

By Senator Baker

20-141A-06

See HB 293

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; amending s. 218.65, F.S.;

6 providing for a transitional emergency

7 distribution from the Local Government

8 Half-cent Sales Tax Clearing Trust Fund to

9 certain fiscally constrained counties; revising

10 criteria for receiving certain funds from the

11 Local Government Half-cent Sales Tax Clearing

12 Trust Fund; creating s. 218.67, F.S.; providing

13 eligibility criteria to qualify as a fiscally

14 constrained county; providing for the

15 distribution of additional funds to certain

16 fiscally constrained counties; providing for a

17 phaseout period; providing for the use of

18 funds; amending s. 288.0656, F.S.; authorizing

19 the Office of Tourism, Trade, and Economic

20 Development to accept and administer moneys

21 appropriated for rural economic development;

22 authorizing the office to contract with

23 Enterprise Florida, Inc.; amending s. 288.1169,

24 F.S.; correcting a cross-reference; amending s.

25 985.2155, F.S.; revising the definition of the

26 term "fiscally constrained county" applicable

27 to shared county and state responsibility for

28 juvenile detention; providing an appropriation;

29 providing an effective date.

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

1 Section 1. Paragraph (d) of subsection (6) of section
2 212.20, Florida Statutes, is amended to read:

3 212.20 Funds collected, disposition; additional powers
4 of department; operational expense; refund of taxes
5 adjudicated unconstitutionally collected.--

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

8 (d) The proceeds of all other taxes and fees imposed
9 pursuant to this chapter or remitted pursuant to s.

10 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

21 3. After the distribution under subparagraphs 1. and
22 2., 8.814 percent of the amount remitted by a sales tax dealer
23 located within a participating county pursuant to s. 218.61
24 shall be transferred into the Local Government Half-cent Sales
25 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
26 be transferred pursuant to this subparagraph to the Local
27 Government Half-cent Sales Tax Clearing Trust Fund shall be
28 reduced by 0.1 percent, and the department shall distribute
29 this amount to the Public Employees Relations Commission Trust
30 Fund less \$5,000 each month, which shall be added to the
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1 amount calculated in subparagraph 4. and distributed
2 accordingly.

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

7 5. After the distributions under subparagraphs 1., 2.,
8 3., and 4., 2.0440 percent of the available proceeds ~~pursuant~~
9 ~~to this paragraph~~ shall be transferred monthly to the Revenue
10 Sharing Trust Fund for Counties pursuant to s. 218.215.

11 6. After the distributions under subparagraphs 1., 2.,
12 3., and 4., 1.3409 percent of the available proceeds ~~pursuant~~
13 ~~to this paragraph~~ shall be transferred monthly to the Revenue
14 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
15 If the total revenue to be distributed pursuant to this
16 subparagraph is at least as great as the amount due from the
17 Revenue Sharing Trust Fund for Municipalities and the former
18 Municipal Financial Assistance Trust Fund in state fiscal year
19 1999-2000, no municipality shall receive less than the amount
20 due from the Revenue Sharing Trust Fund for Municipalities and
21 the former Municipal Financial Assistance Trust Fund in state
22 fiscal year 1999-2000. If the total proceeds to be distributed
23 are less than the amount received in combination from the
24 Revenue Sharing Trust Fund for Municipalities and the former
25 Municipal Financial Assistance Trust Fund in state fiscal year
26 1999-2000, each municipality shall receive an amount
27 proportionate to the amount it was due in state fiscal year
28 1999-2000.

29 7. After the distributions under subparagraphs 1., 2.,
30 3., and 4., 0.082 percent of the available proceeds shall be
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1 transferred to the Local Government Half-cent Sales Tax
2 Clearing Trust Fund and distributed pursuant to s. 218.67.

3 ~~8.7.~~ Of the remaining proceeds:

4 a. In each fiscal year, the sum of \$29,915,500 shall
5 be divided into as many equal parts as there are counties in
6 the state, and one part shall be distributed to each county.
7 The distribution among the several counties shall begin each
8 fiscal year on or before January 5th and shall continue
9 monthly for a total of 4 months. If a local or special law
10 required that any moneys accruing to a county in fiscal year
11 1999-2000 under the then-existing provisions of s. 550.135 be
12 paid directly to the district school board, special district,
13 or a municipal government, such payment shall continue until
14 ~~such time that~~ the local or special law is amended or
15 repealed. The state covenants with holders of bonds or other
16 instruments of indebtedness issued by local governments,
17 special districts, or district school boards prior to July 1,
18 2000, that it is not the intent of this subparagraph to
19 adversely affect the rights of those holders or relieve local
20 governments, special districts, or district school boards of
21 the duty to meet their obligations as a result of previous
22 pledges or assignments or trusts entered into which obligated
23 funds received from the distribution to county governments
24 under then-existing s. 550.135. This distribution specifically
25 is in lieu of funds distributed under s. 550.135 prior to July
26 1, 2000.

27 b. The department shall distribute \$166,667 monthly
28 pursuant to s. 288.1162 to each applicant that has been
29 certified as a "facility for a new professional sports
30 franchise" or a "facility for a retained professional sports
31 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be

1 distributed monthly by the department to each applicant that
2 has been certified as a "facility for a retained spring
3 training franchise" pursuant to s. 288.1162; however, not more
4 than \$208,335 may be distributed monthly in the aggregate to
5 all certified facilities for a retained spring training
6 franchise. Distributions shall begin 60 days following such
7 certification and shall continue for not more than 30 years.
8 Nothing contained in this paragraph shall be construed to
9 allow an applicant certified pursuant to s. 288.1162 to
10 receive more in distributions than actually expended by the
11 applicant for the public purposes provided for in s.
12 288.1162(6). However, a certified applicant is entitled to
13 receive distributions up to the maximum amount allowable and
14 undistributed under this section for additional renovations
15 and improvements to the facility for the franchise without
16 additional certification.

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

23 d. Beginning 30 days after notice by the Office of
24 Tourism, Trade, and Economic Development to the Department of
25 Revenue that the applicant has been certified as the
26 International Game Fish Association World Center facility
27 pursuant to s. 288.1169, and the facility is open to the
28 public, \$83,333 shall be distributed monthly, for up to 168
29 months, to the applicant. This distribution is subject to
30 reduction pursuant to s. 288.1169. ~~A lump sum payment of~~
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1 ~~\$999,996 shall be made, after certification and before July 1,~~
2 ~~2000.~~

3 ~~9.8.~~ All other proceeds shall remain with the General
4 Revenue Fund.

5 Section 2. Section 218.65, Florida Statutes, is
6 amended to read:

7 218.65 Emergency distribution.--

8 (1) Each county government which meets the provisions
9 of subsection (2) or subsection ~~(8)~~~~(7)~~ and which participates
10 in the local government half-cent sales tax shall receive a
11 distribution from the Local Government Half-cent Sales Tax
12 Clearing Trust Fund in addition to its regular monthly
13 distribution as provided in this part.

14 (2) The Legislature hereby finds and declares that a
15 fiscal emergency exists in any county which meets the
16 following criteria ~~specified in paragraph (a), if applicable,~~
17 ~~and the criterion specified in paragraph (b):~~

18 (a) ~~If~~ The county has a population of 65,000 or less;
19 and above:

20 1. ~~In any year from 1977 to 1981, inclusive, the value~~
21 ~~of net new construction and additions placed on the tax roll~~
22 ~~for that year was less than 2 percent of the taxable value for~~
23 ~~school purposes on the roll for that year, exclusive of such~~
24 ~~net value; or~~

25 2. ~~The percentage increase in county taxable value~~
26 ~~from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than~~
27 ~~3 percent.~~

28 (b) The moneys distributed to the county government
29 pursuant to s. 218.62 for the prior fiscal year were less than
30 the current per capita limitation, based on the population of
31 that county.

1 (3) Qualification under this section shall be
2 determined annually at the start of the fiscal year. Emergency
3 and supplemental moneys shall be distributed monthly with
4 other moneys provided pursuant to this part.

5 (4) For the fiscal year beginning in 1988, the per
6 capita limitation shall be \$24.60. Thereafter, commencing with
7 the fiscal year which begins in 1989, this limitation shall be
8 adjusted annually for inflation. The annual adjustment to the
9 per capita limitation for each fiscal period shall be the
10 percentage change in the state and local government price
11 deflator for purchases of goods and services, all items, 1983
12 equals 100, or successor reports for the preceding calendar
13 year as initially reported by the United States Department of
14 Commerce, Bureau of Economic Analysis, as certified by the
15 Florida Consensus Estimating Conference.

16 (5) At the beginning of each fiscal year, the
17 Department of Revenue shall calculate a base allocation for
18 each eligible county equal to the difference between the
19 current per capita limitation times the county's population,
20 minus prior year ordinary distributions to the county pursuant
21 to ss. 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited
22 into the Local Government Half-cent Sales Tax Clearing Trust
23 Fund pursuant to s. 212.20(6)(d)4., excluding moneys
24 appropriated for supplemental distributions pursuant to
25 subsection~~(8)~~~~(7)~~, for the current year are less than or equal
26 to the sum of the base allocations, each eligible county shall
27 receive a share of the appropriated amount proportional to its
28 base allocation. If the deposited amount exceeds the sum of
29 the base allocations, each county shall receive its base
30 allocation, and the excess appropriated amount, less any
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1 amounts distributed under subsection (6), shall be distributed
2 equally on a per capita basis among the eligible counties.

3 (6) If moneys deposited in the Local Government
4 Half-cent Sales Tax Clearing Trust Fund pursuant to s.
5 212.20(6)(d)4. exceed the amount necessary to provide the base
6 allocation to each eligible county, the moneys in the trust
7 fund may be used to provide a transitional distribution, as
8 specified in this subsection, to certain counties whose
9 population has increased. The transitional distribution shall
10 be made available to each county that qualified for a
11 distribution under subsection (2) in the prior year but does
12 not, because of the requirements of paragraph (2)(a), qualify
13 for a distribution in the current year. Beginning on July 1 of
14 the year following the year in which the county no longer
15 qualifies for a distribution under subsection (2), the county
16 shall receive two-thirds of the amount received in the prior
17 year, and beginning July 1 of the second year following the
18 year in which the county no longer qualifies for a
19 distribution under subsection (2), the county shall receive
20 one-third of the amount it received in the last year it
21 qualified for the distribution under subsection (2). If
22 insufficient moneys are available in the Local Government
23 Half-cent Sales Tax Clearing Trust Fund to fully provide such
24 a transitional distribution to each county that meets the
25 eligibility criteria in this section, each eligible county
26 shall receive a share of the available moneys proportional to
27 the amount it would have received had moneys been sufficient
28 to fully provide such a transitional distribution to each
29 eligible county.

30 (7)(6) There is hereby annually appropriated from the
31 Local Government Half-cent Sales Tax Clearing Trust Fund the

1 distribution provided in s. 212.20(6)(d)4. to be used for
2 emergency and supplemental distributions pursuant to this
3 section.

4 ~~(8)(7)~~(a) Any county the inmate population of which in
5 any year is greater than 7 percent of the total population of
6 the county is eligible for a supplemental distribution for
7 that year from funds expressly appropriated therefor. At the
8 beginning of each fiscal year, the Department of Revenue shall
9 calculate a supplemental allocation for each eligible county
10 equal to the current per capita limitation pursuant to
11 subsection (4) times the inmate population of the county. If
12 moneys appropriated for distribution pursuant to this section
13 for the current year are less than the sum of supplemental
14 allocations, each eligible county shall receive a share of the
15 appropriated amount proportional to its supplemental
16 allocation. Otherwise, each shall receive an amount equal to
17 its supplemental allocation.

18 (b) For the purposes of this subsection, the term:

19 1. "Inmate population" means the latest official state
20 estimate of the number of inmates and patients residing in
21 institutions operated by the Federal Government, the
22 Department of Corrections, or the Department of Children and
23 Family Services.

24 2. "Total population" includes inmate population and
25 noninmate population.

26 Section 3. Section 218.67, Florida Statutes, is
27 created to read:

28 218.67 Distribution for fiscally constrained
29 counties.--

30 (1) Each county for which the value of a mill will
31 raise no more than \$4 million in revenue, based on the

1 property valuations and tax data annually published by the
2 Department of Revenue under s. 195.052, shall be considered a
3 fiscally constrained county.

4 (2) Each fiscally constrained county government that
5 participates in the local government half-cent sales tax shall
6 be eligible to receive an additional distribution from the
7 Local Government Half-cent Sales Tax Clearing Trust Fund, as
8 provided in s. 212.20, in addition to its regular monthly
9 distribution provided under this part and any emergency or
10 supplemental distribution under s. 218.65.

11 (3) The amount to be distributed to each fiscally
12 constrained county shall be determined by the Department of
13 Revenue at the beginning of the fiscal year, using the prior
14 fiscal year property valuations, tax data, and population
15 estimates and the millage rate levied for the prior fiscal
16 year. The amount distributed shall be allocated based upon the
17 following factors:

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

29 (b) The local-effort factor shall be a measure of the
30 relative level of local effort of the eligible county as
31 indicated by the millage rate levied for the prior fiscal

1 year. The local-effort factor shall be the most recently
2 adopted countywide operating millage rate for each eligible
3 county multiplied by 0.1.

4 (c) Each eligible county's proportional allocation of
5 the total amount available to be distributed to all of the
6 eligible counties shall be in the same proportion as the sum
7 of the county's two factors is to the sum of the two factors
8 for all eligible counties. The counties that are eligible to
9 receive an allocation under this subsection and the amount
10 available to be distributed to such counties shall not include
11 counties participating in the phaseout period under subsection
12 (4) or the amounts they remain eligible to receive during the
13 phaseout.

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

29 (5) The revenues received under this section may be
30 used by a county for any public purpose, except that such
31 revenues may not be used to pay debt service on bonds, notes,

1 certificates of participation, or any other forms of
2 indebtedness.

3 Section 4. Subsection (7) of section 288.0656, Florida
4 Statutes, is amended to read:

5 288.0656 Rural Economic Development Initiative.--

6 (7) REDI may recommend to the Governor up to three
7 rural areas of critical economic concern.

8 (a) A rural area of critical economic concern must be
9 a rural community, or a region composed of such, that has been
10 adversely affected by an extraordinary economic event or a
11 natural disaster or that presents a unique economic
12 development opportunity of regional impact that will create
13 more than 1,000 jobs over a 5-year period. The Governor may by
14 executive order designate up to three rural areas of critical
15 economic concern which will establish these areas as priority
16 assignments for REDI as well as to allow the Governor, acting
17 through REDI, to waive criteria, requirements, or similar
18 provisions of any economic development incentive. Such
19 incentives shall include, but not be limited to: the Qualified
20 Target Industry Tax Refund Program under s. 288.106, the Quick
21 Response Training Program under s. 288.047, the Quick Response
22 Training Program for participants in the welfare transition
23 program under s. 288.047(8), transportation projects under s.
24 288.063, the brownfield redevelopment bonus refund under s.
25 288.107, and the rural job tax credit program under ss.
26 212.098 and 220.1895. Designation as a rural area of critical
27 economic concern under this subsection shall be contingent
28 upon the execution of a memorandum of agreement among the
29 Office of Tourism, Trade, and Economic Development; the
30 governing body of the county; and the governing bodies of any
31 municipalities to be included within a rural area of critical

1 economic concern. Such agreement shall specify the terms and
2 conditions of the designation, including, but not limited to,
3 the duties and responsibilities of the county and any
4 participating municipalities to take actions designed to
5 facilitate the retention and expansion of existing businesses
6 in the area, as well as the recruitment of new businesses to
7 the area.

8 (b) The Office of Tourism, Trade, and Economic
9 Development may accept and administer moneys appropriated to
10 the office to support the implementation of the rural priority
11 recommendation within the statewide strategic economic
12 development plan as provided in s. 288.905, including the
13 development of significant regional economic development
14 projects in each of the designated rural areas of critical
15 economic concern. The office may contract with Enterprise
16 Florida, Inc., to develop regional project implementation plan
17 components to include, but not be limited to, the
18 identification of potential sites, direct marketing campaigns
19 within the industry clusters for each area, identification of
20 costs and barriers related to site preparation including
21 permitting and infrastructure availability, development of
22 memoranda of agreement and interlocal agreements with
23 participating property owners and units of local government
24 within each area regarding the parameters of project
25 participation, and the development of incidental marketing
26 support materials and expenses. The office may approve the
27 expenditure of funds under this paragraph only to the extent
28 that funds are appropriated for such purpose by the
29 Legislature.

30 Section 5. Subsection (6) of section 288.1169, Florida
31 Statutes, is amended to read:

1 288.1169 International Game Fish Association World
2 Center facility.--

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

22 Section 6. Paragraph (b) of subsection (2) of section
23 985.2155, Florida Statutes, is amended to read:

24 985.2155 Shared county and state responsibility for
25 juvenile detention.--

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

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

3 Section 7. There is hereby appropriated the sum of \$2
4 million from the General Revenue Fund for the 2006-2007 fiscal
5 year to the Office of Tourism, Trade, and Economic Development
6 for the implementation of the rural priority recommendation
7 within the statewide strategic economic development plan.

8 Section 8. This act shall take effect July 1, 2006.

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