

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; providing limitations; requiring the Department of Revenue to prescribe certain forms; providing for future repeal; creating s. 288.1171, F.S.; providing for certification by the Office of Tourism, Trade, and Economic Development of units of local government owning eligible convention centers; 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 Auditor General; providing for revocation of certification; providing for future repeal; 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, 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:

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

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

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

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

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

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

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

78           7. Of the remaining proceeds:

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

HB 1143

2006

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

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

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

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

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

136 e. The department shall distribute monthly to units of  
 137 local government that have been certified as owning eligible  
 138 convention centers pursuant to s. 288.1171 an amount equal to 50  
 139 percent of the proceeds, as defined in this sub-subparagraph,

HB 1143

2006

140 received and collected in the previous month by the department  
141 under the provisions of this chapter which are generated by such  
142 eligible convention centers and remitted on the sales and use  
143 tax returns of eligible convention centers. Proceeds, for the  
144 purposes of this sub-subparagraph, are limited to all applicable  
145 sales taxes collected by an eligible convention center for  
146 standard services provided by center staff to users of the  
147 center, which include the following: parking, admission and  
148 ticket sales, food services, utilities services, space rentals,  
149 equipment rentals, security services, decorating services,  
150 business services, advertising services, communications  
151 services, exhibit supply sales and rentals, locksmith services,  
152 and sales of gifts and sundries. The total distribution to each  
153 unit of local government shall not exceed \$1 million per state  
154 fiscal year. However, total distributions to all units of local  
155 government shall not exceed \$5 million per state fiscal year,  
156 and such distribution shall be limited exclusively to the taxes  
157 collected and remitted under the provisions of this chapter. If  
158 collections and remittances of eligible convention centers  
159 exceed the \$5-million maximum amount authorized for  
160 distribution, the department shall distribute proceeds to each  
161 eligible unit of local government using an apportionment factor,  
162 the numerator of which is the amount remitted by an eligible  
163 convention center and the denominator is the total amount  
164 remitted by all eligible convention centers. The apportionment  
165 factor for each eligible convention center shall be applied to  
166 the \$5-million maximum amount authorized for distribution to  
167 determine the amount that shall be distributed to each local

HB 1143

2006

168 government unit. The department shall prescribe forms required  
 169 to be filed with the department by eligible convention centers.  
 170 Distributions shall begin 60 days following notification of  
 171 certification by the Office of Tourism, Trade, and Economic  
 172 Development pursuant to s. 288.1171. Distributions shall be used  
 173 solely to encourage and provide economic development for the  
 174 attraction, recruitment, and retention of corporate headquarters  
 175 and of high-technology, manufacturing, research-and-development,  
 176 entertainment, and tourism industries as designated by the unit  
 177 of local government by resolution of its governing body, and to  
 178 assist the eligible convention centers to attract more business  
 179 and expand their offerings, including developing their own  
 180 events and shows. This sub-subparagraph is repealed June 30,  
 181 2009.

182 8. All other proceeds shall remain with the General  
 183 Revenue Fund.

184 Section 2. Section 288.1171, Florida Statutes, is created  
 185 to read:

186 288.1171 Convention centers owned by units of local  
 187 government; certification as owning eligible convention centers;  
 188 duties.--

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

193 (2) The Office of Tourism, Trade, and Economic Development  
 194 shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the  
 195 receipt and processing of applications for funding pursuant to

HB 1143

2006

196 s. 212.20(6)(d)7.e.

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

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

204 (a) The unit of local government, as defined in s.  
205 218.369, owns an eligible convention center.

206 (b) The convention center contains more than 60,000 square  
207 feet of exhibition space.

208 (c) The unit of local government in which the convention  
209 center is located has certified by resolution after a public  
210 hearing that the application serves a public purpose pursuant to  
211 subsection (7).

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

214 (5) Upon certification of an applicant, the Office of  
215 Tourism, Trade, and Economic Development shall notify the  
216 executive director of the Department of Revenue of such  
217 certification by means of an official letter granting  
218 certification. The Department of Revenue shall not begin  
219 distributing proceeds until 60 days following notice by the  
220 Office of Tourism, Trade, and Economic Development that a unit  
221 of local government has been certified as owning an eligible  
222 convention center.

223 (6) An applicant previously certified under any provision



HB 1143

2006

224 of this section who has received proceeds under such  
225 certification is not eligible for an additional certification.

226 (7) A unit of local government certified as owning an  
227 eligible convention center may use proceeds provided pursuant to  
228 s. 212.20(6)(d)7.e. solely to encourage and provide economic  
229 development for the attraction, recruitment, and retention of  
230 corporate headquarters and of high-technology, manufacturing,  
231 research-and-development, entertainment, and tourism industries  
232 as designated by the unit of local government by resolution of  
233 its governing body, and to assist the eligible convention  
234 centers to attract more business and expand their offerings,  
235 including developing their own events and shows.

236 (8) The Auditor General may conduct an audit as provided  
237 in s. 11.45 to verify that the distributions under this section  
238 have been expended as required by this section. If the Auditor  
239 General determines that the distributions have not been expended  
240 as required by this section, the Auditor General may pursue  
241 recovery of such proceeds and the unit of local government shall  
242 be further barred from receiving future distributions of  
243 proceeds authorized by this section.

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

246 (10) This section is repealed June 30, 2009.

247 Section 3. This act shall take effect July 1, 2006.