

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

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

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21 Section 1. This act may be cited as the "Tourism
22 Industry Recovery Act of 2002."

23 Section 2. Paragraphs (l) and (n) of subsection (3) of
24 section 125.0104, Florida Statutes, are amended to read:

25 125.0104 Tourist development tax; procedure for
26 levying; authorized uses; referendum; enforcement.--

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

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

3 1. Pay the debt service on bonds issued to finance the
4 construction, reconstruction, or renovation of a professional
5 sports franchise facility, or the acquisition, construction,
6 reconstruction, or renovation of a retained spring training
7 franchise facility, either publicly owned and operated, or
8 publicly owned and operated by the owner of a professional
9 sports franchise or other lessee with sufficient expertise or
10 financial capability to operate such facility, and to pay the
11 planning and design costs incurred prior to the issuance of
12 such bonds.

13 2. Pay the debt service on bonds issued to finance the
14 construction, reconstruction, or renovation of a convention
15 center, and to pay the planning and design costs incurred
16 prior to the issuance of such bonds.

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

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

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4 The provision of paragraph (b) which prohibits any county
5 authorized to levy a convention development tax pursuant to s.
6 212.0305 from levying more than the 2-percent tax authorized
7 by this section, and the provisions of paragraphs (4)(a)-(d),
8 shall not apply to the additional tax authorized in this
9 paragraph. The effective date of the levy and imposition of
10 the tax authorized under this paragraph shall be the first day
11 of the second month following approval of the ordinance by the
12 governing board or the first day of any subsequent month as
13 may be specified in the ordinance. A certified copy of such
14 ordinance shall be furnished by the county to the Department
15 of Revenue within 10 days after approval of such ordinance.

16 (n) In addition to any other tax that is imposed under
17 this section, a county that has imposed the tax under
18 paragraph (1) may impose an additional tax that is no greater
19 than 1 percent on the exercise of the privilege described in
20 paragraph (a) by a majority plus one vote of the membership of
21 the board of county commissioners in order to:

22 1. Pay the debt service on bonds issued to finance:

23 a.1. The construction, reconstruction, or renovation
24 of a facility either publicly owned and operated, or publicly
25 owned and operated by the owner of a professional sports
26 franchise or other lessee with sufficient expertise or
27 financial capability to operate such facility, and to pay the
28 planning and design costs incurred prior to the issuance of
29 such bonds for a new professional sports franchise as defined
30 in s. 288.1162.

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1 b.2. The acquisition, construction, reconstruction, or
2 renovation of a facility either publicly owned and operated,
3 or 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 for a retained spring training franchise.

8 2. Promote and advertise tourism in the State of
9 Florida and nationally and internationally; however, if tax
10 revenues are expended for an activity, service, venue, or
11 event, the activity, service, venue, or event shall have as
12 one of its main purposes the attraction of tourists as
13 evidenced by the promotion of the activity, service, venue, or
14 event to tourists.

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16 A county that imposes the tax authorized in this paragraph may
17 not expend any ad valorem tax revenues for the acquisition,
18 construction, reconstruction, or renovation of a that facility
19 for which tax revenues are used pursuant to subparagraph 1.

20 The provision of paragraph (b) which prohibits any county
21 authorized to levy a convention development tax pursuant to s.
22 212.0305 from levying more than the 2-percent tax authorized
23 by this section shall not apply to the additional tax
24 authorized by this paragraph in counties which levy convention
25 development taxes pursuant to s. 212.0305(4)(a). Subsection
26 (4) does not apply to the adoption of the additional tax
27 authorized in this paragraph. The effective date of the levy
28 and imposition of the tax authorized under this paragraph is
29 the first day of the second month following approval of the
30 ordinance by the board of county commissioners or the first
31 day of any subsequent month specified in the ordinance. A

1 certified copy of such ordinance shall be furnished by the
2 county to the Department of Revenue within 10 days after
3 approval of the ordinance.

4 Section 3. Paragraph (b) of subsection (1) of section
5 125.35, Florida Statutes, is amended to read:

6 125.35 County authorized to sell real and personal
7 property and to lease real property.--

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

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

- 18 1. Negotiate the lease of an airport or seaport
19 facility;
- 20 2. Modify or extend an existing lease of real property
21 for an additional term not to exceed 25 years, where the
22 improved value of the lease has an appraised value in excess
23 of \$20 million; ~~or~~
- 24 3. Lease a professional sports franchise facility
25 financed by revenues received pursuant to s. 125.0104 or s.
26 212.20; or
- 27 4. Convert existing development rights held by a
28 private entity to a lease hold interest on any parcel of real
29 property of 5 acres or less;
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31 under such terms and conditions as negotiated by the board.

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Section 4. This act shall take effect July 1, 2002.