

HB 0061

2004

A bill to be entitled

An act relating to economic development incentives; 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:

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

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

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

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

HB 0061

2004

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

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

39 3. After the distribution under subparagraphs 1. and 2.,
 40 8.814 percent of the amount remitted by a sales tax dealer
 41 located within a participating county pursuant to s. 218.61
 42 shall be transferred into the Local Government Half-cent Sales
 43 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
 44 be transferred pursuant to this subparagraph to the Local
 45 Government Half-cent Sales Tax Clearing Trust Fund shall be
 46 reduced by 0.1 percent, and the department shall distribute this
 47 amount to the Public Employees Relations Commission Trust Fund
 48 less \$5,000 each month, which shall be added to the amount
 49 calculated in subparagraph 4. and distributed accordingly.

50 4. After the distribution under subparagraphs 1., 2., and
 51 3., 0.095 percent shall be transferred to the Local Government
 52 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 53 to s. 218.65.

54 5. After the distributions under subparagraphs 1., 2., 3.,
 55 and 4., 2.0440 percent of the available proceeds pursuant to
 56 this paragraph shall be transferred monthly to the Revenue
 57 Sharing Trust Fund for Counties pursuant to s. 218.215.

58 6. After the distributions under subparagraphs 1., 2., 3.,
 59 and 4., 1.3409 percent of the available proceeds pursuant to

HB 0061

2004

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

75 7. Of the remaining proceeds:

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

HB 0061

2004

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

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

118 c. Beginning 30 days after notice by the Office of
119 Tourism, Trade, and Economic Development to the Department of

HB 0061

2004

120 Revenue that an applicant has been certified as the professional
 121 golf hall of fame pursuant to s. 288.1168 and is open to the
 122 public, \$166,667 shall be distributed monthly, for up to 300
 123 months, to the applicant.

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

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

HB 0061

2004

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

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

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

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

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

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

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

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

174 (a) The unit of local government, as defined in s.
 175 218.369, owns an eligible convention center.

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

178 (c) The unit of local government in which the convention
 179 center is located has certified by resolution after a public

HB 0061

2004

180 hearing that the application serves a public purpose pursuant to
 181 subsection (7).

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

184 (5) Upon certification of an applicant, the Office of
 185 Tourism, Trade, and Economic Development shall notify the
 186 executive director of the Department of Revenue of such
 187 certification by means of an official letter granting
 188 certification. The Department of Revenue shall not begin
 189 distributing proceeds until 60 days following notice by the
 190 Office of Tourism, Trade, and Economic Development that a unit
 191 of local government has been certified as owning an eligible
 192 convention center.

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

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

204 (8) The Department of Revenue may audit as provided in s.
 205 213.34 to verify that the distributions pursuant to this section
 206 have been expended as required in this section. Such information
 207 is subject to the confidentiality requirements of chapter 213.
 208 If the Department of Revenue determines that the distributions
 209 have not been expended as required by this section, it may

HB 0061

2004

210 pursue recovery of such proceeds pursuant to the laws and rules
211 governing the assessment of taxes.

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

214 Section 3. This act shall take effect July 1, 2004.