

By Senator Siplin

19-245-04

1 A bill to be entitled
2 An act relating to the tax on sales, use, and
3 other transactions; amending s. 212.20, F.S.;
4 providing for distribution of a portion of
5 revenues from the tax on sales, use, and other
6 transactions to specified units of local
7 government owning eligible convention centers;
8 creating s. 288.1171, F.S.; providing for
9 certification of units of local government
10 owning eligible convention centers by the
11 Office of Tourism, Trade, and Economic
12 Development; requiring the office to adopt
13 specified rules; providing a definition;
14 providing requirements for certification;
15 providing for use of proceeds distributed to
16 units of local government under the act;
17 providing for audits by the Department of
18 Revenue; providing for revocation of
19 certification; providing a contingent effective
20 date.

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

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24 Section 1. Paragraph (d) of subsection (6) of section
25 212.20, Florida Statutes, as amended by section 92 of chapter
26 2003-402, Laws of Florida, is amended to read:

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

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

1 (d) The proceeds of all other taxes and fees imposed
2 pursuant to this chapter or remitted pursuant to s.

3 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

14 3. After the distribution under subparagraphs 1. and
15 2., 8.814 percent of the amount remitted by a sales tax dealer
16 located within a participating county pursuant to s. 218.61
17 shall be transferred into the Local Government Half-cent Sales
18 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
19 be transferred pursuant to this subparagraph to the Local
20 Government Half-cent Sales Tax Clearing Trust Fund shall be
21 reduced by 0.1 percent, and the department shall distribute
22 this amount to the Public Employees Relations Commission Trust
23 Fund less \$5,000 each month, which shall be added to the
24 amount calculated in subparagraph 4. and distributed
25 accordingly.

26 4. After the distribution under subparagraphs 1., 2.,
27 and 3., 0.095 percent shall be transferred to the Local
28 Government Half-cent Sales Tax Clearing Trust Fund and
29 distributed pursuant to s. 218.65.

30 5. After the distributions under subparagraphs 1., 2.,
31 3., and 4., 2.0440 percent of the available proceeds pursuant

1 to this paragraph shall be transferred monthly to the Revenue
2 Sharing Trust Fund for Counties pursuant to s. 218.215.

3 6. After the distributions under subparagraphs 1., 2.,
4 3., and 4., 1.3409 percent of the available proceeds pursuant
5 to this paragraph shall be transferred monthly to the Revenue
6 Sharing Trust Fund for Municipalities pursuant to s. 218.215.

7 If the total revenue to be distributed pursuant to this
8 subparagraph is at least as great as the amount due from the
9 Revenue Sharing Trust Fund for Municipalities and the
10 Municipal Financial Assistance Trust Fund in state fiscal year
11 1999-2000, no municipality shall receive less than the amount
12 due from the Revenue Sharing Trust Fund for Municipalities and
13 the Municipal Financial Assistance Trust Fund in state fiscal
14 year 1999-2000. If the total proceeds to be distributed are
15 less than the amount received in combination from the Revenue
16 Sharing Trust Fund for Municipalities and the Municipal
17 Financial Assistance Trust Fund in state fiscal year
18 1999-2000, each municipality shall receive an amount
19 proportionate to the amount it was due in state fiscal year
20 1999-2000.

21 7. Of the remaining proceeds:

22 a. In each fiscal year, the sum of \$29,915,500 shall
23 be divided into as many equal parts as there are counties in
24 the state, and one part shall be distributed to each county.
25 The distribution among the several counties shall begin each
26 fiscal year on or before January 5th and shall continue
27 monthly for a total of 4 months. If a local or special law
28 required that any moneys accruing to a county in fiscal year
29 1999-2000 under the then-existing provisions of s. 550.135 be
30 paid directly to the district school board, special district,
31 or a municipal government, such payment shall continue until

1 such time that the local or special law is amended or
2 repealed. The state covenants with holders of bonds or other
3 instruments of indebtedness issued by local governments,
4 special districts, or district school boards prior to July 1,
5 2000, that it is not the intent of this subparagraph to
6 adversely affect the rights of those holders or relieve local
7 governments, special districts, or district school boards of
8 the duty to meet their obligations as a result of previous
9 pledges or assignments or trusts entered into which obligated
10 funds received from the distribution to county governments
11 under then-existing s. 550.135. This distribution specifically
12 is in lieu of funds distributed under s. 550.135 prior to July
13 1, 2000.

14 b. The department shall distribute \$166,667 monthly
15 pursuant to s. 288.1162 to each applicant that has been
16 certified as a "facility for a new professional sports
17 franchise" or a "facility for a retained professional sports
18 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
19 distributed monthly by the department to each applicant that
20 has been certified as a "facility for a retained spring
21 training franchise" pursuant to s. 288.1162; however, not more
22 than \$208,335 may be distributed monthly in the aggregate to
23 all certified facilities for a retained spring training
24 franchise. Distributions shall begin 60 days following such
25 certification and shall continue for not more than 30 years.
26 Nothing contained in this paragraph shall be construed to
27 allow an applicant certified pursuant to s. 288.1162 to
28 receive more in distributions than actually expended by the
29 applicant for the public purposes provided for in s.
30 288.1162(6). However, a certified applicant is entitled to
31 receive distributions up to the maximum amount allowable and

1 undistributed under this section for additional renovations
2 and improvements to the facility for the franchise without
3 additional certification.

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

10 d. Beginning 30 days after notice by the Office of
11 Tourism, Trade, and Economic Development to the Department of
12 Revenue that the applicant has been certified as the
13 International Game Fish Association World Center facility
14 pursuant to s. 288.1169, and the facility is open to the
15 public, \$83,333 shall be distributed monthly, for up to 168
16 months, to the applicant. This distribution is subject to
17 reduction pursuant to s. 288.1169. A lump sum payment of
18 \$999,996 shall be made, after certification and before July 1,
19 2000.

20 e. The department shall distribute monthly to units of
21 local government which have been certified as owning eligible
22 convention centers pursuant to s. 288.1171 an amount equal to
23 one-half of the proceeds, as defined in s. 212.20(5)(a),
24 received and collected in the previous month by the department
25 under the provisions of this chapter which are generated by
26 such eligible convention centers and remitted on the sales and
27 use tax returns of eligible convention centers. The total
28 distribution to each unit of local government may not exceed
29 \$3 million per state fiscal year. Distributions shall begin 60
30 days following notification of certification by the Office of
31 Tourism, Trade, and Economic Development pursuant to s.

1 288.1171 and shall continue for not more than 30 years.
2 Distributions shall be used solely to encourage and provide
3 economic development for the attraction, recruitment, and
4 retention of corporate headquarters and of high-technology,
5 manufacturing, research and development, entertainment, and
6 tourism industries as designated by the unit of local
7 government by resolution of its governing body.

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

10 Section 2. Section 288.1171, Florida Statutes, is
11 created to read:

12 288.1171 Convention centers owned by units of local
13 government; certification as owning eligible convention
14 centers; duties.--

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

20 (2) The Office of Tourism, Trade, and Economic
21 Development shall adopt rules pursuant to ss. 120.536(1) and
22 120.54 for the receipt and processing of applications for
23 funding pursuant to s. 212.20(6)(d)7.e.

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

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

1 (a) The unit of local government, as defined in s.
2 218.369, owns an eligible convention center.

3 (b) The convention center contains more than 60,000
4 square feet of exhibit space;

5 (c) The unit of local government in which the
6 convention center is located has certified by resolution after
7 a public hearing that the application serves a public purpose
8 pursuant to subsection (7); and

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

11 (5) Upon certification of an applicant, the Office of
12 Tourism, Trade, and Economic Development shall notify the
13 executive director of the Department of Revenue of such
14 certification by means of an official letter granting
15 certification. The Department of Revenue may not begin
16 distributing proceeds until 60 days following notice by the
17 Office of Tourism, Trade, and Economic Development that a unit
18 of local government has been certified as owning an eligible
19 convention center.

20 (6) An applicant previously certified under any
21 provision of this section who has received proceeds under such
22 certification is ineligible for an additional certification.

23 (7) A unit of local government certified as owning an
24 eligible convention center may use proceeds provided pursuant
25 to s. 212.20(6)(d)7.e. solely to encourage and provide
26 economic development for the attraction, recruitment, and
27 retention of corporate headquarters and of high-technology,
28 manufacturing, research and development, entertainment, and
29 tourism industries as designated by the unit of local
30 government by resolution of its governing body.

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1 (8) The Department of Revenue may conduct an audit as
2 provided in s. 213.34 to verify that the distributions made
3 under this section have been expended as required in this
4 section. Such information is subject to the confidentiality
5 requirements of chapter 213. If the Department of Revenue
6 determines that the distributions have not been expended as
7 required by this section, it may pursue recovery of such
8 proceeds pursuant to the laws and rules governing the
9 assessment of taxes.

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

12 Section 3. This act shall take effect July 1, 2004,
13 only if the Legislature specifies, in the General
14 Appropriations Act for fiscal year 2004-2005, that sufficient
15 funds are available to implement this act.

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18 SENATE SUMMARY

19 Provides for a portion of revenues from the tax on sales,
20 use, and other transactions to be distributed to
21 specified units of local government owning eligible
22 convention centers. Provides for the certification of
23 units of local government owning eligible convention
24 centers by the Office of Tourism, Trade, and Economic
25 Development. Requires the office to adopt specified
26 rules. Defines the term "eligible convention center."
27 Provides requirements for certification. Provides for the
28 use of proceeds distributed to units of local government
29 under this act. Provides for audits by the Department of
30 Revenue. Provides for the revocation of certification.
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