

1 A bill to be entitled

2 An act relating to fiscally constrained counties; amending
3 s. 212.20, F.S.; providing for a distribution of tax
4 revenue to fiscally constrained counties; amending s.
5 218.65, F.S.; providing for a transitional emergency
6 distribution from the Local Government Half-cent Sales Tax
7 Clearing Trust Fund to certain fiscally constrained
8 counties; revising criteria for receiving certain funds
9 from the Local Government Half-cent Sales Tax Clearing
10 Trust Fund; creating s. 218.67, F.S.; providing
11 eligibility criteria to qualify as a fiscally constrained
12 county; providing for the distribution of additional funds
13 to certain fiscally constrained counties; providing for a
14 phase-out period; providing for the use of funds; amending
15 s. 288.0656, F.S.; authorizing the Office of Tourism,
16 Trade, and Economic Development to accept and administer
17 moneys appropriated for rural economic development;
18 authorizing the office to contract with Enterprise
19 Florida, Inc.; amending s. 288.1169, F.S.; correcting a
20 cross reference; amending s. 985.2155, F.S.; revising the
21 definition of the term "fiscally constrained county";
22 providing an appropriation; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Paragraph (d) of subsection (6) of section
27 212.20, Florida Statutes, is amended to read:

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

31 | (6) Distribution of all proceeds under this chapter and s.
32 | 202.18(1)(b) and (2)(b) shall be as follows:

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

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

42 | 2. Two-tenths of one percent shall be transferred to the
43 | Ecosystem Management and Restoration Trust Fund to be used for
44 | water quality improvement and water restoration projects.

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

56 4. After the distribution under subparagraphs 1., 2., and
 57 3., 0.095 percent of the available proceeds shall be transferred
 58 to the Local Government Half-cent Sales Tax Clearing Trust Fund
 59 and distributed pursuant to s. 218.65.

60 5. After the distributions under subparagraphs 1., 2., 3.,
 61 and 4., 2.0440 percent of the available proceeds ~~pursuant to~~
 62 ~~this paragraph~~ shall be transferred monthly to the Revenue
 63 Sharing Trust Fund for Counties pursuant to s. 218.215.

64 6. After the distributions under subparagraphs 1., 2., 3.,
 65 and 4., 1.3409 percent of the available proceeds ~~pursuant to~~
 66 ~~this paragraph~~ shall be transferred monthly to the Revenue
 67 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
 68 the total revenue to be distributed pursuant to this
 69 subparagraph is at least as great as the amount due from the
 70 Revenue Sharing Trust Fund for Municipalities and the former
 71 Municipal Financial Assistance Trust Fund in state fiscal year
 72 1999-2000, no municipality shall receive less than the amount
 73 due from the Revenue Sharing Trust Fund for Municipalities and
 74 the former Municipal Financial Assistance Trust Fund in state
 75 fiscal year 1999-2000. If the total proceeds to be distributed
 76 are less than the amount received in combination from the
 77 Revenue Sharing Trust Fund for Municipalities and the former
 78 Municipal Financial Assistance Trust Fund in state fiscal year
 79 1999-2000, each municipality shall receive an amount
 80 proportionate to the amount it was due in state fiscal year
 81 1999-2000.

82 7. After the distributions under subparagraphs 1., 2., 3.,
 83 and 4., 0.082 percent of the available proceeds shall be

84 transferred to the Local Government Half-cent Sales Tax Clearing
 85 Trust Fund and distributed pursuant to s. 218.67.

86 8.7- Of the remaining proceeds:

87 a. In each fiscal year, the sum of \$29,915,500 shall be
 88 divided into as many equal parts as there are counties in the
 89 state, and one part shall be distributed to each county. The
 90 distribution among the several counties shall begin each fiscal
 91 year on or before January 5th and shall continue monthly for a
 92 total of 4 months. If a local or special law required that any
 93 moneys accruing to a county in fiscal year 1999-2000 under the
 94 then-existing provisions of s. 550.135 be paid directly to the
 95 district school board, special district, or a municipal
 96 government, such payment shall continue until ~~such time that~~ the
 97 local or special law is amended or repealed. The state covenants
 98 with holders of bonds or other instruments of indebtedness
 99 issued by local governments, special districts, or district
 100 school boards prior to July 1, 2000, that it is not the intent
 101 of this subparagraph to adversely affect the rights of those
 102 holders or relieve local governments, special districts, or
 103 district school boards of the duty to meet their obligations as
 104 a result of previous pledges or assignments or trusts entered
 105 into which obligated funds received from the distribution to
 106 county governments under then-existing s. 550.135. This
 107 distribution specifically is in lieu of funds distributed under
 108 s. 550.135 prior to July 1, 2000.

109 b. The department shall distribute \$166,667 monthly
 110 pursuant to s. 288.1162 to each applicant that has been
 111 certified as a "facility for a new professional sports

112 franchise" or a "facility for a retained professional sports
113 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
114 distributed monthly by the department to each applicant that has
115 been certified as a "facility for a retained spring training
116 franchise" pursuant to s. 288.1162; however, not more than
117 \$208,335 may be distributed monthly in the aggregate to all
118 certified facilities for a retained spring training franchise.
119 Distributions shall begin 60 days following such certification
120 and shall continue for not more than 30 years. Nothing contained
121 in this paragraph shall be construed to allow an applicant
122 certified pursuant to s. 288.1162 to receive more in
123 distributions than actually expended by the applicant for the
124 public purposes provided for in s. 288.1162(6). However, a
125 certified applicant is entitled to receive distributions up to
126 the maximum amount allowable and undistributed under this
127 section for additional renovations and improvements to the
128 facility for the franchise without additional certification.

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

135 d. Beginning 30 days after notice by the Office of
136 Tourism, Trade, and Economic Development to the Department of
137 Revenue that the applicant has been certified as the
138 International Game Fish Association World Center facility
139 pursuant to s. 288.1169, and the facility is open to the public,

140 \$83,333 shall be distributed monthly, for up to 168 months, to
 141 the applicant. This distribution is subject to reduction
 142 pursuant to s. 288.1169. ~~A lump sum payment of \$999,996 shall be~~
 143 ~~made, after certification and before July 1, 2000.~~

144 9.8. All other proceeds shall remain with the General
 145 Revenue Fund.

146 Section 2. Section 218.65, Florida Statutes, is amended to
 147 read:

148 218.65 Emergency distribution.--

149 (1) Each county government which meets the provisions of
 150 subsection (2) or subsection (8)~~(7)~~ and which participates in
 151 the local government half-cent sales tax shall receive a
 152 distribution from the Local Government Half-cent Sales Tax
 153 Clearing Trust Fund in addition to its regular monthly
 154 distribution as provided in this part.

155 (2) The Legislature hereby finds and declares that a
 156 fiscal emergency exists in any county which meets the following
 157 ~~criteria specified in paragraph (a), if applicable, and the~~
 158 ~~criterion specified in paragraph (b):~~

159 (a) ~~If~~ The county has a population of 65,000 or less; and
 160 ~~above:~~

161 ~~1. In any year from 1977 to 1981, inclusive, the value of~~
 162 ~~net new construction and additions placed on the tax roll for~~
 163 ~~that year was less than 2 percent of the taxable value for~~
 164 ~~school purposes on the roll for that year, exclusive of such net~~
 165 ~~value; or~~

166 ~~2. The percentage increase in county taxable value from~~
167 ~~1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3~~
168 ~~percent.~~

169 (b) The moneys distributed to the county government
170 pursuant to s. 218.62 for the prior fiscal year were less than
171 the current per capita limitation, based on the population of
172 that county.

173 (3) Qualification under this section shall be determined
174 annually at the start of the fiscal year. Emergency and
175 supplemental moneys shall be distributed monthly with other
176 moneys provided pursuant to this part.

177 (4) For the fiscal year beginning in 1988, the per capita
178 limitation shall be \$24.60. Thereafter, commencing with the
179 fiscal year which begins in 1989, this limitation shall be
180 adjusted annually for inflation. The annual adjustment to the
181 per capita limitation for each fiscal period shall be the
182 percentage change in the state and local government price
183 deflator for purchases of goods and services, all items, 1983
184 equals 100, or successor reports for the preceding calendar year
185 as initially reported by the United States Department of
186 Commerce, Bureau of Economic Analysis, as certified by the
187 Florida Consensus Estimating Conference.

188 (5) At the beginning of each fiscal year, the Department
189 of Revenue shall calculate a base allocation for each eligible
190 county equal to the difference between the current per capita
191 limitation times the county's population, minus prior year
192 ordinary distributions to the county pursuant to ss.
193 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited into the

194 Local Government Half-cent Sales Tax Clearing Trust Fund
195 pursuant to s. 212.20(6)(d)4., excluding moneys appropriated for
196 supplemental distributions pursuant to subsection ~~(8)(7)~~, for
197 the current year are less than or equal to the sum of the base
198 allocations, each eligible county shall receive a share of the
199 appropriated amount proportional to its base allocation. If the
200 deposited amount exceeds the sum of the base allocations, each
201 county shall receive its base allocation, and the excess
202 appropriated amount, less any amounts distributed under
203 subsection (6), shall be distributed equally on a per capita
204 basis among the eligible counties.

205 (6) If moneys deposited in the Local Government Half-cent
206 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)4.
207 exceed the amount necessary to provide the base allocation to
208 each eligible county, the moneys in the trust fund may be used
209 to provide a transitional distribution, as specified in this
210 subsection, to certain counties whose population has increased.
211 The transitional distribution shall be made available to each
212 county that qualified for a distribution under subsection (2) in
213 the prior year but does not, because of the requirements of
214 paragraph (2)(a), qualify for a distribution in the current
215 year. Beginning on July 1 of the year following the year in
216 which the county no longer qualifies for a distribution under
217 subsection (2), the county shall receive two-thirds of the
218 amount received in the prior year, and beginning July 1 of the
219 second year following the year in which the county no longer
220 qualifies for a distribution under subsection (2), the county
221 shall receive one-third of the amount it received in the last

222 year it qualified for the distribution under subsection (2). If
 223 insufficient moneys are available in the Local Government Half-
 224 cent Sales Tax Clearing Trust Fund to fully provide such a
 225 transitional distribution to each county that meets the
 226 eligibility criteria in this section, each eligible county shall
 227 receive a share of the available moneys proportional to the
 228 amount it would have received had moneys been sufficient to
 229 fully provide such a transitional distribution to each eligible
 230 county.

231 ~~(7)(6)~~ There is hereby annually appropriated from the
 232 Local Government Half-cent Sales Tax Clearing Trust Fund the
 233 distribution provided in s. 212.20(6)(d)4. to be used for
 234 emergency and supplemental distributions pursuant to this
 235 section.

236 ~~(8)(7)(a)~~ Any county the inmate population of which in any
 237 year is greater than 7 percent of the total population of the
 238 county is eligible for a supplemental distribution for that year
 239 from funds expressly appropriated therefor. At the beginning of
 240 each fiscal year, the Department of Revenue shall calculate a
 241 supplemental allocation for each eligible county equal to the
 242 current per capita limitation pursuant to subsection (4) times
 243 the inmate population of the county. If moneys appropriated for
 244 distribution pursuant to this section for the current year are
 245 less than the sum of supplemental allocations, each eligible
 246 county shall receive a share of the appropriated amount
 247 proportional to its supplemental allocation. Otherwise, each
 248 shall receive an amount equal to its supplemental allocation.

249 (b) For the purposes of this subsection, the term:

250 1. "Inmate population" means the latest official state
 251 estimate of the number of inmates and patients residing in
 252 institutions operated by the Federal Government, the Department
 253 of Corrections, or the Department of Children and Family
 254 Services.

255 2. "Total population" includes inmate population and
 256 noninmate population.

257 Section 3. Section 218.67, Florida Statutes, is created to
 258 read:

259 218.67 Distribution for fiscally constrained counties.--

260 (1) Each county for which the value of a mill will raise
 261 no more than \$4 million in revenue, based on the property
 262 valuations and tax data annually published by the Department of
 263 Revenue under s. 195.052, shall be considered a fiscally
 264 constrained county.

265 (2) Each fiscally constrained county government that
 266 participates in the local government half-cent sales tax shall
 267 be eligible to receive an additional distribution from the Local
 268 Government Half-cent Sales Tax Clearing Trust Fund, as provided
 269 in s. 212.20, in addition to its regular monthly distribution
 270 provided under this part and any emergency or supplemental
 271 distribution under s. 218.65.

272 (3) The amount to be distributed to each fiscally
 273 constrained county shall be determined by the Department of
 274 Revenue at the beginning of the fiscal year, using the prior
 275 fiscal year property valuations, tax data, and population
 276 estimates and the millage rate levied for the prior fiscal year.

277 The amount distributed shall be allocated based upon the
278 following factors:

279 (a) The relative revenue-raising-capacity factor shall be
280 the ability of the eligible county to generate ad valorem
281 revenues from one mill of taxation on a per capita basis. A
282 county that raises no more than \$25 per capita from one mill
283 shall be assigned a value of 1; a county that raises more than
284 \$25 but no more than \$30 per capita from one mill shall be
285 assigned a value of 0.75; and a county that raises more than \$30
286 but no more than \$50 per capita from one mill shall be assigned
287 a value of 0.5. No value shall be assigned to counties that
288 raise more than \$50 per capita from one mill of ad valorem
289 taxation.

290 (b) The local-effort factor shall be a measure of the
291 relative level of local effort of the eligible county as
292 indicated by the millage rate levied for the prior fiscal year.
293 The local-effort factor shall be the most recently adopted
294 countywide operating millage rate for each eligible county
295 multiplied by 0.1.

296 (c) Each eligible county's proportional allocation of the
297 total amount available to be distributed to all of the eligible
298 counties shall be in the same proportion as the sum of the
299 county's two factors is to the sum of the two factors for all
300 eligible counties. The counties that are eligible to receive an
301 allocation under this subsection and the amount available to be
302 distributed to such counties shall not include counties
303 participating in the phase-out period under subsection (4) nor

304 the amounts they remain eligible to receive during the phase-
305 out.

306 (4) For those counties that no longer qualify under the
307 requirements of subsection (1) after the effective date of this
308 act, there shall be a 2-year phase-out period. Beginning on July
309 1 of the year following the year in which the value of a mill
310 for that county exceeds \$4 million in revenue, the county shall
311 receive two-thirds of the amount received in the prior year, and
312 beginning on July 1 of the second year following the year in
313 which the value of a mill for that county exceeds \$4 million in
314 revenue, the county shall receive one-third of the amount
315 received in the last year that the county qualified as a
316 fiscally constrained county. Following the 2-year phase-out
317 period, the county shall no longer be eligible to receive any
318 distributions under this section unless the county can be
319 considered a fiscally constrained county as provided in
320 subsection (1).

321 (5) The revenues received under this section may be used
322 by a county for any public purpose, except that such revenues
323 may not be used to pay debt service on bonds, notes,
324 certificates of participation, or any other forms of
325 indebtedness.

326 Section 4. Subsection (7) of section 288.0656, Florida
327 Statutes, is amended to read:

328 288.0656 Rural Economic Development Initiative.--

329 (7) REDI may recommend to the Governor up to three rural
330 areas of critical economic concern.

331 (a) A rural area of critical economic concern must be a
332 rural community, or a region composed of such, that has been
333 adversely affected by an extraordinary economic event or a
334 natural disaster or that presents a unique economic development
335 opportunity of regional impact that will create more than 1,000
336 jobs over a 5-year period. The Governor may by executive order
337 designate up to three rural areas of critical economic concern
338 which will establish these areas as priority assignments for
339 REDI as well as to allow the Governor, acting through REDI, to
340 waive criteria, requirements, or similar provisions of any
341 economic development incentive. Such incentives shall include,
342 but not be limited to: the Qualified Target Industry Tax Refund
343 Program under s. 288.106, the Quick Response Training Program
344 under s. 288.047, the Quick Response Training Program for
345 participants in the welfare transition program under s.
346 288.047(8), transportation projects under s. 288.063, the
347 brownfield redevelopment bonus refund under s. 288.107, and the
348 rural job tax credit program under ss. 212.098 and 220.1895.
349 Designation as a rural area of critical economic concern under
350 this subsection shall be contingent upon the execution of a
351 memorandum of agreement among the Office of Tourism, Trade, and
352 Economic Development; the governing body of the county; and the
353 governing bodies of any municipalities to be included within a
354 rural area of critical economic concern. Such agreement shall
355 specify the terms and conditions of the designation, including,
356 but not limited to, the duties and responsibilities of the
357 county and any participating municipalities to take actions
358 designed to facilitate the retention and expansion of existing

359 businesses in the area, as well as the recruitment of new
360 businesses to the area.

361 (b) The Office of Tourism, Trade, and Economic Development
362 may accept and administer moneys appropriated to the office to
363 support the implementation of the rural priority recommendation
364 within the statewide strategic economic development plan as
365 provided in s. 288.905, including the development of significant
366 regional economic development projects in each of the designated
367 rural areas of critical economic concern. The office may
368 contract with Enterprise Florida, Inc., to develop regional
369 project implementation plan components to include, but not be
370 limited to, the identification of potential sites, direct
371 marketing campaigns within the industry clusters for each area,
372 identification of costs and barriers related to site preparation
373 including permitting and infrastructure availability,
374 development of memoranda of agreement and interlocal agreements
375 with participating property owners and units of local government
376 within each area regarding the parameters of project
377 participation, and the development of incidental marketing
378 support materials and expenses. The office may approve the
379 expenditure of funds under this paragraph only to the extent
380 that funds are appropriated for such purpose by the Legislature.

381 Section 5. Subsection (6) of section 288.1169, Florida
382 Statutes, is amended to read:

383 288.1169 International Game Fish Association World Center
384 facility.--

385 (6) The Department of Commerce must recertify every 10
386 years that the facility is open, that the International Game

387 Fish Association World Center continues to be the only
 388 international administrative headquarters, fishing museum, and
 389 Hall of Fame in the United States recognized by the
 390 International Game Fish Association, and that the project is
 391 meeting the minimum projections for attendance or sales tax
 392 revenues as required at the time of original certification. If
 393 the facility is not recertified during this 10-year review as
 394 meeting the minimum projections, then funding will be abated
 395 until certification criteria are met. If the project fails to
 396 generate \$1 million of annual revenues pursuant to paragraph
 397 (2) (e), the distribution of revenues pursuant to s.
 398 212.20(6)(d)8.d. ~~212.20(6)(d)7.d.~~ shall be reduced to an amount
 399 equal to \$83,333 multiplied by a fraction, the numerator of
 400 which is the actual revenues generated and the denominator of
 401 which is \$1 million. Such reduction shall remain in effect until
 402 revenues generated by the project in a 12-month period equal or
 403 exceed \$1 million.

404 Section 6. Paragraph (b) of subsection (2) of section
 405 985.2155, Florida Statutes, is amended to read:

406 985.2155 Shared county and state responsibility for
 407 juvenile detention.--

408 (2) As used in this section, the term:

409 (b) "Fiscally constrained county" means a county
 410 ~~designated as a rural area of critical economic concern under s.~~
 411 ~~288.0656~~ for which the value of a mill in the county is no more
 412 than \$4 ~~\$3~~ million, based on the property valuations and tax
 413 data annually published by the Department of Revenue under s.
 414 195.052.

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415 Section 7. There is hereby appropriated the sum of \$2
416 million from the General Revenue Fund for the 2005-2006 fiscal
417 year to the Office of Tourism, Trade, and Economic Development
418 for the implementation of the rural priority recommendation
419 within the statewide strategic economic development plan.

420 Section 8. This act shall take effect July 1, 2005.