

By Senator Constantine

22-151A-07

1 A bill to be entitled  
 2 An act relating to economic development  
 3 incentives; amending s. 212.20, F.S.; providing  
 4 for distribution of a portion of revenues from  
 5 the tax on sales, use, and other transactions  
 6 to specified units of local government owning  
 7 eligible convention centers; providing  
 8 limitations; requiring the Department of  
 9 Revenue to prescribe certain forms; providing  
 10 for future repeal; creating s. 288.1172, F.S.;  
 11 providing for certification of units of local  
 12 government owning eligible convention centers  
 13 by the Office of Tourism, Trade, and Economic  
 14 Development; requiring the office to adopt  
 15 specified rules; providing a definition;  
 16 providing requirements for certification;  
 17 providing for use of proceeds distributed to  
 18 units of local government under the act;  
 19 providing for revocation of certification;  
 20 providing an effective date.

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

23  
 24 Section 1. Paragraph (d) of subsection (6) of section  
 25 212.20, Florida Statutes, is amended to read:

26 212.20 Funds collected, disposition; additional powers  
 27 of department; operational expense; refund of taxes  
 28 adjudicated unconstitutionally collected.--

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

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

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

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

14 3. After the distribution under subparagraphs 1. and  
15 2., 8.814 percent of the amount remitted by a sales tax dealer  
16 located within a participating county pursuant to s. 218.61  
17 shall be transferred into the Local Government Half-cent Sales  
18 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
19 be transferred pursuant to this subparagraph to the Local  
20 Government Half-cent Sales Tax Clearing Trust Fund shall be  
21 reduced by 0.1 percent, and the department shall distribute  
22 this amount to the Public Employees Relations Commission Trust  
23 Fund less \$5,000 each month, which shall be added to the  
24 amount calculated in subparagraph 4. and distributed  
25 accordingly.

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

30 5. After the distributions under subparagraphs 1., 2.,  
31 3., and 4., 2.0440 percent of the available proceeds pursuant

1 to this paragraph shall be transferred monthly to the Revenue  
2 Sharing Trust Fund for Counties pursuant to s. 218.215.

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

7 If the total revenue to be distributed pursuant to this  
8 subparagraph is at least as great as the amount due from the  
9 Revenue Sharing Trust Fund for Municipalities and the former  
10 Municipal Financial Assistance Trust Fund in state fiscal year  
11 1999-2000, ~~a no~~ municipality may not ~~shall~~ receive less than  
12 the amount due from the Revenue Sharing Trust Fund for  
13 Municipalities and the former Municipal Financial Assistance  
14 Trust Fund in state fiscal year 1999-2000. If the total  
15 proceeds to be distributed are less than the amount received  
16 in combination from the Revenue Sharing Trust Fund for  
17 Municipalities and the former Municipal Financial Assistance  
18 Trust Fund in state fiscal year 1999-2000, each municipality  
19 shall receive an amount proportionate to the amount it was due  
20 in state fiscal year 1999-2000.

21           7. Of the remaining proceeds:

22           a. In each fiscal year, the sum of \$29,915,500 shall  
23 be divided into as many equal parts as there are counties in  
24 the state, and one part shall be distributed to each county.  
25 The distribution among the several counties shall begin each  
26 fiscal year on or before January 5th and shall continue  
27 monthly for a total of 4 months. If a local or special law  
28 required that any moneys accruing to a county in fiscal year  
29 1999-2000 under the then-existing provisions of s. 550.135 be  
30 paid directly to the district school board, special district,  
31 or a municipal government, such payment shall continue until

1 such time that the local or special law is amended or  
2 repealed. The state covenants with holders of bonds or other  
3 instruments of indebtedness issued by local governments,  
4 special districts, or district school boards prior to July 1,  
5 2000, that it is not the intent of this subparagraph to  
6 adversely affect the rights of those holders or relieve local  
7 governments, special districts, or district school boards of  
8 the duty to meet their obligations as a result of previous  
9 pledges or assignments or trusts entered into which obligated  
10 funds received from the distribution to county governments  
11 under then-existing s. 550.135. This distribution  
12 specifically is in lieu of funds distributed under s. 550.135  
13 prior to July 1, 2000.

14       b. The department shall distribute \$166,667 monthly  
15 pursuant to s. 288.1162 to each applicant that has been  
16 certified as a "facility for a new professional sports  
17 franchise" or a "facility for a retained professional sports  
18 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
19 distributed monthly by the department to each applicant that  
20 has been certified as a "facility for a retained spring  
21 training franchise" pursuant to s. 288.1162; however, not more  
22 than \$416,670 may be distributed monthly in the aggregate to  
23 all certified facilities for a retained spring training  
24 franchise. Distributions shall begin 60 days following such  
25 certification and shall continue for not more than 30 years.  
26 ~~Nothing contained in~~ This paragraph does not shall be  
27 ~~construed to~~ allow an applicant certified pursuant to s.  
28 288.1162 to receive more in distributions than actually  
29 expended by the applicant for the public purposes provided for  
30 in s. 288.1162(6).  
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1 c. Beginning 30 days after notice by the Office of  
2 Tourism, Trade, and Economic Development to the Department of  
3 Revenue that an applicant has been certified as the  
4 professional golf hall of fame pursuant to s. 288.1168 and is  
5 open to the public, \$166,667 shall be distributed monthly, for  
6 up to 300 months, to the applicant.

7 d. Beginning 30 days after notice by the Office of  
8 Tourism, Trade, and Economic Development to the Department of  
9 Revenue that the applicant has been certified as the  
10 International Game Fish Association World Center facility  
11 pursuant to s. 288.1169, and the facility is open to the  
12 public, \$83,333 shall be distributed monthly, for up to 168  
13 months, to the applicant. This distribution is subject to  
14 reduction pursuant to s. 288.1169. A lump sum payment of  
15 \$999,996 shall be made, after certification and before July 1,  
16 2000.

17 e. The department shall distribute monthly to units of  
18 local government which have been certified as owning eligible  
19 convention centers pursuant to s. 288.1172 an amount equal to  
20 50 percent of the proceeds defined in this subparagraph which  
21 are received and collected in the previous month by the  
22 department under this chapter and are generated by such  
23 eligible convention centers and remitted on the sales and use  
24 tax returns of eligible convention centers. As used in this  
25 sub-subparagraph, the term "proceeds" is further defined as  
26 all applicable sales taxes collected by an eligible convention  
27 center for standard services provided by center staff to users  
28 of the center, including parking, admission, ticket sales,  
29 food services, utilities services, space rentals, equipment  
30 rentals, security services, decorating services, business  
31 services, advertising services, communications services,

1 exhibit supply sales and rentals, locksmith services, and  
2 sales of gifts and sundries. The total distribution to each  
3 unit of local government may not exceed \$1 million per state  
4 fiscal year. However, total distributions to all units of  
5 local government may not exceed \$5 million per state fiscal  
6 year, and such distribution shall be limited exclusively to  
7 the taxes collected and remitted under this chapter. If  
8 collections and remittances of eligible convention centers  
9 exceed the \$5 million maximum amount authorized for  
10 distribution, the department shall distribute proceeds to each  
11 eligible unit of local government using an apportionment  
12 factor, the numerator of which is the amount remitted by an  
13 eligible convention center and the denominator is the total  
14 amount remitted by all eligible convention centers. The  
15 apportionment factor for each eligible convention center shall  
16 be applied to the \$5 million maximum amount authorized for  
17 distribution in order to determine the amount that shall be  
18 distributed to each local government unit. The department  
19 shall prescribe forms required to be filed with the department  
20 by eligible convention centers. Distributions shall begin 60  
21 days following notification of certification by the Office of  
22 Tourism, Trade, and Economic Development pursuant to s.  
23 288.1172. Distributions shall be used solely to encourage and  
24 provide economic development for the attraction, recruitment,  
25 and retention of corporate headquarters and of  
26 high-technology, manufacturing, research and development,  
27 entertainment, and tourism industries, as designated by the  
28 unit of local government by resolution of its governing body,  
29 and to assist the eligible convention centers in attracting  
30 more business and expanding their offerings, including  
31 developing their own events and shows. Distributions may not

1 be used to encourage or otherwise provide incentives or  
2 payments to existing businesses that have offices within this  
3 state for the purpose of relocating those offices to another  
4 location within this state. This sub-subparagraph is repealed  
5 on June 30, 2010.

6 8. All other proceeds shall remain with the General  
7 Revenue Fund.

8 Section 2. Section 288.1172, Florida Statutes, is  
9 created to read:

10 288.1172 Convention centers owned by units of local  
11 government; certification as owning eligible convention  
12 centers; duties.--

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

18 (2) The Office of Tourism, Trade, and Economic  
19 Development shall adopt rules pursuant to ss. 120.536(1) and  
20 120.54 for the receipt and processing of applications for  
21 funding pursuant to s. 212.20(6)(d)7.e.

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

27 (4) Before certifying an applicant as owning an  
28 eligible convention center, the Office of Tourism, Trade, and  
29 Economic Development must determine that:

30 (a) The unit of local government, as defined in s.  
31 218.369, owns an eligible convention center.

1           (b) The convention center contains more than 30,000  
2 square feet of exhibit space.

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

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

9           (5) Upon certification of an applicant, the Office of  
10 Tourism, Trade, and Economic Development shall notify the  
11 executive director of the Department of Revenue of such  
12 certification by means of an official letter granting  
13 certification. The Department of Revenue shall not begin  
14 distributing proceeds until 60 days following notice by the  
15 Office of Tourism, Trade, and Economic Development that a unit  
16 of local government has been certified as owning an eligible  
17 convention center.

18           (6) An applicant that has previously been certified  
19 under any provision of this section and that received proceeds  
20 under such certification is ineligible for an additional  
21 certification.

22           (7) A unit of local government which is certified as  
23 owning an eligible convention center may use proceeds provided  
24 pursuant to s. 212.20(6)(d)7.e. for any of the following  
25 purposes or combination thereof:

26           (a) To fund the installation of renewable energy  
27 technologies, as defined in s. 377.803, for use at the  
28 qualifying convention center;

29           (b) To encourage and provide economic development for  
30 attracting, recruiting, and retaining corporate headquarters  
31 and high-technology, manufacturing, research and development,



1 entertainment, and tourism industries, as designated by the  
2 unit of local government by resolution of its governing body;  
3 or

4 (c) To assist the eligible convention center in  
5 attracting more business and expanding its offerings,  
6 including developing its own events and shows.

7 (8) Failure to use the proceeds as provided in this  
8 section is grounds for revoking certification.

9 (9) This section is repealed on June 30, 2010.

10 Section 3. This act shall take effect July 1, 2007.

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13 SENATE SUMMARY

14 Provides for distributing a portion of revenues from the  
15 tax on sales, use, and other transactions to specified  
16 units of local government which own eligible convention  
17 centers. Requires the Department of Revenue to prescribe  
18 certain forms. Provides for certification by the Office  
19 of Tourism, Trade, and Economic Development of units of  
20 local government which own eligible convention centers.  
21 Requires the office to adopt specified rules. Provides  
22 requirements for certification. Provides for the use of  
23 proceeds distributed to units of local government under  
24 the act.  
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