

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Bucher offered the following:

2
3 **Amendment (with and title amendment)**

4 Remove line(s) 68-262 and insert:

5 ~~6.7.~~ Of the remaining proceeds,~~+~~

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16 local or special law is amended or repealed.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

28 ~~b. The department shall distribute \$166,667 monthly~~
29 ~~pursuant to s. 288.1162 to each applicant that has been~~
30 ~~certified as a "facility for a new professional sports~~
31 ~~franchise" or a "facility for a retained professional sports~~
32 ~~franchise" pursuant to s. 288.1162. Up to \$41,667 shall be~~
33 ~~distributed monthly by the department to each applicant that has~~
34 ~~been certified as a "facility for a retained spring training~~
35 ~~franchise" pursuant to s. 288.1162; however, not more than~~
36 ~~\$416,670 may be distributed monthly in the aggregate to all~~
37 ~~certified facilities for a retained spring training franchise.~~
38 ~~Distributions shall begin 60 days following such certification~~
39 ~~and shall continue for not more than 30 years. Nothing contained~~
40 ~~in this paragraph shall be construed to allow an applicant~~
41 ~~certified pursuant to s. 288.1162 to receive more in~~
42 ~~distributions than actually expended by the applicant for the~~
43 ~~public purposes provided for in s. 288.1162(6).~~

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44 ~~e. Beginning 30 days after notice by the Office of~~
45 ~~Tourism, Trade, and Economic Development to the Department of~~
46 ~~Revenue that an applicant has been certified as the professional~~
47 ~~golf hall of fame pursuant to s. 288.1168 and is open to the~~
48 ~~public, \$166,667 shall be distributed monthly, for up to 300~~
49 ~~months, to the applicant.~~

50 ~~d. Beginning 30 days after notice by the Office of~~
51 ~~Tourism, Trade, and Economic Development to the Department of~~
52 ~~Revenue that the applicant has been certified as the~~
53 ~~International Game Fish Association World Center facility~~
54 ~~pursuant to s. 288.1169, and the facility is open to the public,~~
55 ~~\$83,333 shall be distributed monthly, for up to 168 months, to~~
56 ~~the applicant. This distribution is subject to reduction~~
57 ~~pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be~~
58 ~~made, after certification and before July 1, 2000.~~

59 ~~7.8.~~ All other proceeds shall remain with the General
60 Revenue Fund.

61 Section 2. Paragraph (a) of subsection (5) of section
62 11.45, Florida Statutes, is amended to read:

63 11.45 Definitions; duties; authorities; reports; rules.--

64 (5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.--

65 (a) The Legislative Auditing Committee shall direct the
66 Auditor General to make an audit of any municipality whenever
67 petitioned to do so by at least 20 percent of the registered
68 electors in the last general election of that municipality
69 pursuant to this subsection. The supervisor of elections of the
70 county in which the municipality is located shall certify
71 whether or not the petition contains the signatures of at least
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72 20 percent of the registered electors of the municipality. After
73 the completion of the audit, the Auditor General shall determine
74 whether the municipality has the fiscal resources necessary to
75 pay the cost of the audit. The municipality shall pay the cost
76 of the audit within 90 days after the Auditor General's
77 determination that the municipality has the available resources.
78 If the municipality fails to pay the cost of the audit, the
79 Department of Revenue shall, upon certification of the Auditor
80 General, withhold from that portion of the distribution pursuant
81 to s. 212.20(6)(d)~~5.6~~ which is distributable to such
82 municipality, a sum sufficient to pay the cost of the audit and
83 shall deposit that sum into the General Revenue Fund of the
84 state.

85 Section 3. Paragraph (b) of subsection (2) of section
86 202.18, Florida Statutes, is amended to read:

87 202.18 Allocation and disposition of tax proceeds.--The
88 proceeds of the communications services taxes remitted under
89 this chapter shall be treated as follows:

90 (2) The proceeds of the taxes remitted under s.
91 202.12(1)(b) shall be divided as follows:

92 (b) Sixty-three percent of the remainder shall be
93 allocated to the state and distributed pursuant to s. 212.20(6),
94 except that the proceeds allocated pursuant to s.
95 212.20(6)(d)~~2.3~~ shall be prorated to the participating counties
96 in the same proportion as that month's collection of the taxes
97 and fees imposed pursuant to chapter 212 and paragraph (1)(b).

98 Section 4. Subsection (3) of section 218.245, Florida
99 Statutes, is amended to read:

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100 218.245 Revenue sharing; apportionment.--

101 (3) Revenues attributed to the increase in distribution to
102 the Revenue Sharing Trust Fund for Municipalities pursuant to s.
103 212.20(6)(d) ~~5.6~~ from 1.0715 percent to 1.3409 percent provided
104 in chapter 2003-402, Laws of Florida, shall be distributed to
105 each eligible municipality and any unit of local government
106 which is consolidated as provided by s. 9, Art. VIII of the
107 State Constitution of 1885, as preserved by s. 6(e), Art. VIII,
108 1968 revised constitution, as follows: each eligible local
109 government's allocation shall be based on the amount it received
110 from the half-cent sales tax under s. 218.61 in the prior state
111 fiscal year divided by the total receipts under s. 218.61 in the
112 prior state fiscal year for all eligible local governments;
113 provided, however, for the purpose of calculating this
114 distribution, the amount received from the half-cent sales tax
115 under s. 218.61 in the prior state fiscal year by a unit of
116 local government which is consolidated as provided by s. 9, Art.
117 VIII of the State Constitution of 1885, as amended, and as
118 preserved by s. 6(e), Art. VIII, of the Constitution as revised
119 in 1968, shall be reduced by 50 percent for such local
120 government and for the total receipts. For eligible
121 municipalities that began participating in the allocation of
122 half-cent sales tax under s. 218.61 in the previous state fiscal
123 year, their annual receipts shall be calculated by dividing
124 their actual receipts by the number of months they participated,
125 and the result multiplied by 12.

126 Section 5. Subsections (5), (6), and (7) of section
127 218.65, Florida Statutes, are amended to read:

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128 218.65 Emergency distribution.--

129 (5) At the beginning of each fiscal year, the Department
130 of Revenue shall calculate a base allocation for each eligible
131 county equal to the difference between the current per capita
132 limitation times the county's population, minus prior year
133 ordinary distributions to the county pursuant to ss.
134 212.20(6)(d)~~2.3~~, 218.61, and 218.62. If moneys deposited into
135 the Local Government Half-cent Sales Tax Clearing Trust Fund
136 pursuant to s. 212.20(6)(d)~~3.4~~, excluding moneys appropriated
137 for supplemental distributions pursuant to subsection (8), for
138 the current year are less than or equal to the sum of the base
139 allocations, each eligible county shall receive a share of the
140 appropriated amount proportional to its base allocation. If the
141 deposited amount exceeds the sum of the base allocations, each
142 county shall receive its base allocation, and the excess
143 appropriated amount, less any amounts distributed under
144 subsection (6), shall be distributed equally on a per capita
145 basis among the eligible counties.

146 (6) If moneys deposited in the Local Government Half-cent
147 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)~~3.4~~
148 exceed the amount necessary to provide the base allocation to
149 each eligible county, the moneys in the trust fund may be used
150 to provide a transitional distribution, as specified in this
151 subsection, to certain counties whose population has increased.
152 The transitional distribution shall be made available to each
153 county that qualified for a distribution under subsection (2) in
154 the prior year but does not, because of the requirements of
155 paragraph (2)(a), qualify for a distribution in the current

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156 year. Beginning on July 1 of the year following the year in
157 which the county no longer qualifies for a distribution under
158 subsection (2), the county shall receive two-thirds of the
159 amount received in the prior year, and beginning July 1 of the
160 second year following the year in which the county no longer
161 qualifies for a distribution under subsection (2), the county
162 shall receive one-third of the amount it received in the last
163 year it qualified for the distribution under subsection (2). If
164 insufficient moneys are available in the Local Government Half-
165 cent Sales Tax Clearing Trust Fund to fully provide such a
166 transitional distribution to each county that meets the
167 eligibility criteria in this section, each eligible county shall
168 receive a share of the available moneys proportional to the
169 amount it would have received had moneys been sufficient to
170 fully provide such a transitional distribution to each eligible
171 county.

172 (7) There is hereby annually appropriated from the Local
173 Government Half-cent Sales Tax Clearing Trust Fund the
174 distribution provided in s. 212.20(6)(d) ~~3.4~~ to be used for
175 emergency and supplemental distributions pursuant to this
176 section.

177 Section 6. Subsections (1), (2), and (9) of section
178 288.1162, Florida Statutes, are amended to read:

179 288.1162 Professional sports franchises; spring training
180 franchises; duties.--

181 (1) The Office of Tourism, Trade, and Economic Development
182 shall serve as the state agency for screening applicants for
183 state funding pursuant to ~~s. 212.20~~ and for certifying an

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184 applicant as a "facility for a new professional sports
185 franchise," a "facility for a retained professional sports
186 franchise," or a "facility for a retained spring training
187 franchise."

188 (2) The Office of Tourism, Trade, and Economic Development
189 shall develop rules for the receipt and processing of
190 applications for funding ~~pursuant to s. 212.20~~.

191 (9) An applicant is not qualified for certification under
192 this section if the franchise formed the basis for a previous
193 certification, unless the previous certification was withdrawn
194 by the facility or invalidated by the Office of Tourism, Trade,
195 and Economic Development or the Department of Commerce before
196 any funds were distributed ~~pursuant to s. 212.20~~. This
197 subsection does not disqualify an applicant if the previous
198 certification occurred between May 23, 1993, and May 25, 1993;
199 however, any funds to be distributed ~~pursuant to s. 212.20~~ for
200 the second certification shall be offset by the amount
201 distributed to the previous certified facility. Distribution of
202 funds for the second certification shall not be made until all
203 amounts payable for the first certification have been
204 distributed.

205 Section 7. Subsection (1), paragraph (f) of subsection
206 (2), and subsections (3) and (6) of section 288.1168, Florida
207 Statutes, are amended to read:

208 288.1168 Professional golf hall of fame facility.--

209 (1) The Department of Commerce shall serve as the state
210 agency for screening applicants for state funding ~~pursuant to s.~~

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211 | ~~212.20~~ and for certifying one applicant as the professional golf
212 | hall of fame facility in the state.

213 | (2) Prior to certifying the professional golf hall of fame
214 | facility, the Department of Commerce must determine that:

215 | (f) The applicant has submitted an agreement to provide \$2
216 | million annually in national and international media promotion
217 | of the professional golf hall of fame facility, Florida, and
218 | Florida tourism, through the PGA Tour, Inc., or its affiliates,
219 | at the then-current commercial rate, during the period of time
220 | that the facility receives funds ~~pursuant to s. 212.20~~. The
221 | Office of Tourism, Trade, and Economic Development and the PGA
222 | Tour, Inc., or its affiliates, must agree annually on a
223 | reasonable percentage of advertising specifically allocated for
224 | generic Florida advertising. The Office of Tourism, Trade, and
225 | Economic Development shall have final approval of all generic
226 | advertising. Failure on the part of the PGA Tour, Inc., or its
227 | affiliates to annually provide the advertising as provided in
228 | this paragraph or subsection (6) shall result in the termination
229 | of funding ~~as provided in s. 212.20~~.

230 | (3) The applicant may use funds provided ~~pursuant to s.~~
231 | ~~212.20~~ for the public purpose of paying for the construction,
232 | reconstruction, renovation, or operation of the professional
233 | golf hall of fame facility, or to pay or pledge for payment of
234 | debt service on, or to fund debt service reserve funds,
235 | arbitrage rebate obligations, or other amounts payable with
236 | respect to, bonds issued for the construction, reconstruction,
237 | or renovation of the facility or for the reimbursement of such
238 | costs or the refinancing of bonds issued for such purpose.

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239 (6) The Office of Tourism, Trade, and Economic Development
240 must recertify every 10 years that the facility is open,
241 continues to be the only professional golf hall of fame in the
242 United States recognized by the PGA Tour, Inc., and is meeting
243 the minimum projections for attendance or sales tax revenue as
244 required at the time of original certification. If the facility
245 is not certified as meeting the minimum projections, the PGA
246 Tour, Inc., shall increase its required advertising contribution
247 of \$2 million annually to \$2.5 million annually in lieu of
248 reduction of any funds ~~as provided by s. 212.20~~. The additional
249 \$500,000 must be allocated in its entirety for the use and
250 promotion of generic Florida advertising as determined by the
251 Office of Tourism, Trade, and Economic Development. If the
252 facility is not open to the public or is no longer in use as the
253 only professional golf hall of fame in the United States
254 recognized by the PGA Tour, Inc., the entire \$2.5 million for
255 advertising must be used for generic Florida advertising as
256 determined by the Office of Tourism, Trade, and Economic
257 Development.

258 Section 8. Subsection (1), paragraph (g) of subsection
259 (2), and subsections (3) and (6) of section 288.1169, Florida
260 Statutes, are amended to read:

261 288.1169 International Game Fish Association World Center
262 facility.--

263 (1) The Department of Commerce shall serve as the state
264 agency approving applicants for funding ~~pursuant to s. 212.20~~
265 and for certifying the applicant as the International Game Fish
266 Association World Center facility. For purposes of this section,
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267 "facility" means the International Game Fish Association World
268 Center, and "project" means the International Game Fish
269 Association World Center and new colocated improvements by
270 private sector concerns who have made cash or in-kind
271 contributions to the facility of \$1 million or more.

272 (2) Prior to certifying this facility, the department must
273 determine that:

274 (g) The applicant has submitted an agreement to provide
275 \$500,000 annually in national and international media promotion
276 of the facility, at the then-current commercial rates, during
277 the period of time that the facility receives funds ~~pursuant to~~
278 ~~s. 212.20~~. Failure on the part of the applicant to annually
279 provide the advertising as provided in this paragraph shall
280 result in the termination of the funding as provided in s.
281 212.20. The applicant can discharge its obligation under this
282 paragraph by contracting with other persons, including private
283 sector concerns who participate in the project.

284 (3) The applicant may use funds provided ~~pursuant to s.~~
285 ~~212.20~~ for the purpose of paying for the construction,
286 reconstruction, renovation, promotion, or operation of the
287 facility, or to pay or pledge for payment of debt service on, or
288 to fund debt service reserve funds, arbitrage rebate
289 obligations, or other amounts payable with respect to, bonds
290 issued for the construction, reconstruction, or renovation of
291 the facility or for the reimbursement of such costs or by
292 refinancing of bonds issued for such purposes.

293 (6) The Department of Commerce must recertify every 10
294 years that the facility is open, that the International Game
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295 Fish Association World Center continues to be the only
296 international administrative headquarters, fishing museum, and
297 Hall of Fame in the United States recognized by the
298 International Game Fish Association, and that the project is
299 meeting the minimum projections for attendance or sales tax
300 revenues as required at the time of original certification. If
301 the facility is not recertified during this 10-year review as
302 meeting the minimum projections, then funding will be abated
303 until certification criteria are met. ~~If the project fails to~~
304 ~~generate \$1 million of annual revenues pursuant to paragraph~~
305 ~~(2)(e), the distribution of revenues pursuant to s.~~
306 ~~212.20(6)(d)7.d. shall be reduced to an amount equal to \$83,333~~
307 ~~multiplied by a fraction, the numerator of which is the actual~~
308 ~~revenues generated and the denominator of which is \$1 million.~~
309 ~~Such reduction shall remain in effect until revenues generated~~
310 ~~by the project in a 12-month period equal or exceed \$1 million.~~

311
312 ===== T I T L E A M E N D M E N T =====

313 Remove line(s) 5-7, and insert:
314 and other transactions; deleting provisions for distributions of
315 revenues to certain sports facilities, a professional golf hall
316 of fame, and an International Game Fish Association World Center
317 facility; amending ss. 11.45, 202.18, 218.245, and 218.65, F.S.;
318 conforming cross-references; amending ss. 288.1162, 288.1168,
319 and 288.1169, F.S., to conform; providing an effective date.