

1 A bill to be entitled
 2 An act relating to fiscally constrained counties; amending
 3 s. 212.20, F.S.; providing for a distribution of tax
 4 revenue to fiscally constrained counties; amending s.
 5 218.65, F.S.; providing for a transitional emergency
 6 distribution from the Local Government Half-cent Sales Tax
 7 Clearing Trust Fund to certain fiscally constrained
 8 counties; revising criteria for receiving certain funds
 9 from the Local Government Half-cent Sales Tax Clearing
 10 Trust Fund; creating s. 218.67, F.S.; providing
 11 eligibility criteria to qualify as a fiscally constrained
 12 county; providing for the distribution of additional funds
 13 to certain fiscally constrained counties; providing for a
 14 phaseout period; providing for the use of funds; amending
 15 s. 288.0656, F.S.; authorizing the Office of Tourism,
 16 Trade, and Economic Development to accept and administer
 17 moneys appropriated for rural economic development;
 18 authorizing the office to contract with Enterprise
 19 Florida, Inc.; amending s. 288.1169, F.S.; correcting a
 20 cross-reference; amending s. 985.2155, F.S.; revising the
 21 definition of the term "fiscally constrained county"
 22 applicable to shared county and state responsibility for
 23 juvenile detention; providing an appropriation; providing
 24 an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Paragraph (d) of subsection (6) of section

29 | 212.20, Florida Statutes, is amended to read:

30 | 212.20 Funds collected, disposition; additional powers of
 31 | department; operational expense; refund of taxes adjudicated
 32 | unconstitutionally collected.--

33 | (6) Distribution of all proceeds under this chapter and s.
 34 | 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

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

57 | calculated in subparagraph 4. and distributed accordingly.

58 | 4. After the distribution under subparagraphs 1., 2., and
 59 | 3., 0.095 percent of the available proceeds shall be transferred
 60 | to the Local Government Half-cent Sales Tax Clearing Trust Fund
 61 | and distributed pursuant to s. 218.65.

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

66 | 6. After the distributions under subparagraphs 1., 2., 3.,
 67 | and 4., 1.3409 percent of the available proceeds ~~pursuant to~~
 68 | ~~this paragraph~~ shall be transferred monthly to the Revenue
 69 | Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
 70 | the total revenue to be distributed pursuant to this
 71 | subparagraph is at least as great as the amount due 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, no municipality shall receive less than the amount
 75 | due from the Revenue Sharing Trust Fund for Municipalities and
 76 | the former Municipal Financial Assistance Trust Fund in state
 77 | fiscal year 1999-2000. If the total proceeds to be distributed
 78 | are less than the amount received in combination from the
 79 | Revenue Sharing Trust Fund for Municipalities and the former
 80 | Municipal Financial Assistance Trust Fund in state fiscal year
 81 | 1999-2000, each municipality shall receive an amount
 82 | proportionate to the amount it was due in state fiscal year
 83 | 1999-2000.

84 | 7. After the distributions under subparagraphs 1., 2., 3.,

85 and 4., 0.082 percent of the available proceeds shall be
 86 transferred to the Local Government Half-cent Sales Tax Clearing
 87 Trust Fund and distributed pursuant to s. 218.67.

88 8.7. Of the remaining proceeds:

89 a. In each fiscal year, the sum of \$29,915,500 shall be
 90 divided into as many equal parts as there are counties in the
 91 state, and one part shall be distributed to each county. The
 92 distribution among the several counties shall begin each fiscal
 93 year on or before January 5th and shall continue monthly for a
 94 total of 4 months. If a local or special law required that any
 95 moneys accruing to a county in fiscal year 1999-2000 under the
 96 then-existing provisions of s. 550.135 be paid directly to the
 97 district school board, special district, or a municipal
 98 government, such payment shall continue until ~~such time that~~ the
 99 local or special law is amended or repealed. The state covenants
 100 with holders of bonds or other instruments of indebtedness
 101 issued by local governments, special districts, or district
 102 school boards prior to July 1, 2000, that it is not the intent
 103 of this subparagraph to adversely affect the rights of those
 104 holders or relieve local governments, special districts, or
 105 district school boards of the duty to meet their obligations as
 106 a result of previous pledges or assignments or trusts entered
 107 into which obligated funds received from the distribution to
 108 county governments under then-existing s. 550.135. This
 109 distribution specifically is in lieu of funds distributed under
 110 s. 550.135 prior to July 1, 2000.

111 b. The department shall distribute \$166,667 monthly
 112 pursuant to s. 288.1162 to each applicant that has been

113 certified as a "facility for a new professional sports
114 franchise" or a "facility for a retained professional sports
115 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
116 distributed monthly by the department to each applicant that has
117 been certified as a "facility for a retained spring training
118 franchise" pursuant to s. 288.1162; however, not more than
119 \$208,335 may be distributed monthly in the aggregate to all
120 certified facilities for a retained spring training franchise.
121 Distributions shall begin 60 days following such certification
122 and shall continue for not more than 30 years. Nothing contained
123 in this paragraph shall be construed to allow an applicant
124 certified pursuant to s. 288.1162 to receive more in
125 distributions than actually expended by the applicant for the
126 public purposes provided for in s. 288.1162(6). However, a
127 certified applicant is entitled to receive distributions up to
128 the maximum amount allowable and undistributed under this
129 section for additional renovations and improvements to the
130 facility for the franchise without additional certification.

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

137 d. Beginning 30 days after notice by the Office of
138 Tourism, Trade, and Economic Development to the Department of
139 Revenue that the applicant has been certified as the
140 International Game Fish Association World Center facility

141 pursuant to s. 288.1169, and the facility is open to the public,
 142 \$83,333 shall be distributed monthly, for up to 168 months, to
 143 the applicant. This distribution is subject to reduction
 144 pursuant to s. 288.1169. ~~A lump sum payment of \$999,996 shall be~~
 145 ~~made, after certification and before July 1, 2000.~~

146 9.8. All other proceeds shall remain with the General
 147 Revenue Fund.

148 Section 2. Section 218.65, Florida Statutes, is amended to
 149 read:

150 218.65 Emergency distribution.--

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

157 (2) The Legislature hereby finds and declares that a
 158 fiscal emergency exists in any county which meets the following
 159 ~~criteria specified in paragraph (a), if applicable, and the~~
 160 ~~eriterion specified in paragraph (b):~~

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

163 ~~1. In any year from 1977 to 1981, inclusive, the value of~~
 164 ~~net new construction and additions placed on the tax roll for~~
 165 ~~that year was less than 2 percent of the taxable value for~~
 166 ~~school purposes on the roll for that year, exclusive of such net~~
 167 ~~value; or~~

168 ~~2. The percentage increase in county taxable value from~~

169 ~~1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3~~
 170 ~~percent.~~

171 (b) The moneys distributed to the county government
 172 pursuant to s. 218.62 for the prior fiscal year were less than
 173 the current per capita limitation, based on the population of
 174 that county.

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

179 (4) For the fiscal year beginning in 1988, the per capita
 180 limitation shall be \$24.60. Thereafter, commencing with the
 181 fiscal year which begins in 1989, this limitation shall be
 182 adjusted annually for inflation. The annual adjustment to the
 183 per capita limitation for each fiscal period shall be the
 184 percentage change in the state and local government price
 185 deflator for purchases of goods and services, all items, 1983
 186 equals 100, or successor reports for the preceding calendar year
 187 as initially reported by the United States Department of
 188 Commerce, Bureau of Economic Analysis, as certified by the
 189 Florida Consensus Estimating Conference.

190 (5) At the beginning of each fiscal year, the Department
 191 of Revenue shall calculate a base allocation for each eligible
 192 county equal to the difference between the current per capita
 193 limitation times the county's population, minus prior year
 194 ordinary distributions to the county pursuant to ss.
 195 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited into the
 196 Local Government Half-cent Sales Tax Clearing Trust Fund

197 pursuant to s. 212.20(6)(d)4., excluding moneys appropriated for
 198 supplemental distributions pursuant to subsection ~~(8)(7)~~, for
 199 the current year are less than or equal to the sum of the base
 200 allocations, each eligible county shall receive a share of the
 201 appropriated amount proportional to its base allocation. If the
 202 deposited amount exceeds the sum of the base allocations, each
 203 county shall receive its base allocation, and the excess
 204 appropriated amount, less any amounts distributed under
 205 subsection (6), shall be distributed equally on a per capita
 206 basis among the eligible counties.

207 (6) If moneys deposited in the Local Government Half-cent
 208 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)4.
 209 exceed the amount necessary to provide the base allocation to
 210 each eligible county, the moneys in the trust fund may be used
 211 to provide a transitional distribution, as specified in this
 212 subsection, to certain counties whose population has increased.
 213 The transitional distribution shall be made available to each
 214 county that qualified for a distribution under subsection (2) in
 215 the prior year but does not, because of the requirements of
 216 paragraph (2)(a), qualify for a distribution in the current
 217 year. Beginning on July 1 of the year following the year in
 218 which the county no longer qualifies for a distribution under
 219 subsection (2), the county shall receive two-thirds of the
 220 amount received in the prior year, and beginning July 1 of the
 221 second year following the year in which the county no longer
 222 qualifies for a distribution under subsection (2), the county
 223 shall receive one-third of the amount it received in the last
 224 year it qualified for the distribution under subsection (2). If

225 insufficient moneys are available in the Local Government Half-
 226 cent Sales Tax Clearing Trust Fund to fully provide such a
 227 transitional distribution to each county that meets the
 228 eligibility criteria in this section, each eligible county shall
 229 receive a share of the available moneys proportional to the
 230 amount it would have received had moneys been sufficient to
 231 fully provide such a transitional distribution to each eligible
 232 county.

233 ~~(7)(6)~~ There is hereby annually appropriated from the
 234 Local Government Half-cent Sales Tax Clearing Trust Fund the
 235 distribution provided in s. 212.20(6)(d)4. to be used for
 236 emergency and supplemental distributions pursuant to this
 237 section.

238 ~~(8)(7)(a)~~ Any county the inmate population of which in any
 239 year is greater than 7 percent of the total population of the
 240 county is eligible for a supplemental distribution for that year
 241 from funds expressly appropriated therefor. At the beginning of
 242 each fiscal year, the Department of Revenue shall calculate a
 243 supplemental allocation for each eligible county equal to the
 244 current per capita limitation pursuant to subsection (4) times
 245 the inmate population of the county. If moneys appropriated for
 246 distribution pursuant to this section for the current year are
 247 less than the sum of supplemental allocations, each eligible
 248 county shall receive a share of the appropriated amount
 249 proportional to its supplemental allocation. Otherwise, each
 250 shall receive an amount equal to its supplemental allocation.

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

252 1. "Inmate population" means the latest official state

253 estimate of the number of inmates and patients residing in
 254 institutions operated by the Federal Government, the Department
 255 of Corrections, or the Department of Children and Family
 256 Services.

257 2. "Total population" includes inmate population and
 258 noninmate population.

259 Section 3. Section 218.67, Florida Statutes, is created to
 260 read:

261 218.67 Distribution for fiscally constrained counties.--

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

267 (2) Each fiscally constrained county government that
 268 participates in the local government half-cent sales tax shall
 269 be eligible to receive an additional distribution from the Local
 270 Government Half-cent Sales Tax Clearing Trust Fund, as provided
 271 in s. 212.20, in addition to its regular monthly distribution
 272 provided under this part and any emergency or supplemental
 273 distribution under s. 218.65.

274 (3) The amount to be distributed to each fiscally
 275 constrained county shall be determined by the Department of
 276 Revenue at the beginning of the fiscal year, using the prior
 277 fiscal year property valuations, tax data, and population
 278 estimates and the millage rate levied for the prior fiscal year.
 279 The amount distributed shall be allocated based upon the
 280 following factors:

281 (a) The relative revenue-raising-capacity factor shall be
 282 the ability of the eligible county to generate ad valorem
 283 revenues from 1 mill of taxation on a per capita basis. A county
 284 that raises no more than \$25 per capita from 1 mill shall be
 285 assigned a value of 1; a county that raises more than \$25 but no
 286 more than \$30 per capita from 1 mill shall be assigned a value
 287 of 0.75; and a county that raises more than \$30 but no more than
 288 \$50 per capita from 1 mill shall be assigned a value of 0.5. No
 289 value shall be assigned to counties that raise more than \$50 per
 290 capita from 1 mill of ad valorem taxation.

291 (b) The local-effort factor shall be a measure of the
 292 relative level of local effort of the eligible county as
 293 indicated by the millage rate levied for the prior fiscal year.
 294 The local-effort factor shall be the most recently adopted
 295 countywide operating millage rate for each eligible county
 296 multiplied by 0.1.

297 (c) Each eligible county's proportional allocation of the
 298 total amount available to be distributed to all of the eligible
 299 counties shall be in the same proportion as the sum of the
 300 county's two factors is to the sum of the two factors for all
 301 eligible counties. The counties that are eligible to receive an
 302 allocation under this subsection and the amount available to be
 303 distributed to such counties shall not include counties
 304 participating in the phaseout period under subsection (4) or the
 305 amounts they remain eligible to receive during the phaseout.

306 (4) For those counties that no longer qualify under the
 307 requirements of subsection (1) after the effective date of this
 308 act, there shall be a 2-year phaseout period. Beginning on July

309 1 of the year following the year in which the value of a mill
 310 for that county exceeds \$4 million in revenue, the county shall
 311 receive two-thirds of the amount received in the prior year, and
 312 beginning on July 1 of the second year following the year in
 313 which the value of a mill for that county exceeds \$4 million in
 314 revenue, the county shall receive one-third of the amount
 315 received in the last year that the county qualified as a
 316 fiscally constrained county. Following the 2-year phaseout
 317 period, the county shall no longer be eligible to receive any
 318 distributions under this section unless the county can be
 319 considered a fiscally constrained county as provided in
 320 subsection (1).

321 (5) The revenues received under this section may be used
 322 by a county for any public purpose, except that such revenues
 323 may not be used to pay debt service on bonds, notes,
 324 certificates of participation, or any other forms of
 325 indebtedness.

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

328 288.0656 Rural Economic Development Initiative.--

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

331 (a) A rural area of critical economic concern must be a
 332 rural community, or a region composed of such, that has been
 333 adversely affected by an extraordinary economic event or a
 334 natural disaster or that presents a unique economic development
 335 opportunity of regional impact that will create more than 1,000
 336 jobs over a 5-year period. The Governor may by executive order

337 designate up to three rural areas of critical economic concern
338 which will establish these areas as priority assignments for
339 REDI as well as to allow the Governor, acting through REDI, to
340 waive criteria, requirements, or similar provisions of any
341 economic development incentive. Such incentives shall include,
342 but not be limited to: the Qualified Target Industry Tax Refund
343 Program under s. 288.106, the Quick Response Training Program
344 under s. 288.047, the Quick Response Training Program for
345 participants in the welfare transition program under s.
346 288.047(8), transportation projects under s. 288.063, the
347 brownfield redevelopment bonus refund under s. 288.107, and the
348 rural job tax credit program under ss. 212.098 and 220.1895.
349 Designation as a rural area of critical economic concern under
350 this subsection shall be contingent upon the execution of a
351 memorandum of agreement among the Office of Tourism, Trade, and
352 Economic Development; the governing body of the county; and the
353 governing bodies of any municipalities to be included within a
354 rural area of critical economic concern. Such agreement shall
355 specify the terms and conditions of the designation, including,
356 but not limited to, the duties and responsibilities of the
357 county and any participating municipalities to take actions
358 designed to facilitate the retention and expansion of existing
359 businesses in the area, as well as the recruitment of new
360 businesses to the area.

361 (b) The Office of Tourism, Trade, and Economic Development
362 may accept and administer moneys appropriated to the office to
363 support the implementation of the rural priority recommendation
364 within the statewide strategic economic development plan as

365 provided in s. 288.905, including the development of significant
 366 regional economic development projects in each of the designated
 367 rural areas of critical economic concern. The office may
 368 contract with Enterprise Florida, Inc., to develop regional
 369 project implementation plan components to include, but not be
 370 limited to, the identification of potential sites, direct
 371 marketing campaigns within the industry clusters for each area,
 372 identification of costs and barriers related to site preparation
 373 including permitting and infrastructure availability,
 374 development of memoranda of agreement and interlocal agreements
 375 with participating property owners and units of local government
 376 within each area regarding the parameters of project
 377 participation, and the development of incidental marketing
 378 support materials and expenses. The office may approve the
 379 expenditure of funds under this paragraph only to the extent
 380 that funds are appropriated for such purpose by the Legislature.

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

383 288.1169 International Game Fish Association World Center
 384 facility.--

385 (6) The Department of Commerce must recertify every 10
 386 years that the facility is open, that the International Game
 387 Fish Association World Center continues to be the only
 388 international administrative headquarters, fishing museum, and
 389 Hall of Fame in the United States recognized by the
 390 International Game Fish Association, and that the project is
 391 meeting the minimum projections for attendance or sales tax
 392 revenues as required at the time of original certification. If

393 the facility is not recertified during this 10-year review as
 394 meeting the minimum projections, then funding will be abated
 395 until certification criteria are met. If the project fails to
 396 generate \$1 million of annual revenues pursuant to paragraph
 397 (2)(e), the distribution of revenues pursuant to s.
 398 212.20(6)(d)8.d. ~~212.20(6)(d)7.d.~~ shall be reduced to an amount
 399 equal to \$83,333 multiplied by a fraction, the numerator of
 400 which is the actual revenues generated and the denominator of
 401 which is \$1 million. Such reduction shall remain in effect until
 402 revenues generated by the project in a 12-month period equal or
 403 exceed \$1 million.

404 Section 6. Paragraph (b) of subsection (2) of section
 405 985.2155, Florida Statutes, is amended to read:

406 985.2155 Shared county and state responsibility for
 407 juvenile detention.--

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

409 (b) "Fiscally constrained county" means a county
 410 ~~designated as a rural area of critical economic concern under s.~~
 411 ~~288.0656~~ for which the value of a mill in the county is no more
 412 than \$4 ~~\$3~~ million, based on the property valuations and tax
 413 data annually published by the Department of Revenue under s.
 414 195.052.

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

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