

By Senator Baker

20-1162A-05

See HB 1257

1 A bill to be entitled
 2 An act relating to fiscally constrained
 3 counties; amending s. 212.20, F.S.; providing
 4 for a distribution of tax revenue to fiscally
 5 constrained counties; creating s. 218.67, F.S.;
 6 providing eligibility criteria to qualify as a
 7 fiscally constrained county; providing for the
 8 distribution of additional funds to certain
 9 fiscally constrained counties; providing a
 10 methodology for calculating the distribution of
 11 funds to eligible counties; providing for a
 12 phase-out period; providing for the use of
 13 funds; amending s. 985.2155, F.S.; revising the
 14 definition of the term "fiscally constrained
 15 county"; amending s. 288.1169, F.S.; correcting
 16 a cross reference; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Paragraph (d) of subsection (6) of section
 21 212.20, Florida Statutes, is amended to read:

22 212.20 Funds collected, disposition; additional powers
 23 of department; operational expense; refund of taxes
 24 adjudicated unconstitutionally collected.--

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

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

30 1. In any fiscal year, the greater of \$500 million,
 31 minus an amount equal to 4.6 percent of the proceeds of the

1 | taxes collected pursuant to chapter 201, or 5 percent of all
2 | other taxes and fees imposed pursuant to this chapter or
3 | remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
4 | deposited in monthly installments into the General Revenue
5 | Fund.

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

9 | 3. After the distribution under subparagraphs 1. and
10 | 2., 8.814 percent of the amount remitted by a sales tax dealer
11 | located within a participating county pursuant to s. 218.61
12 | shall be transferred into the Local Government Half-cent Sales
13 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
14 | be transferred pursuant to this subparagraph to the Local
15 | Government Half-cent Sales Tax Clearing Trust Fund shall be
16 | reduced by 0.1 percent, and the department shall distribute
17 | this amount to the Public Employees Relations Commission Trust
18 | Fund less \$5,000 each month, which shall be added to the
19 | amount calculated in subparagraph 4. and distributed
20 | accordingly.

21 | 4. After the distribution under subparagraphs 1., 2.,
22 | and 3., 0.095 percent of the available proceeds shall be
23 | transferred to the Local Government Half-cent Sales Tax
24 | Clearing Trust Fund and distributed pursuant to s. 218.65.

25 | 5. After the distributions under subparagraphs 1., 2.,
26 | 3., and 4., 2.0440 percent of the available proceeds ~~pursuant~~
27 | ~~to this paragraph~~ shall be transferred monthly to the Revenue
28 | Sharing Trust Fund for Counties pursuant to s. 218.215.

29 | 6. After the distributions under subparagraphs 1., 2.,
30 | 3., and 4., 1.3409 percent of the available proceeds ~~pursuant~~
31 | ~~to this paragraph~~ shall be transferred monthly to the Revenue

1 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
2 If the total revenue to be distributed pursuant to this
3 subparagraph is at least as great as the amount due from the
4 Revenue Sharing Trust Fund for Municipalities and the former
5 Municipal Financial Assistance Trust Fund in state fiscal year
6 1999-2000, no municipality shall receive less than the amount
7 due from the Revenue Sharing Trust Fund for Municipalities and
8 the former Municipal Financial Assistance Trust Fund in state
9 fiscal year 1999-2000. If the total proceeds to be distributed
10 are less than the amount received in combination from the
11 Revenue Sharing Trust Fund for Municipalities and the former
12 Municipal Financial Assistance Trust Fund in state fiscal year
13 1999-2000, each municipality shall receive an amount
14 proportionate to the amount it was due in state fiscal year
15 1999-2000.

16 7. After the distributions under subparagraphs 1., 2.,
17 3., and 4., 0.0841 percent of the available proceeds shall be
18 transferred to the Local Government Half-cent Sales Tax
19 Clearing Trust Fund and distributed pursuant to s. 218.67.

20 ~~8.7.~~ Of the remaining proceeds:

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

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

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

1 and improvements to the facility for the franchise without
2 additional certification.

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

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

19 ~~9.8.~~ All other proceeds shall remain with the General
20 Revenue Fund.

21 Section 2. Section 218.67, Florida Statutes, is
22 created to read:

23 218.67 Distribution for fiscally constrained
24 counties.--

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

30 (2) Each fiscally constrained county government that
31 participates in the local government half-cent sales tax shall

1 be eligible to receive an additional distribution from the
2 Local Government Half-cent Sales Tax Clearing Trust Fund, as
3 provided in s. 212.20, in addition to its regular monthly
4 distribution provided under this part and any emergency or
5 supplemental distribution under s. 218.65.

6 (3) The amount to be distributed to each fiscally
7 constrained county shall be determined by the Department of
8 Revenue at the beginning of the fiscal year, using the prior
9 fiscal year property valuations, tax data, and population
10 estimates and the latest available millage rate. The amount
11 distributed shall be allocated based upon the following
12 factors:

13 (a) The relative revenue-raising-capacity factor shall
14 be the ability of the eligible county to generate ad valorem
15 revenues from one mill of taxation on a per capita basis. A
16 county that raises no more than \$25 per capita from one mill
17 shall be assigned a value of 1; a county that raises more than
18 \$25 but no more than \$30 per capita from one mill shall be
19 assigned a value of 0.75; and a county that raises more than
20 \$30 but no more than \$50 per capita from one mill shall be
21 assigned a value of 0.5. No value shall be assigned to
22 counties that raise more than \$50 per capita from one mill of
23 ad valorem taxation.

24 (b) The local-effort factor shall be a measure of the
25 relative level of local effort of the eligible county as
26 indicated by the latest available millage rate. The
27 local-effort factor shall be the most recently adopted
28 countywide operating millage rate for each eligible county
29 multiplied by 0.1.

30 (c) Each eligible county's proportional allocation of
31 the total amount available to be distributed to all of the

1 eligible counties shall be in the same proportion as the sum
2 of the county's two factors is to the sum of the two factors
3 for all eligible counties. The counties that are eligible to
4 receive an allocation under this subsection and the amount
5 available to be distributed to such counties shall not include
6 counties participating in the phase-out period under
7 subsection (4) nor the amounts they remain eligible to receive
8 during the phase-out.

9 (4) For those counties that no longer qualify under
10 the requirements of subsection (1) after the effective date of
11 this act, there shall be a 2-year phase-out period. Beginning
12 on July 1 of the year following the year in which the value of
13 a mill for that county exceeds \$4 million in revenue, the
14 county shall receive two-thirds of the amount received in the
15 prior year, and beginning on July 1 of the second year
16 following the year in which the value of a mill for that
17 county exceeds \$4 million in revenue, the county shall receive
18 one-third of the amount received in the last year that the
19 county qualified as a fiscally constrained county. Following
20 the 2-year phase-out period, the county shall no longer be
21 eligible to receive any distributions under this section
22 unless the county can be considered a fiscally constrained
23 county as provided in subsection (1).

24 (5) The revenues received under this section may be
25 used by a county for any public purpose, except that such
26 revenues may not be used to pay debt service on bonds, notes,
27 certificates of participation, or any other forms of
28 indebtedness.

29 Section 3. Paragraph (b) of subsection (2) of section
30 985.2155, Florida Statutes, is amended to read:

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1 985.2155 Shared county and state responsibility for
2 juvenile detention.--

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

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

10 Section 4. Subsection (6) of section 288.1169, Florida
11 Statutes, is amended to read:

12 288.1169 International Game Fish Association World
13 Center facility.--

14 (6) The Department of Commerce must recertify every 10
15 years that the facility is open, that the International Game
16 Fish Association World Center continues to be the only
17 international administrative headquarters, fishing museum, and
18 Hall of Fame in the United States recognized by the
19 International Game Fish Association, and that the project is
20 meeting the minimum projections for attendance or sales tax
21 revenues as required at the time of original certification. If
22 the facility is not recertified during this 10-year review as
23 meeting the minimum projections, then funding will be abated
24 until certification criteria are met. If the project fails to
25 generate \$1 million of annual revenues pursuant to paragraph
26 (2)(e), the distribution of revenues pursuant to s.
27 ~~212.20(6)(d)8.d. 212.20(6)(d)7.d.~~ shall be reduced to an
28 amount equal to \$83,333 multiplied by a fraction, the
29 numerator of which is the actual revenues generated and the
30 denominator of which is \$1 million. Such reduction shall
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1 remain in effect until revenues generated by the project in a
2 12-month period equal or exceed \$1 million.

3 Section 5. This act shall take effect July 1, 2005.
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