

By the Committee on Commerce and Consumer Services; and  
 Senators Baker, Aronberg, Argenziano, Alexander, Bennett,  
 Lawson, Peaden, Smith, Lynn, Bullard and King

577-1962-06

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. 288.1169, F.S.; correcting a  
 19           cross-reference; amending s. 985.2155, F.S.;  
 20           revising the definition of the term "fiscally  
 21           constrained county" applicable to shared county  
 22           and state responsibility for juvenile  
 23           detention; providing an effective date.  
 24  
 25   Be It Enacted by the Legislature of the State of Florida:  
 26  
 27           Section 1. Paragraph (d) of subsection (6) of section  
 28   212.20, Florida Statutes, is amended to read:  
 29           212.20   Funds collected, disposition; additional powers  
 30   of department; operational expense; refund of taxes  
 31   adjudicated unconstitutionally collected.--

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

3           (d) The proceeds of all other taxes and fees imposed  
4 pursuant to this chapter or remitted pursuant to s.  
5 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

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

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

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

5           6. After the distributions under subparagraphs 1., 2.,  
6 3., and 4., 1.3409 percent of the available proceeds ~~pursuant~~  
7 ~~to this paragraph~~ shall be transferred monthly to the Revenue  
8 Sharing Trust Fund for Municipalities pursuant to s. 218.215.

9 If the total revenue to be distributed pursuant to this  
10 subparagraph is at least as great as the amount due 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, no municipality shall receive less than the amount  
14 due from the Revenue Sharing Trust Fund for Municipalities and  
15 the former Municipal Financial Assistance Trust Fund in state  
16 fiscal year 1999-2000. If the total proceeds to be distributed  
17 are less than the amount received in combination from the  
18 Revenue Sharing Trust Fund for Municipalities and the former  
19 Municipal Financial Assistance Trust Fund in state fiscal year  
20 1999-2000, each municipality shall receive an amount  
21 proportionate to the amount it was due in state fiscal year  
22 1999-2000.

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

27           ~~8.7-~~ Of the remaining proceeds:

28           a. In each fiscal year, the sum of \$29,915,500 shall  
29 be divided into as many equal parts as there are counties in  
30 the state, and one part shall be distributed to each county.  
31 The distribution among the several counties shall begin each

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

20 |         b. The department shall distribute \$166,667 monthly  
21 | pursuant to s. 288.1162 to each applicant that has been  
22 | certified as a "facility for a new professional sports  
23 | franchise" or a "facility for a retained professional sports  
24 | franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
25 | distributed monthly by the department to each applicant that  
26 | has been certified as a "facility for a retained spring  
27 | training franchise" pursuant to s. 288.1162; however, not more  
28 | than \$208,335 may be distributed monthly in the aggregate to  
29 | all certified facilities for a retained spring training  
30 | franchise. Distributions shall begin 60 days following such  
31 | certification and shall continue for not more than 30 years.

1 Nothing contained in this paragraph shall be construed to  
2 allow an applicant certified pursuant to s. 288.1162 to  
3 receive more in distributions than actually expended by the  
4 applicant for the public purposes provided for in s.  
5 288.1162(6). However, a certified applicant is entitled to  
6 receive distributions up to the maximum amount allowable and  
7 undistributed under this section for additional renovations  
8 and improvements to the facility for the franchise without  
9 additional certification.

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

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

26 9.8. All other proceeds shall remain with the General  
27 Revenue Fund.

28 Section 2. Section 218.65, Florida Statutes, is  
29 amended to read:

30 218.65 Emergency distribution.--  
31

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

7           (2) The Legislature hereby finds and declares that a  
8 fiscal emergency exists in any county which meets the  
9 following criteria ~~specified in paragraph (a), if applicable,~~  
10 ~~and the criterion specified in paragraph (b):~~

11           (a) ~~If~~ The county has a population of 65,000 or less;  
12 and above;

13           1. ~~In any year from 1977 to 1981, inclusive, the value~~  
14 ~~of net new construction and additions placed on the tax roll~~  
15 ~~for that year was less than 2 percent of the taxable value for~~  
16 ~~school purposes on the roll for that year, exclusive of such~~  
17 ~~net value; or~~

18           2. ~~The percentage increase in county taxable value~~  
19 ~~from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than~~  
20 ~~3 percent.~~

21           (b) The moneys distributed to the county government  
22 pursuant to s. 218.62 for the prior fiscal year were less than  
23 the current per capita limitation, based on the population of  
24 that county.

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

29           (4) For the fiscal year beginning in 1988, the per  
30 capita limitation shall be \$24.60. Thereafter, commencing with  
31 the fiscal year which begins in 1989, this limitation shall be

1 adjusted annually for inflation. The annual adjustment to the  
2 per capita limitation for each fiscal period shall be the  
3 percentage change in the state and local government price  
4 deflator for purchases of goods and services, all items, 1983  
5 equals 100, or successor reports for the preceding calendar  
6 year as initially reported by the United States Department of  
7 Commerce, Bureau of Economic Analysis, as certified by the  
8 Florida Consensus Estimating Conference.

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

26 (6) If moneys deposited in the Local Government  
27 Half-cent Sales Tax Clearing Trust Fund pursuant to s.  
28 212.20(6)(d)4. exceed the amount necessary to provide the base  
29 allocation to each eligible county, the moneys in the trust  
30 fund may be used to provide a transitional distribution, as  
31 specified in this subsection, to certain counties whose

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

22 ~~(7)(6)~~ There is hereby annually appropriated from the  
23 Local Government Half-cent Sales Tax Clearing Trust Fund the  
24 distribution provided in s. 212.20(6)(d)4. to be used for  
25 emergency and supplemental distributions pursuant to this  
26 section.

27 ~~(8)(7)(a)~~ Any county the inmate population of which in  
28 any year is greater than 7 percent of the total population of  
29 the county is eligible for a supplemental distribution for  
30 that year from funds expressly appropriated therefor. At the  
31 beginning of each fiscal year, the Department of Revenue shall



1 calculate a supplemental allocation for each eligible county  
2 equal to the current per capita limitation pursuant to  
3 subsection (4) times the inmate population of the county. If  
4 moneys appropriated for distribution pursuant to this section  
5 for the current year are less than the sum of supplemental  
6 allocations, each eligible county shall receive a share of the  
7 appropriated amount proportional to its supplemental  
8 allocation. Otherwise, each shall receive an amount equal to  
9 its supplemental allocation.

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

11 1. "Inmate population" means the latest official state  
12 estimate of the number of inmates and patients residing in  
13 institutions operated by the Federal Government, the  
14 Department of Corrections, or the Department of Children and  
15 Family Services.

16 2. "Total population" includes inmate population and  
17 noninmate population.

18 Section 3. Section 218.67, Florida Statutes, is  
19 created to read:

20 218.67 Distribution for fiscally constrained  
21 counties.--

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

27 (2) Each fiscally constrained county government that  
28 participates in the local government half-cent sales tax shall  
29 be eligible to receive an additional distribution from the  
30 Local Government Half-cent Sales Tax Clearing Trust Fund, as  
31 provided in s. 212.20, in addition to its regular monthly

1 distribution provided under this part and any emergency or  
2 supplemental distribution under s. 218.65.

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

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

21 (b) The local-effort factor shall be a measure of the  
22 relative level of local effort of the eligible county as  
23 indicated by the millage rate levied for the prior fiscal  
24 year. The local-effort factor shall be the most recently  
25 adopted countywide operating millage rate for each eligible  
26 county multiplied by 0.1.

27 (c) Each eligible county's proportional allocation of  
28 the total amount available to be distributed to all of the  
29 eligible counties shall be in the same proportion as the sum  
30 of the county's two factors is to the sum of the two factors  
31 for all eligible counties. The counties that are eligible to

1 receive an allocation under this subsection and the amount  
2 available to be distributed to such counties shall not include  
3 counties participating in the phaseout period under subsection  
4 (4) or the amounts they remain eligible to receive during the  
5 phaseout.

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

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

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

28 288.1169 International Game Fish Association World  
29 Center facility.--

30 (6) The Department of Commerce must recertify every 10  
31 years that the facility is open, that the International Game

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

18 Section 5. Paragraph (b) of subsection (2) of section  
19 985.2155, Florida Statutes, is amended to read:

20 985.2155 Shared county and state responsibility for  
21 juvenile detention.--

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

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

29 Section 6. This act shall take effect July 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1612

The committee substitute differs from the bill in the following ways: it deletes a provision authorizing the Office of Tourism, Trade, and Economic Development to administer funds appropriated for the rural priority recommendation within the statewide strategic economic development plan; and deletes a \$2 million appropriation to the Office of Tourism, Trade, and Economic Development for implementation of the rural priority recommendation within the statewide strategic economic development plan.