

Bill No. CS for SB 1844

Amendment No. Barcode 200642

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

On page 8, between lines 16 and 17,

insert:

Section 3. Sections 3-5 of this act may be cited as the "Tourism Industry Recovery Act of 2002."

Section 4. Paragraphs (l) and (n) of subsection (3) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.--

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

(1) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction,

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1 reconstruction, or renovation of a retained spring training
2 franchise facility, either publicly owned and operated, or
3 publicly owned and operated by the owner of a professional
4 sports franchise or other lessee with sufficient expertise or
5 financial capability to operate such facility, and to pay the
6 planning and design costs incurred prior to the issuance of
7 such bonds.

8 2. Pay the debt service on bonds issued to finance the
9 construction, reconstruction, or renovation of a convention
10 center, and to pay the planning and design costs incurred
11 prior to the issuance of such bonds.

12 3. Pay the operation and maintenance costs of a
13 convention center for a period of up to 10 years. Only
14 counties that have elected to levy the tax for the purposes
15 authorized in subparagraph 2. may use the tax for the purposes
16 enumerated in this subparagraph. Any county that elects to
17 levy the tax for the purposes authorized in subparagraph 2.
18 after July 1, 2000, may use the proceeds of the tax to pay the
19 operation and maintenance costs of a convention center for the
20 life of the bonds.

21 4. Promote and advertise tourism in the State of
22 Florida and nationally and internationally; however, if tax
23 revenues are expended for an activity, service, venue, or
24 event, the activity, service, venue, or event shall have as
25 one of its main purposes the attraction of tourists as
26 evidenced by the promotion of the activity, service, venue, or
27 event to tourists.

28
29 The provision of paragraph (b) which prohibits any county
30 authorized to levy a convention development tax pursuant to s.
31 212.0305 from levying more than the 2-percent tax authorized

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1 by this section, and the provisions of paragraphs (4)(a)-(d),
 2 shall not apply to the additional tax authorized in this
 3 paragraph. The effective date of the levy and imposition of
 4 the tax authorized under this paragraph shall be the first day
 5 of the second month following approval of the ordinance by the
 6 governing board or the first day of any subsequent month as
 7 may be specified in the ordinance. A certified copy of such
 8 ordinance shall be furnished by the county to the Department
 9 of Revenue within 10 days after approval of such ordinance.

10 (n) In addition to any other tax that is imposed under
 11 this section, a county that has imposed the tax under
 12 paragraph (1) may impose an additional tax that is no greater
 13 than 1 percent on the exercise of the privilege described in
 14 paragraph (a) by a majority plus one vote of the membership of
 15 the board of county commissioners in order to:

16 1. Pay the debt service on bonds issued to finance:
 17 a.1. The construction, reconstruction, or renovation
 18 of a facility either publicly owned and operated, or publicly
 19 owned and operated by the owner of a professional sports
 20 franchise or other lessee with sufficient expertise or
 21 financial capability to operate such facility, and to pay the
 22 planning and design costs incurred prior to the issuance of
 23 such bonds for a new professional sports franchise as defined
 24 in s. 288.1162.

25 b.2. The acquisition, construction, reconstruction, or
 26 renovation of a facility either publicly owned and operated,
 27 or publicly owned and operated by the owner of a professional
 28 sports franchise or other lessee with sufficient expertise or
 29 financial capability to operate such facility, and to pay the
 30 planning and design costs incurred prior to the issuance of
 31 such bonds for a retained spring training franchise.

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1 2. Promote and advertise tourism in the State of
2 Florida and nationally and internationally; however, if tax
3 revenues are expended for an activity, service, venue, or
4 event, the activity, service, venue, or event shall have as
5 one of its main purposes the attraction of tourists as
6 evidenced by the promotion of the activity, service, venue, or
7 event to tourists.

8
9 A county that imposes the tax authorized in this paragraph may
10 not expend any ad valorem tax revenues for the acquisition,
11 construction, reconstruction, or renovation of a ~~that~~ facility
12 for which tax revenues are used pursuant to subparagraph 1.

13 The provision of paragraph (b) which prohibits any county
14 authorized to levy a convention development tax pursuant to s.
15 212.0305 from levying more than the 2-percent tax authorized
16 by this section shall not apply to the additional tax
17 authorized by this paragraph in counties which levy convention
18 development taxes pursuant to s. 212.0305(4)(a). Subsection
19 (4) does not apply to the adoption of the additional tax
20 authorized in this paragraph. The effective date of the levy
21 and imposition of the tax authorized under this paragraph is
22 the first day of the second month following approval of the
23 ordinance by the board of county commissioners or the first
24 day of any subsequent month specified in the ordinance. A
25 certified copy of such ordinance shall be furnished by the
26 county to the Department of Revenue within 10 days after
27 approval of the ordinance.

28 Section 5. Paragraph (b) of subsection (1) of section
29 125.35, Florida Statutes, is amended to read:

30 125.35 County authorized to sell real and personal
31 property and to lease real property.--

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1 (1)(a) The board of county commissioners is expressly
 2 authorized to sell and convey any real or personal property,
 3 and to lease real property, belonging to the county, whenever
 4 the board determines that it is to the best interest of the
 5 county to do so, to the highest and best bidder for the
 6 particular use the board deems to be the highest and best, for
 7 such length of term and such conditions as the governing body
 8 may in its discretion determine.

9 (b) Notwithstanding the provisions of paragraph (a),
 10 the board of county commissioners is expressly authorized to:

11 1. Negotiate the lease of an airport or seaport
 12 facility;

13 2. Modify or extend an existing lease of real property
 14 for an additional term not to exceed 25 years, where the
 15 improved value of the lease has an appraised value in excess
 16 of \$20 million; ~~or~~

17 3. Lease a professional sports franchise facility
 18 financed by revenues received pursuant to s. 125.0104 or s.
 19 212.20; or

20 4. Convert existing development rights held by a
 21 private entity to a lease hold interest on any parcel of real
 22 property of 5 acres or less;
 23
 24 under such terms and conditions as negotiated by the board.

26 (Redesignate subsequent sections.)

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

30 And the title is amended as follows:
 31 On page 1, line 26, after the semicolon

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1 insert:
2 providing a short title; amending s. 125.0104,
3 F.S.; providing that the additional tax
4 authorized for bonds for a professional sports
5 franchise facility, a retained spring training
6 franchise facility, or a convention center, and
7 for operation and maintenance costs of a
8 convention center, and the additional tax
9 authorized for bonds for facilities for a new
10 professional sports franchise or a retained
11 spring training franchise, may also be used to
12 promote and advertise tourism; amending s.
13 125.35, F.S.; authorizing boards of county
14 commissioners to lease without a competitive
15 process certain property;

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