

1                   A bill to be entitled  
2           An act relating to economic development incentives;  
3           amending s. 212.20, F.S.; requiring the Department of  
4           Revenue to distribute certain sales tax revenues to the  
5           Office of Tourism, Trade, and Economic Development for  
6           certain purposes; providing for deposit and use of such  
7           proceeds; amending s. 288.095, F.S.; specifying additional  
8           program purposes of the Economic Development Incentives  
9           Account in the Economic Development Trust Fund; creating  
10          s. 288.1259, F.S.; establishing the Super Bowl incremental  
11          sales tax incentive program; providing definitions;  
12          providing a purpose; requiring the department to determine  
13          the incremental increase in certain sales tax revenues  
14          attributable to the Super Bowl; requiring the department  
15          to deposit amounts from the incremental increase into the  
16          Economic Development Incentives Account in the Economic  
17          Development Trust Fund; providing for discontinuance of  
18          the deposit under certain circumstances; requiring the  
19          office to transfer certain remaining moneys in the account  
20          to the General Revenue Fund; specifying uses of such  
21          incremental increase revenues; providing limitations;  
22          providing an effective date.

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

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26           Section 1. Subsection (6) of section 212.20, Florida  
27   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 |           (a) Proceeds from the convention development taxes  
 34 | authorized under s. 212.0305 shall be reallocated to the  
 35 | Convention Development Tax Clearing Trust Fund.

36 |           (b) Proceeds from discretionary sales surtaxes imposed  
 37 | pursuant to ss. 212.054 and 212.055 shall be reallocated to the  
 38 | Discretionary Sales Surtax Clearing Trust Fund.

39 |           (c) Proceeds from the fees imposed under ss.  
 40 | 212.05(1)(h)3. and 212.18(3) shall remain with the General  
 41 | Revenue Fund.

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

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

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

54 |           3. After the distribution under subparagraphs 1. and 2.,  
 55 | 8.814 percent of the amount remitted by a sales tax dealer

56 | located within a participating county pursuant to s. 218.61  
 57 | shall be transferred into the Local Government Half-cent Sales  
 58 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
 59 | be transferred pursuant to this subparagraph to the Local  
 60 | Government Half-cent Sales Tax Clearing Trust Fund shall be  
 61 | reduced by 0.1 percent, and the department shall distribute this  
 62 | amount to the Public Employees Relations Commission Trust Fund  
 63 | less \$5,000 each month, which shall be added to the amount  
 64 | calculated in subparagraph 4. and distributed accordingly.

65 |         4. After the distribution under subparagraphs 1., 2., and  
 66 | 3., 0.095 percent shall be transferred to the Local Government  
 67 | Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 68 | to s. 218.65.

69 |         5. After the distributions under subparagraphs 1., 2., 3.,  
 70 | and 4., 2.0440 percent of the available proceeds pursuant to  
 71 | this paragraph shall be transferred monthly to the Revenue  
 72 | Sharing Trust Fund for Counties pursuant to s. 218.215.

73 |         6. After the distributions under subparagraphs 1., 2., 3.,  
 74 | and 4., 1.3409 percent of the available proceeds pursuant to  
 75 | this paragraph shall be transferred monthly to the Revenue  
 76 | Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
 77 | the total revenue to be distributed pursuant to this  
 78 | subparagraph is at least as great as the amount due from the  
 79 | Revenue Sharing Trust Fund for Municipalities and the former  
 80 | Municipal Financial Assistance Trust Fund in state fiscal year  
 81 | 1999-2000, no municipality shall receive less than the amount  
 82 | due from the Revenue Sharing Trust Fund for Municipalities and  
 83 | the former Municipal Financial Assistance Trust Fund in state

84 fiscal year 1999-2000. If the total proceeds to be distributed  
85 are less than the amount received in combination from the  
86 Revenue Sharing Trust Fund for Municipalities and the former  
87 Municipal Financial Assistance Trust Fund in state fiscal year  
88 1999-2000, each municipality shall receive an amount  
89 proportionate to the amount it was due in state fiscal year  
90 1999-2000.

91 7. Of the remaining proceeds:

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

112 distribution specifically is in lieu of funds distributed under  
113 s. 550.135 prior to July 1, 2000.

114 b. The department shall distribute \$166,667 monthly  
115 pursuant to s. 288.1162 to each applicant that has been  
116 certified as a "facility for a new professional sports  
117 franchise" or a "facility for a retained professional sports  
118 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
119 distributed monthly by the department to each applicant that has  
120 been certified as a "facility for a retained spring training  
121 franchise" pursuant to s. 288.1162; however, not more than  
122 \$208,335 may be distributed monthly in the aggregate to all  
123 certified facilities for a retained spring training franchise.  
124 Distributions shall begin 60 days following such certification  
125 and shall continue for not more than 30 years. Nothing contained  
126 in this paragraph shall be construed to allow an applicant  
127 certified pursuant to s. 288.1162 to receive more in  
128 distributions than actually expended by the applicant for the  
129 public purposes provided for in s. 288.1162(6). However, a  
130 certified applicant is entitled to receive distributions up to  
131 the maximum amount allowable and undistributed under this  
132 section for additional renovations and improvements to the  
133 facility for the franchise without additional certification.

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

140 d. Beginning 30 days after notice by the Office of  
 141 Tourism, Trade, and Economic Development to the Department of  
 142 Revenue that the applicant has been certified as the  
 143 International Game Fish Association World Center facility  
 144 pursuant to s. 288.1169, and the facility is open to the public,  
 145 \$83,333 shall be distributed monthly, for up to 168 months, to  
 146 the applicant. This distribution is subject to reduction  
 147 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
 148 made, after certification and before July 1, 2000.

149 8. The department shall distribute to the Office of  
 150 Tourism, Trade, and Economic Development the amount identified  
 151 by the department pursuant to s. 288.1259 as the incremental  
 152 sales tax amount to be deposited into the Economic Development  
 153 Incentives Account in the Economic Development Trust Fund and  
 154 used solely as provided by s. 288.1259.

155 ~~9.8.~~ All other proceeds shall remain with the General  
 156 Revenue Fund.

157 Section 2. Subsection (2) of section 288.095, Florida  
 158 Statutes, is amended to read:

159 288.095 Economic Development Trust Fund.--

160 (2) There is created, within the Economic Development  
 161 Trust Fund, the Economic Development Incentives Account. The  
 162 Economic Development Incentives Account consists of moneys  
 163 appropriated to the account for purposes of the tax incentives  
 164 programs authorized under ss. 288.1045 and 288.106, the Super  
 165 Bowl incremental sales tax incentives program under s. 288.1259,  
 166 and local financial support provided under ss. 288.1045 and

167 288.106. Moneys in the Economic Development Incentives Account  
 168 shall be subject to the provisions of s. 216.301(1)(a).

169 Section 3. Section 288.1259, Florida Statutes, is created  
 170 to read:

171 288.1259 Super Bowl incremental sales tax incentive  
 172 program.--

173 (1) DEFINITIONS.--As used in this section:

174 (a) "Account" means the Economic Development Incentives  
 175 Account in the Economic Development Trust Fund.

176 (b) "Department" means the Department of Revenue.

177 (c) "Director" means the executive director of the Office  
 178 of Tourism, Trade, and Economic Development.

179 (d) "Endorsing community" means a municipality or county  
 180 that contains a site selected by the National Football League  
 181 for a game.

182 (e) "Event support contract" means a contract executed by  
 183 an endorsing community and the National Football League.

184 (f) "Game" means a Super Bowl.

185 (g) "Local organizing committee" means a corporation or  
 186 its successor in interest that:

187 1. Has been authorized by an endorsing community to pursue  
 188 an application and bid on the applicant's behalf to the National  
 189 Football League for selection as the site of a game; or

190 2. With the authorization of an endorsing community, has  
 191 executed an agreement with the National Football League  
 192 regarding a bid to host a game.

193 (h) "Office" means the Office of Tourism, Trade, and  
 194 Economic Development.

195           (2) PURPOSE.--The purpose of this section is to provide  
 196 assurances required by the National Football League and to  
 197 provide financing for the costs of:

198           (a) Applying or bidding for selection as the site of the  
 199 game in this state.

200           (b) Making the preparations necessary and desirable for  
 201 the conduct of the game and related activities in this state.

202           (c) Conducting the game and related activities in this  
 203 state.

204           (3) DETERMINATION OF INCREMENTAL SALES TAX INCREASE.--If  
 205 the National Football League selects a site for a game in this  
 206 state pursuant to an application by an endorsing community or a  
 207 local organizing committee acting on behalf of an endorsing  
 208 community, after the first occurrence of a measurable economic  
 209 impact in this state as a result of the preparation for the  
 210 game, as determined by the department, but in no event later  
 211 than 2 years before the scheduled opening event of the game, the  
 212 department shall determine for each subsequent calendar quarter,  
 213 in accordance with procedures developed by the department, the  
 214 incremental increase in the receipts to the state from the taxes  
 215 imposed under s. 212.05 that is directly attributable, as  
 216 determined by the department, to the application or bid for, the  
 217 preparation for, and the presentation of the game and related  
 218 events.

219           (4) DEPOSIT OF INCREMENTAL INCREASE REVENUES.--The  
 220 department shall deposit into the account the amount determined  
 221 under subsection (3). The department shall discontinue deposits  
 222 of the amount determined under subsection (3) at the end of the



223 twelfth calendar month following the month in which the closing  
 224 event of the game occurs. On January 1 of the second year  
 225 following the year in which the game is held in this state, the  
 226 office shall transfer to the General Revenue Fund any money  
 227 remaining in the account plus any interest earned on those  
 228 funds.

229 (5) USE OF REVENUES.--

230 (a) The office may use the funds deposited into the  
 231 account pursuant to this section solely to:

232 1. Fulfill obligations of the endorsing community to the  
 233 National Football League under an event support contract or any  
 234 other agreement providing assurances from the office or the  
 235 endorsing community to the National Football League; or

236 2. Reimburse the endorsing community for costs incurred by  
 237 the endorsing community in connection with:

238 a. Applying or bidding for selection as the site of a game  
 239 in this state.

240 b. Making the preparations necessary and desirable for the  
 241 conduct of the game and related activities in this state.

242 c. Conducting the game and related activities in this  
 243 state.

244 (b) The office may not make a disbursement from the  
 245 account unless the director of the office certifies that the  
 246 disbursement is for a purpose for which the endorsing community  
 247 is obligated in accordance with paragraph (a).

248 Section 4. This act shall take effect July 1, 2005.