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1 A bill to be entitled

2 An act relating to convention centers owned by units of
3 local government; amending s. 212.20, F.S.; providing for
4 distribution of a portion of revenues from the tax on
5 sales, use, and other transactions to specified units of
6 local government owning eligible convention centers;
7 creating s. 288.1171, F.S.; providing for certification
8 of units of local government owning eligible convention
9 centers by the Office of Tourism, Trade, and Economic
10 Development; requiring the office to adopt specified
11 rules; providing a definition; providing requirements for
12 certification; providing for use of proceeds distributed
13 to units of local government under the act; providing for
14 audits by the Department of Revenue; providing for
15 revocation of certification; providing for construction
16 of the act in pari materia with laws enacted during the
17 2003 Regular Session of the Legislature; providing a
18 contingent effective date.

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

21
22 Section 1. Paragraph (d) of subsection (6) of section
23 212.20, Florida Statutes, as amended by section 1 of chapter
24 2002-291, Laws of Florida, is amended to read:

25 212.20 Funds collected, disposition; additional powers of
26 department; operational expense; refund of taxes adjudicated
27 unconstitutionally collected.--

28 (6) Distribution of all proceeds under this chapter and s.
29 202.18(1)(b) and (2)(b) shall be as follows:



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

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

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

42 3. After the distribution under subparagraphs 1. and 2.,
43 9.653 percent of the amount remitted by a sales tax dealer
44 located within a participating county pursuant to s. 218.61
45 shall be transferred into the Local Government Half-cent Sales
46 Tax Clearing Trust Fund.

47 4. After the distribution under subparagraphs 1., 2., and
48 3., 0.065 percent shall be transferred to the Local Government
49 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
50 to s. 218.65.

51 5. For proceeds received after July 1, 2000, and after the
52 distributions under subparagraphs 1., 2., 3., and 4., 2.25
53 percent of the available proceeds pursuant to this paragraph
54 shall be transferred monthly to the Revenue Sharing Trust Fund
55 for Counties pursuant to s. 218.215.

56 6. For proceeds received after July 1, 2000, and after the
57 distributions under subparagraphs 1., 2., 3., and 4., 1.0715
58 percent of the available proceeds pursuant to this paragraph
59 shall be transferred monthly to the Revenue Sharing Trust Fund



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60 for Municipalities pursuant to s. 218.215. If the total revenue
61 to be distributed pursuant to this subparagraph is at least as
62 great as the amount due from the Revenue Sharing Trust Fund for
63 Municipalities and the Municipal Financial Assistance Trust Fund
64 in state fiscal year 1999-2000, no municipality shall receive
65 less than the amount due from the Revenue Sharing Trust Fund for
66 Municipalities and the Municipal Financial Assistance Trust Fund
67 in state fiscal year 1999-2000. If the total proceeds to be
68 distributed are less than the amount received in combination
69 from the Revenue Sharing Trust Fund for Municipalities and the
70 Municipal Financial Assistance Trust Fund in state fiscal year
71 1999-2000, each municipality shall receive an amount
72 proportionate to the amount it was due in state fiscal year
73 1999-2000.

74 7. Of the remaining proceeds:

75 a. Beginning July 1, 2000, and in each fiscal year
76 thereafter, the sum of \$29,915,500 shall be divided into as many
77 equal parts as there are counties in the state, and one part
78 shall be distributed to each county. The distribution among the
79 several counties shall begin each fiscal year on or before
80 January 5th and shall continue monthly for a total of 4 months.
81 If a local or special law required that any moneys accruing to a
82 county in fiscal year 1999-2000 under the then-existing
83 provisions of s. 550.135 be paid directly to the district school
84 board, special district, or a municipal government, such payment
85 shall continue until such time that the local or special law is
86 amended or repealed. The state covenants with holders of bonds
87 or other instruments of indebtedness issued by local
88 governments, special districts, or district school boards prior
89 to July 1, 2000, that it is not the intent of this subparagraph



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90 to adversely affect the rights of those holders or relieve local
91 governments, special districts, or district school boards of the
92 duty to meet their obligations as a result of previous pledges
93 or assignments or trusts entered into which obligated funds
94 received from the distribution to county governments under then-
95 existing s. 550.135. This distribution specifically is in lieu
96 of funds distributed under s. 550.135 prior to July 1, 2000.

97 b. The department shall distribute \$166,667 monthly
98 pursuant to s. 288.1162 to each applicant that has been
99 certified as a "facility for a new professional sports
100 franchise" or a "facility for a retained professional sports
101 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
102 distributed monthly by the department to each applicant that has
103 been certified as a "facility for a retained spring training
104 franchise" pursuant to s. 288.1162; however, not more than
105 \$208,335 may be distributed monthly in the aggregate to all
106 certified facilities for a retained spring training franchise.
107 Distributions shall begin 60 days following such certification
108 and shall continue for not more than 30 years. Nothing contained
109 in this paragraph shall be construed to allow an applicant
110 certified pursuant to s. 288.1162 to receive more in
111 distributions than actually expended by the applicant for the
112 public purposes provided for in s. 288.1162(6). However, a
113 certified applicant is entitled to receive distributions up to
114 the maximum amount allowable and undistributed under this
115 section for additional renovations and improvements to the
116 facility for the franchise without additional certification.

117 c. Beginning 30 days after notice by the Office of
118 Tourism, Trade, and Economic Development to the Department of
119 Revenue that an applicant has been certified as the professional



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120 golf hall of fame pursuant to s. 288.1168 and is open to the
121 public, \$166,667 shall be distributed monthly, for up to 300
122 months, to the applicant.

123 d. Beginning 30 days after notice by the Office of
124 Tourism, Trade, and Economic Development to the Department of
125 Revenue that the applicant has been certified as the
126 International Game Fish Association World Center facility
127 pursuant to s. 288.1169, and the facility is open to the public,
128 \$83,333 shall be distributed monthly, for up to 168 months, to
129 the applicant. This distribution is subject to reduction
130 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
131 made, after certification and before July 1, 2000.

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



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149 as designated by the unit of local government by resolution of
 150 its governing body.

151 8. All other proceeds shall remain with the General
 152 Revenue Fund.

153 Section 2. Section 288.1171, Florida Statutes, is created
 154 to read:

155 288.1171 Convention centers owned by units of local
 156 government; certification as owning eligible convention centers;
 157 duties.--

158 (1) The Office of Tourism, Trade, and Economic Development
 159 shall serve as the state agency for screening applicants for
 160 state funding pursuant to s. 212.20(6)(d)7.e. and for certifying
 161 an applicant as owning an eligible convention center.

162 (2) The office shall adopt rules pursuant to ss.
 163 120.536(1) and 120.54 for the receipt and processing of
 164 applications for funding pursuant to s. 212.20(6)(d)7.e.

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

169 (4) Prior to certifying an applicant as owning an eligible
 170 convention center, the office must determine that:

171 (a) The unit of local government, as defined in s.
 172 218.369, owns an eligible convention center.

173 (b) The convention center contains more than 60,000 square
 174 feet of exhibit space.

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



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

181 (5) Upon certification of an applicant, the office shall
182 notify the executive director of the Department of Revenue of
183 such certification by means of an official letter granting
184 certification. The department shall not begin distributing
185 proceeds until 60 days following notice by the office that a
186 unit of local government has been certified as owning an
187 eligible convention center.

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

191 (7) A unit of local government certified as owning an
192 eligible convention center may use proceeds provided pursuant to
193 s. 212.20(6)(d)7.e. solely to encourage and provide economic
194 development for the attraction, recruitment, and retention of
195 corporate headquarters and of high-technology, manufacturing,
196 research and development, entertainment, and tourism industries
197 as designated by the unit of local government by resolution of
198 its governing body.

199 (8) The department may audit as provided in s. 213.34 to
200 verify that the distributions pursuant to this section have been
201 expended as required in this section. Such information is
202 subject to the confidentiality requirements of chapter 213. If
203 the department determines that the distributions have not been
204 expended as required by this section, the department may pursue
205 recovery of such proceeds pursuant to the laws and rules
206 governing the assessment of taxes.

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



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209 Section 3. If any law amended by this act was also amended
210 by a law enacted at the 2003 Regular Session of the Legislature,
211 such laws shall be construed as if they had been enacted at the
212 same session of the Legislature, and full effect shall be given
213 to each if possible.

214 Section 4. This act shall take effect July 1, 2004, only
215 if the Legislature specifies, in the General Appropriations Act
216 for fiscal year 2004-2005, that sufficient funds are available
217 to implement the provisions of this act.