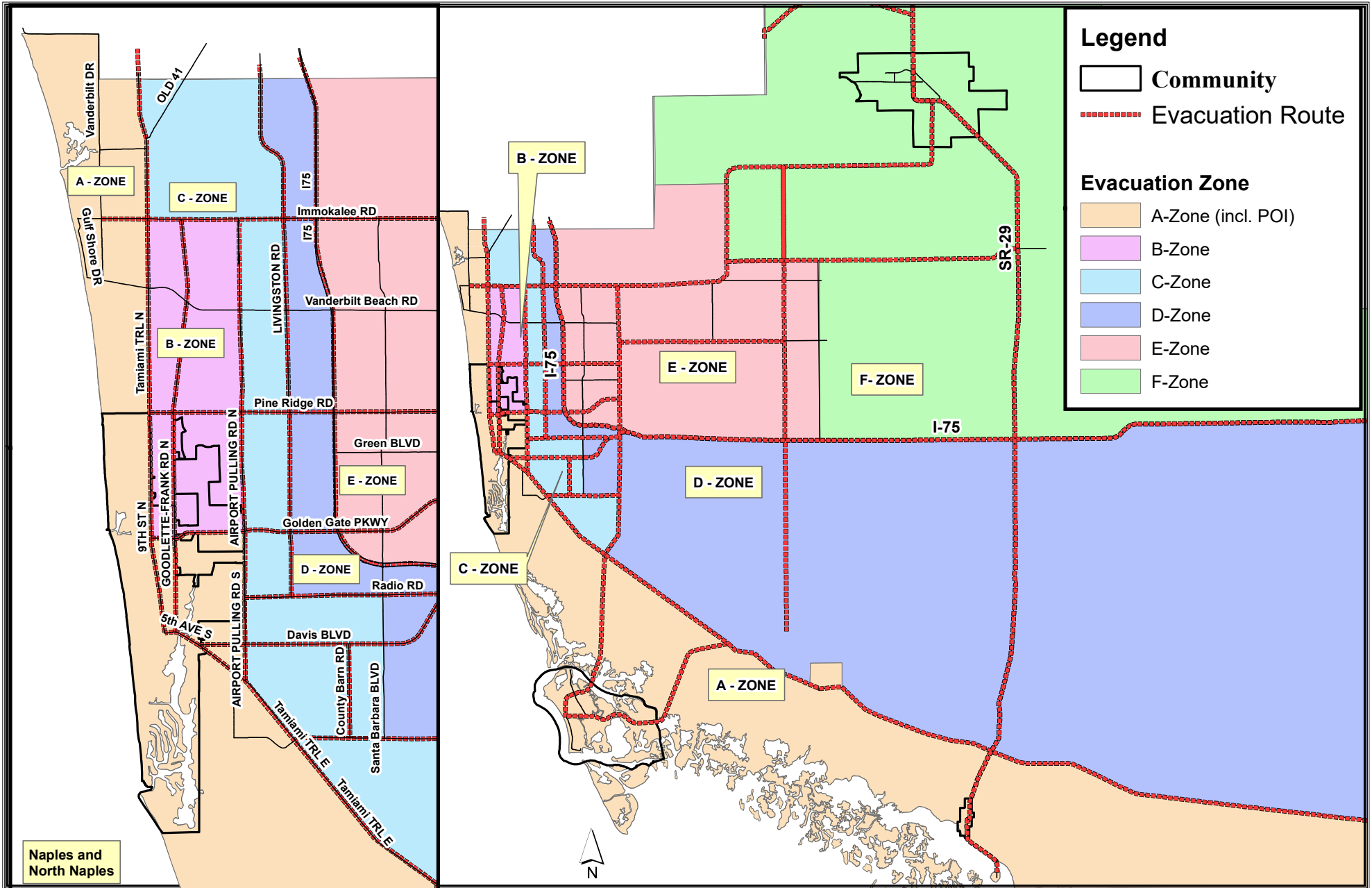
Authority- 212.055(2), FL Statutes

Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph

Property Evaluation Criteria:

Threshold Criteria		
NO	YES	
		Not in Emergency Evacuation Zone A
		Cost Does Not Exceed Appraisal
		Served by Utilizes (Water, Sewer Power)
		Less than 20% Wetlands
		Meets the ASTM Phase I Environmental ESA Standards
Additional Weighted Criteria (100 points max)		
	POINTS	
		Wetlands
		Less than 10% Wetlands (5 points)
		No Wetlands (10 Points)
		Transportation
		On Collector Roadway (5 points)
		On Arterial Roadway (10 points)
		Shovel Readiness
		Fully Zoned (15 points)
		Density
		4-8 Units/Acre (5 points)
		9-12 Units/Acre (10 points)
		12-16 Units/Acre (15 points)
		Environmental
		Meets Phase II Environmental Standards (10 points)
		Proximity/ Locational
		Within 1/2 mile of Transit Stop (10 points)
		Within 2 miles of a School (Elm, Middle, High (10 points)
		Within 2-5 miles of a School (5 points)
		Within 5-10 miles of a School (3 points)
		In Activity Center (10 Points)
		In AH Flood Zone (10 points)

COLLIER COUNTY EMERGENCY EVACUATION ZONES



If you live in a recommended zone for evacuation, in a low-lying area, or in a mobile home park, you should seek a safer location as conditions warrant.