

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

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

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 21 Section 1. Paragraph (d) of subsection (6) of section
 22 212.20, Florida Statutes, is amended to read:

23 212.20 Funds collected, disposition; additional powers of
 24 department; operational expense; refund of taxes adjudicated
 25 unconstitutionally collected.--

26 (6) Distribution of all proceeds under this chapter and s.
 27 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

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

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

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

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

77 7. Of the remaining proceeds:

78 a. In each fiscal year, the sum of \$29,915,500 shall be
 79 divided into as many equal parts as there are counties in the
 80 state, and one part shall be distributed to each county. The
 81 distribution among the several counties shall begin each fiscal
 82 year on or before January 5th and shall continue monthly for a

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83 total of 4 months. If a local or special law required that any
84 moneys accruing to a county in fiscal year 1999-2000 under the
85 then-existing provisions of s. 550.135 be paid directly to the
86 district school board, special district, or a municipal
87 government, such payment shall continue until such time that the
88 local or special law is amended or repealed. The state covenants
89 with holders of bonds or other instruments of indebtedness
90 issued by local governments, special districts, or district
91 school boards prior to July 1, 2000, that it is not the intent
92 of this subparagraph to adversely affect the rights of those
93 holders or relieve local governments, special districts, or
94 district school boards of the duty to meet their obligations as
95 a result of previous pledges or assignments or trusts entered
96 into which obligated funds received from the distribution to
97 county governments under then-existing s. 550.135. This
98 distribution specifically is in lieu of funds distributed under
99 s. 550.135 prior to July 1, 2000.

100 b. The department shall distribute \$166,667 monthly
101 pursuant to s. 288.1162 to each applicant that has been
102 certified as a "facility for a new professional sports
103 franchise" or a "facility for a retained professional sports
104 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
105 distributed monthly by the department to each applicant that has
106 been certified as a "facility for a retained spring training
107 franchise" pursuant to s. 288.1162; however, not more than
108 \$208,335 may be distributed monthly in the aggregate to all
109 certified facilities for a retained spring training franchise.
110 Distributions shall begin 60 days following such certification

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111 and shall continue for not more than 30 years. Nothing contained
112 in this paragraph shall be construed to allow an applicant
113 certified pursuant to s. 288.1162 to receive more in
114 distributions than actually expended by the applicant for the
115 public purposes provided for in s. 288.1162(6). However, a
116 certified applicant is entitled to receive distributions up to
117 the maximum amount allowable and undistributed under this
118 section for additional renovations and improvements to the
119 facility for the franchise without additional certification.

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

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

135 e. The department shall distribute monthly to units of
136 local government that have been certified as owning eligible
137 convention centers pursuant to s. 288.1171 an amount equal to 50
138 percent of the proceeds, as defined in paragraph (5)(a),

139 received and collected in the previous month by the department
140 under the provisions of this chapter which are generated by such
141 eligible convention centers and remitted on the sales and use
142 tax returns of eligible convention centers. Proceeds, for this
143 sub-subparagraph, are further defined as all applicable sales
144 taxes collected by an eligible convention center for standard
145 services provided by center staff to users of the center, which
146 include the following: parking, admission, ticket sales, food
147 services, electrical or like services, space rentals, equipment
148 rentals, and security services. The total distribution to each
149 unit of local government shall not exceed \$2 million per state
150 fiscal year. However, total distributions to all units of local
151 government shall not exceed \$10 million per state fiscal year,
152 and such distribution shall be limited exclusively to the taxes
153 collected and remitted under the provisions of this chapter. The
154 department shall prescribe forms required to be filed with the
155 department by eligible convention centers. Distributions shall
156 begin 60 days following notification of certification by the
157 Office of Tourism, Trade, and Economic Development pursuant to
158 s. 288.1171 and shall continue for not more than 30 years.
159 Distributions shall be used solely to encourage and provide
160 economic development for the attraction, recruitment, and
161 retention of corporate headquarters and of high-technology,
162 manufacturing, research and development, entertainment, and
163 tourism industries as designated by the unit of local government
164 by resolution of its governing body, and to assist the eligible
165 convention centers to attract more business and expand their
166 offerings, including developing their own events and shows.

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

169 Section 2. Section 288.1171, Florida Statutes, is created
170 to read:

171 288.1171 Convention centers owned by units of local
172 government; certification as owning eligible convention centers;
173 duties.--

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

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

182 (3) As used in this section, the term "eligible convention
183 center" means a publicly owned facility having exhibition space
184 in excess of 60,000 square feet, the primary function of which
185 is to host meetings, conventions, or trade shows.

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

189 (a) The unit of local government, as defined in s.
190 218.369, owns an eligible convention center.

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

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

195 hearing that the application serves a public purpose pursuant to
 196 subsection (7).

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

199 (5) Upon certification of an applicant, the Office of
 200 Tourism, Trade, and Economic Development shall notify the
 201 executive director of the Department of Revenue of such
 202 certification by means of an official letter granting
 203 certification. The Department of Revenue shall not begin
 204 distributing proceeds until 60 days following notice by the
 205 Office of Tourism, Trade, and Economic Development that a unit
 206 of local government has been certified as owning an eligible
 207 convention center.

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

211 (7) A unit of local government certified as owning an
 212 eligible convention center may use proceeds provided pursuant to
 213 s. 212.20(6)(d)7.e. solely to encourage and provide economic
 214 development for the attraction, recruitment, and retention of
 215 corporate headquarters and of high-technology, manufacturing,
 216 research and development, entertainment, and tourism industries
 217 as designated by the unit of local government by resolution of
 218 its governing body.

219 (8) The Department of Revenue may audit as provided in s.
 220 213.34 to verify that the distributions pursuant to this section
 221 have been expended as required in this section. Such information
 222 is subject to the confidentiality requirements of chapter 213.

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223 If the Department of Revenue determines that the distributions
224 have not been expended as required by this section, it may
225 pursue recovery of such proceeds pursuant to the laws and rules
226 governing the assessment of taxes.

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

229 Section 3. This act shall take effect July 1, 2005.