

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; providing for future repeal; creating s. 288.1171,
 9 F.S.; providing for certification by the Office of
 10 Tourism, Trade, and Economic Development of units of local
 11 government owning eligible convention centers; requiring
 12 the office to adopt specified rules; providing a
 13 definition; providing requirements for certification;
 14 providing for use of proceeds distributed to units of
 15 local government under the act; providing for revocation
 16 of certification; providing for future repeal; providing
 17 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
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
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 this sub-subparagraph,
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 the
143 purposes of this sub-subparagraph, are limited to all applicable
144 sales taxes collected by an eligible convention center for
145 standard services provided by center staff to users of the
146 center, which include the following: parking, admission and
147 ticket sales, food services, utilities services, space rentals,
148 equipment rentals, security services, decorating services,
149 business services, advertising services, communications
150 services, exhibit supply sales and rentals, locksmith services,
151 and sales of gifts and sundries. The total distribution to each
152 unit of local government shall not exceed \$1 million per state
153 fiscal year. However, total distributions to all units of local
154 government shall not exceed \$5 million per state fiscal year,
155 and such distribution shall be limited exclusively to the taxes
156 collected and remitted under the provisions of this chapter. If
157 collections and remittances of eligible convention centers
158 exceed the \$5-million maximum amount authorized for
159 distribution, the department shall distribute proceeds to each
160 eligible unit of local government using an apportionment factor,
161 the numerator of which is the amount remitted by an eligible

162 convention center and the denominator of which is the total
163 amount remitted by all eligible convention centers. The
164 apportionment factor for each eligible convention center shall
165 be applied to the \$5-million maximum amount authorized for
166 distribution to determine the amount that shall be distributed
167 to each local government unit. The department shall prescribe
168 forms required to be filed with the department by eligible
169 convention centers. Distributions shall begin 60 days following
170 notification of certification by the Office of Tourism, Trade,
171 and Economic Development pursuant to s. 288.1171. Distributions
172 shall be used solely to encourage and provide economic
173 development for the attraction, recruitment, and retention of
174 corporate headquarters and of high-technology, manufacturing,
175 research-and-development, entertainment, and tourism industries
176 as designated by the unit of local government by resolution of
177 its governing body, and to assist the eligible convention
178 centers to attract more business and expand their offerings,
179 including developing their own events and shows. Distributions
180 may not be used to encourage or otherwise provide incentives or
181 payments to existing businesses with offices within this state
182 to relocate those offices to another location within this state.
183 This sub-subparagraph is repealed June 30, 2009.

184 8. All other proceeds shall remain with the General
185 Revenue Fund.

186 Section 2. Section 288.1171, Florida Statutes, is created
187 to read:

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

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

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

199 (3) As used in this section, the term "eligible convention
200 center" means a publicly owned facility having exhibition space
201 in excess of 30,000 square feet, the primary function of which
202 is to host meetings, conventions, or trade shows.

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

206 (a) The unit of local government, as defined in s.
207 218.369, owns an eligible convention center.

208 (b) The convention center contains more than 30,000 square
209 feet of exhibition space.

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

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

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

225 (6) An applicant previously certified under any provision
226 of this section who has received proceeds under such
227 certification is not eligible for an additional certification.

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

238 (8) Failure to use the proceeds as provided in this
239 section shall be grounds for revoking certification.

240 (9) This section is repealed June 30, 2009.

241

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