



CHAMBER ACTION

The Committee on Commerce recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the tax on sales, use, and other transactions; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing an effective date.

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



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28 Section 1. Paragraph (d) of subsection (6) of section  
29 212.20, Florida Statutes, as amended by section 1 of chapter  
30 2002-291, Laws of Florida, is amended to read:

31 212.20 Funds collected, disposition; additional powers of  
32 department; operational expense; refund of taxes adjudicated  
33 unconstitutionally collected.--

34 (6) Distribution of all proceeds under this chapter and s.  
35 202.18(1)(b) and (2)(b) shall be as follows:

36 (d) The proceeds of all other taxes and fees imposed  
37 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
38 and (2)(b) shall be distributed as follows:

39 1. In any fiscal year, the greater of \$500 million, minus  
40 an amount equal to 4.6 percent of the proceeds of the taxes  
41 collected pursuant to chapter 201, or 5 percent of all other  
42 taxes and fees imposed pursuant to this chapter or remitted  
43 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
44 monthly installments into the General Revenue Fund.

45 2. Two-tenths of one percent shall be transferred to the  
46 Ecosystem Management and Restoration Trust Fund to be used for  
47 water quality improvement and water restoration projects.

48 3. After the distribution under subparagraphs 1. and 2.,  
49 9.653 percent of the amount remitted by a sales tax dealer  
50 located within a participating county pursuant to s. 218.61  
51 shall be transferred into the Local Government Half-cent Sales  
52 Tax Clearing Trust Fund.

53 4. After the distribution under subparagraphs 1., 2., and  
54 3., 0.065 percent shall be transferred to the Local Government



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55 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
56 to s. 218.65.

57 5. For proceeds received after July 1, 2000, and after the  
58 distributions under subparagraphs 1., 2., 3., and 4., 2.25  
59 percent of the available proceeds pursuant to this paragraph  
60 shall be transferred monthly to the Revenue Sharing Trust Fund  
61 for Counties pursuant to s. 218.215.

62 6. For proceeds received after July 1, 2000, and after the  
63 distributions under subparagraphs 1., 2., 3., and 4., 1.0715  
64 percent of the available proceeds pursuant to this paragraph  
65 shall be transferred monthly to the Revenue Sharing Trust Fund  
66 for Municipalities pursuant to s. 218.215. If the total revenue  
67 to be distributed pursuant to this subparagraph is at least as  
68 great as the amount due from the Revenue Sharing Trust Fund for  
69 Municipalities and the Municipal Financial Assistance Trust Fund  
70 in state fiscal year 1999-2000, no municipality shall receive  
71 less than the amount due from the Revenue Sharing Trust Fund for  
72 Municipalities and the Municipal Financial Assistance Trust Fund  
73 in state fiscal year 1999-2000. If the total proceeds to be  
74 distributed are less than the amount received in combination  
75 from the Revenue Sharing Trust Fund for Municipalities and the  
76 Municipal Financial Assistance Trust Fund in state fiscal year  
77 1999-2000, each municipality shall receive an amount  
78 proportionate to the amount it was due in state fiscal year  
79 1999-2000.

80 7. Of the remaining proceeds:

81 a. Beginning July 1, 2000, and in each fiscal year  
82 thereafter, the sum of \$29,915,500 shall be divided into as many



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83 equal parts as there are counties in the state, and one part  
84 shall be distributed to each county. The distribution among the  
85 several counties shall begin each fiscal year on or before  
86 January 5th and shall continue monthly for a total of 4 months.  
87 If a local or special law required that any moneys accruing to a  
88 county in fiscal year 1999-2000 under the then-existing  
89 provisions of s. 550.135 be paid directly to the district school  
90 board, special district, or a municipal government, such payment  
91 shall continue until such time that the local or special law is  
92 amended or repealed. The state covenants with holders of bonds  
93 or other instruments of indebtedness issued by local  
94 governments, special districts, or district school boards prior  
95 to July 1, 2000, that it is not the intent of this subparagraph  
96 to adversely affect the rights of those holders or relieve local  
97 governments, special districts, or district school boards of the  
98 duty to meet their obligations as a result of previous pledges  
99 or assignments or trusts entered into which obligated funds  
100 received from the distribution to county governments under then-  
101 existing s. 550.135. This distribution specifically is in lieu  
102 of funds distributed under s. 550.135 prior to July 1, 2000.

103 b. The department shall distribute \$166,667 monthly  
104 pursuant to s. 288.1162 to each applicant that has been  
105 certified as a "facility for a new professional sports  
106 franchise" or a "facility for a retained professional sports  
107 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
108 distributed monthly by the department to each applicant that has  
109 been certified as a "facility for a retained spring training  
110 franchise" pursuant to s. 288.1162; however, not more than



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111 \$208,335 may be distributed monthly in the aggregate to all  
112 certified facilities for a retained spring training franchise.  
113 Distributions shall begin 60 days following such certification  
114 and shall continue for not more than 30 years. Nothing contained  
115 in this paragraph shall be construed to allow an applicant  
116 certified pursuant to s. 288.1162 to receive more in  
117 distributions than actually expended by the applicant for the  
118 public purposes provided for in s. 288.1162(6). However, a  
119 certified applicant is entitled to receive distributions up to  
120 the maximum amount allowable and undistributed under this  
121 section for additional renovations and improvements to the  
122 facility for the franchise without additional certification.

123 c. Beginning 30 days after notice by the Office of  
124 Tourism, Trade, and Economic Development to the Department of  
125 Revenue that an applicant has been certified as the professional  
126 golf hall of fame pursuant to s. 288.1168 and is open to the  
127 public, \$166,667 shall be distributed monthly, for up to 300  
128 months, to the applicant.

129 d. Beginning 30 days after notice by the Office of  
130 Tourism, Trade, and Economic Development to the Department of  
131 Revenue that the applicant has been certified as the  
132 International Game Fish Association World Center facility  
133 pursuant to s. 288.1169, and the facility is open to the public,  
134 \$83,333 shall be distributed monthly, for up to 168 months, to  
135 the applicant. This distribution is subject to reduction  
136 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
137 made, after certification and before July 1, 2000.



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138        e. The department shall distribute monthly to units of  
139 local government that have been certified as owning eligible  
140 convention centers pursuant to s. 288.1171 an amount equal to  
141 one-half of the proceeds, as defined in s. 212.20(5)(a),  
142 received and collected in the previous month by the department  
143 under the provisions of this chapter which are generated by such  
144 eligible convention centers and remitted on the sales and use  
145 tax returns of eligible convention centers. The total  
146 distribution to each unit of local government shall not exceed  
147 \$3 million per state fiscal year. Distributions shall begin 60  
148 days following notification of certification by the Office of  
149 Tourism, Trade, and Economic Development pursuant to s. 288.1171  
150 and shall continue for not more than 30 years. Distributions  
151 shall be used solely to encourage and provide economic  
152 development for the attraction, recruitment, and retention of  
153 corporate headquarters and of high-technology, manufacturing,  
154 research and development, entertainment, and tourism industries  
155 as designated by the unit of local government by resolution of  
156 its governing body.

157        8. All other proceeds shall remain with the General  
158 Revenue Fund.

159        Section 2. Section 288.1171, Florida Statutes, is created  
160 to read:

161        288.1171 Convention centers owned by units of local  
162 government; certification as owning eligible convention centers;  
163 duties.--

164        (1) The Office of Tourism, Trade, and Economic Development  
165 shall serve as the state agency for screening applicants for



166 state funding pursuant to s. 212.20(6)(d)7.e. and for certifying  
 167 an applicant as owning an eligible convention center.

168 (2) The Office of Tourism, Trade, and Economic Development  
 169 shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the  
 170 receipt and processing of applications for funding pursuant to  
 171 s. 212.20(6)(d)7.e.

172 (3) As used in this section, the term "eligible convention  
 173 center" means a publicly owned facility having exhibition space  
 174 in excess of 75,000 square feet, the primary function of which  
 175 is to host meetings, conventions, or trade shows.

176 (4) Prior to certifying an applicant as owning an eligible  
 177 convention center, the Office of Tourism, Trade, and Economic  
 178 Development must determine that:

179 (a) The unit of local government, as defined in s.  
 180 218.369, owns an eligible convention center.

181 (b) The convention center contains more than 75,000 square  
 182 feet of exhibit space.

183 (c) The unit of local government in which the convention  
 184 center is located has certified by resolution after a public  
 185 hearing that the application serves a public purpose pursuant to  
 186 subsection (7).

187 (d) The convention center is located in a county that is  
 188 levying a tourist development tax pursuant to s. 125.0104.

189 (5) Upon certification of an applicant, the Office of  
 190 Tourism, Trade, and Economic Development shall notify the  
 191 executive director of the Department of Revenue of such  
 192 certification by means of an official letter granting  
 193 certification. The Department of Revenue shall not begin



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194 distributing proceeds until 60 days following notice by the  
195 Office of Tourism, Trade, and Economic Development that a unit  
196 of local government has been certified as owning an eligible  
197 convention center.

198 (6) No applicant previously certified under any provision  
199 of this section who has received proceeds under such  
200 certification shall be eligible for an additional certification.

201 (7) A unit of local government certified as owning an  
202 eligible convention center may use proceeds provided pursuant to  
203 s. 212.20(6)(d)7.e. solely to encourage and provide economic  
204 development for the attraction, recruitment, and retention of  
205 corporate headquarters and of high-technology, manufacturing,  
206 research and development, entertainment, and tourism industries  
207 as designated by the unit of local government by resolution of  
208 its governing body.

209 (8) The Department of Revenue may audit as provided in s.  
210 213.34 to verify that the distributions pursuant to this section  
211 have been expended as required in this section. Such information  
212 is subject to the confidentiality requirements of chapter 213.  
213 If the Department of Revenue determines that the distributions  
214 have not been expended as required by this section, it may  
215 pursue recovery of such proceeds pursuant to the laws and rules  
216 governing the assessment of taxes.

217 (9) Failure to use the proceeds as provided in this  
218 section shall be grounds for revoking certification.

219 Section 3. This act shall take effect October 1, 2003.