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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/02/2012	.	
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The Committee on Commerce and Tourism (Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

212.20 Funds collected, disposition; additional powers of  
department; operational expense; refund of taxes adjudicated  
unconstitutionally collected.—

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

(d) The proceeds of all other taxes and fees imposed



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13 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
14 and (2)(b) shall be distributed as follows:

15 1. In any fiscal year, the greater of \$500 million, minus  
16 an amount equal to 4.6 percent of the proceeds of the taxes  
17 collected pursuant to chapter 201, or 5.2 percent of all other  
18 taxes and fees imposed pursuant to this chapter or remitted  
19 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
20 monthly installments into the General Revenue Fund.

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

31 3. After the distribution under subparagraphs 1. and 2.,  
32 0.095 percent shall be transferred to the Local Government Half-  
33 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
34 s. 218.65.

35 4. After the distributions under subparagraphs 1., 2., and  
36 3., 2.0440 percent of the available proceeds shall be  
37 transferred monthly to the Revenue Sharing Trust Fund for  
38 Counties pursuant to s. 218.215.

39 5. After the distributions under subparagraphs 1., 2., and  
40 3., 1.3409 percent of the available proceeds, plus the amount  
41 required under s. 290.0138(2), shall be transferred monthly to



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42 the Revenue Sharing Trust Fund for Municipalities pursuant to s.  
43 218.215. If the total revenue to be distributed pursuant to this  
44 subparagraph is at least as great as the amount due from the  
45 Revenue Sharing Trust Fund for Municipalities and the former  
46 Municipal Financial Assistance Trust Fund in state fiscal year  
47 1999-2000, no municipality shall receive less than the amount  
48 due from the Revenue Sharing Trust Fund for Municipalities and  
49 the former Municipal Financial Assistance Trust Fund in state  
50 fiscal year 1999-2000. If the total proceeds to be distributed  
51 are less than the amount received in combination from the  
52 Revenue Sharing Trust Fund for Municipalities and the former  
53 Municipal Financial Assistance Trust Fund in state fiscal year  
54 1999-2000, each municipality shall receive an amount  
55 proportionate to the amount it was due in state fiscal year  
56 1999-2000.

57 6. Of the remaining proceeds:

58 a. In each fiscal year, the sum of \$29,915,500 shall be  
59 divided into as many equal parts as there are counties in the  
60 state, and one part shall be distributed to each county. The  
61 distribution among the several counties must begin each fiscal  
62 year on or before January 5th and continue monthly for a total  
63 of 4 months. If a local or special law required that any moneys  
64 accruing to a county in fiscal year 1999-2000 under the then-  
65 existing provisions of s. 550.135 be paid directly to the  
66 district school board, special district, or a municipal  
67 government, such payment must continue until the local or  
68 special law is amended or repealed. The state covenants with  
69 holders of bonds or other instruments of indebtedness issued by  
70 local governments, special districts, or district school boards



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71 before July 1, 2000, that it is not the intent of this  
72 subparagraph to adversely affect the rights of those holders or  
73 relieve local governments, special districts, or district school  
74 boards of the duty to meet their obligations as a result of  
75 previous pledges or assignments or trusts entered into which  
76 obligated funds received from the distribution to county  
77 governments under then-existing s. 550.135. This distribution  
78 specifically is in lieu of funds distributed under s. 550.135  
79 before July 1, 2000.

80 b. The department shall distribute \$166,667 monthly  
81 pursuant to s. 288.1162 to each applicant certified as a  
82 facility for a new or retained professional sports franchise  
83 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
84 monthly by the department to each certified applicant as defined  
85 in s. 288.11621 for a facility for a spring training franchise.  
86 However, not more than \$416,670 may be distributed monthly in  
87 the aggregate to all certified applicants for facilities for  
88 spring training franchises. Distributions begin 60 days after  
89 such certification and continue for not more than 30 years,  
90 except as otherwise provided in s. 288.11621. A certified  
91 applicant identified in this sub-subparagraph may not receive  
92 more in distributions than expended by the applicant for the  
93 public purposes provided for in s. 288.1162(5) or s.  
94 288.11621(3).

95 c. Beginning 30 days after notice by the Department of  
96 Economic Opportunity to the Department of Revenue that an  
97 applicant has been certified as the professional golf hall of  
98 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
99 shall be distributed monthly, for up to 300 months, to the



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100 applicant.

101 d. Beginning 30 days after notice by the Department of  
102 Economic Opportunity to the Department of Revenue that the  
103 applicant has been certified as the International Game Fish  
104 Association World Center facility pursuant to s. 288.1169, and  
105 the facility is open to the public, \$83,333 shall be distributed  
106 monthly, for up to 168 months, to the applicant. This  
107 distribution is subject to reduction pursuant to s. 288.1169. A  
108 lump sum payment of \$999,996 shall be made, after certification  
109 and before July 1, 2000.

110 7. All other proceeds must remain in the General Revenue  
111 Fund.

112 Section 2. Subsection (3) of section 218.23, Florida  
113 Statutes, is amended to read:

114 218.23 Revenue sharing with units of local government.—

115 (3) The distribution to a unit of local government under  
116 this part is determined by the following formula:

117 (a) First, the entitlement of an eligible unit of local  
118 government shall be computed on the basis of the apportionment  
119 factor provided in s. 218.245, which shall be applied for all  
120 eligible units of local government to all receipts available for  
121 distribution in the respective revenue sharing trust fund.

122 (b) Second, revenue shared with eligible units of local  
123 government for any fiscal year shall be adjusted so that no  
124 eligible unit of local government receives less funds than its  
125 guaranteed entitlement.

126 (c) Third, revenues shared with counties for any fiscal  
127 year shall be adjusted so that no county receives less funds  
128 than its guaranteed entitlement plus the second guaranteed



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129 entitlement for counties.

130 (d) Fourth, revenue shared with units of local government  
131 for any fiscal year shall be adjusted so that no unit of local  
132 government receives less funds than its minimum entitlement.

133 (e) Fifth, after the adjustments provided in paragraphs  
134 (b), (c), and (d), the funds remaining in the respective trust  
135 fund for municipalities shall be distributed to the appropriate  
136 governing body eligible for a distribution under ss. 290.0137  
137 and 290.0138.

138 (f)(e) Sixth Fifth, after the adjustments provided in  
139 paragraphs (b), (c), ~~and (d)~~, and (e), and after deducting the  
140 amount committed to all the units of local government, the funds  
141 remaining in the respective trust funds shall be distributed to  
142 those eligible units of local government which qualify to  
143 receive additional moneys beyond the guaranteed entitlement, on  
144 the basis of the additional money of each qualified unit of  
145 local government in proportion to the total additional money of  
146 all qualified units of local government.

147 Section 3. Section 290.004, Florida Statutes, is amended to  
148 read:

149 290.004 Definitions relating to Florida Enterprise Zone  
150 Act.—As used in ss. 290.001-290.016, the term:

151 (1) "Base year" means the amount of sales taxes that would  
152 have been produced by the tax levied upon all eligible sales and  
153 use transactions pursuant to chapter 212 before the construction  
154 of the retail development project.

155 (2) "Bond" means any bonds, notes, or other instruments  
156 issued by the governing body and secured by tax increment  
157 revenues or other security authorized in this chapter.



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158        (3)~~(1)~~ "Community investment corporation" means a black  
159 business investment corporation, a certified development  
160 corporation, a small business investment corporation, or other  
161 similar entity incorporated under Florida law that has limited  
162 its investment policy to making investments solely in minority  
163 business enterprises.

164        (4) "Compliance period" means the 3-year period after the  
165 establishment of the base year for a sales tax TIF area during  
166 which the minimum job requirement for a retail development  
167 project must be satisfied.

168        (5)~~(2)~~ "Department" means the Department of Economic  
169 Opportunity.

170        (6)~~(3)~~ "Governing body" means the council or other  
171 legislative body charged with governing the county or  
172 municipality.

173        (7)~~(4)~~ "Minority business enterprise" has the same meaning  
174 as provided in s. 288.703.

175        (8) "Retail development project" means the establishment of  
176 a retail facility, under common ownership or control, consisting  
177 of more than 300,000 square feet of new or rehabilitated retail  
178 space within an enterprise zone engaged in direct onsite retail  
179 sales to consumers. A retail development project shall create at  
180 least 500 jobs within the compliance period and generate more  
181 than \$1 million annually in additional taxes and fees collected  
182 pursuant to s. 212.20(6)(d)5. A retail development project may  
183 include restaurants, grocery and specialty food stores, art  
184 galleries, and businesses engaged in sales of home furnishings,  
185 apparel, and general merchandise goods serving both local  
186 customers and tourists. A retail development project shall



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187 exclude:

188 (a) Liquor stores;

189 (b) Adult entertainment nightclubs;

190 (c) Adult book stores; and

191 (d) The relocation of a retail business to the retail  
192 development project from another location within the enterprise  
193 zone, unless the relocation involves a significant expansion of  
194 the size of the business or results in a total increase in  
195 taxable sales of not less than 50 percent within the county in  
196 which the business relocates.

197 (9) "Retail development project developer" means any person  
198 or entity sponsoring a retail development project within an  
199 enterprise zone.

200 (10)~~(5)~~ "Rural enterprise zone" means an enterprise zone  
201 that is nominated by a county having a population of 75,000 or  
202 fewer, or a county having a population of 100,000 or fewer which  
203 is contiguous to a county having a population of 75,000 or  
204 fewer, or by a municipality in such a county, or by such a  
205 county and one or more municipalities. An enterprise zone  
206 designated in accordance with s. 290.0065(5) (b) is considered to  
207 be a rural enterprise zone.

208 (11) "Sales tax TIF area" means a geographic area within an  
209 enterprise zone that includes a retail development project,  
210 designated by a governing body to receive tax increment revenues  
211 or bond proceeds to underwrite improvements authorized under s.  
212 290.0056.

213 (12)~~(6)~~ "Small business" has the same meaning as provided  
214 in s. 288.703.

215 (13) "Tax increment revenues" means the portion of





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216 available sales tax revenue calculated pursuant to s.  
217 290.0138(1).

218 (14) "TIF" means tax increment financing.

219 Section 4. Paragraph (a) of subsection (9) of section  
220 290.0056, Florida Statutes, is amended, subsections (11) and  
221 (12) are renumbered as subsections (12) and (13), respectively,  
222 and a new subsection (11) is added to that section, to read:

223 290.0056 Enterprise zone development agency.—

224 (9) The following powers and responsibilities shall be  
225 performed by the governing body creating the enterprise zone  
226 development agency acting as the managing agent of the  
227 enterprise zone development agency, or, contingent upon approval  
228 by such governing body, such powers and responsibilities shall  
229 be performed by the enterprise zone development agency:

230 (a) To review, process, and certify applications for state  
231 enterprise zone tax incentives pursuant to ss. 212.08(5)(g),  
232 (h), and (15); 212.096; 220.181; ~~and~~ 220.182; and 290.0137.

233 (11) Contingent upon the governing body's designation of a  
234 sales tax TIF area, the governing body or the enterprise zone  
235 development agency may exercise the following additional powers  
236 for the purpose of financing public improvements that will  
237 foster job growth and enhance the base of retailers within an  
238 enterprise zone, unless otherwise prohibited by ordinance:

239 (a) Enter into cooperative contracts and agreements with a  
240 county, municipality, or governmental agency for services and  
241 assistance within the sales tax TIF area;

242 (b) Expend tax increment revenues to acquire, own, convey,  
243 construct, maintain, improve, and manage property and facilities  
244 and grant and acquire licenses, easements, and options with



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245 respect to such property within the sales tax TIF area;  
246 (c) Expend tax increment revenues to complete public  
247 improvements within the sales tax TIF area, including, but not  
248 limited to, the:  
249 1. Construction of streetscape improvements;  
250 2. Installation of landscaping enhancements within the  
251 public right-of-way;  
252 3. Construction of street lighting systems;  
253 4. Installation of water and sewer service mains; and  
254 5. Construction of on-street and off-street public parking  
255 facilities.  
256 (d) Enter into a retail development agreement with a retail  
257 project developer to underwrite public improvements or services  
258 identified in paragraphs (a)-(c).  
259 Section 5. Subsection (9) is added to section 290.007,  
260 Florida Statutes, to read:  
261 290.007 State incentives available in enterprise zones.—The  
262 following incentives are provided by the state to encourage the  
263 revitalization of enterprise zones:  
264 (9) The designation of a sales tax TIF area provided in s.  
265 290.0137.  
266 Section 6. Section 290.01351, Florida Statutes, is created  
267 to read:  
268 290.01351 Municipal Revitalization Act.—Sections 290.0136-  
269 290.01391 may be cited as the "Municipal Revitalization Act."  
270 Section 7. Section 290.0136, Florida Statutes, is created  
271 to read:  
272 290.0136 Sales tax TIF area; intent and purpose.—  
273 (1) The Legislature intends to foster the revitalization of



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274 counties and municipalities and support job-creating retail  
275 development projects within enterprise zones by authorizing the  
276 governing bodies of counties and municipalities to designate  
277 sales tax TIF areas within enterprise zones, subject to the  
278 review and approval by the department.

279 (2) The Legislature finds that by authorizing local  
280 government governing bodies to designate a sales tax TIF area,  
281 the counties or municipalities may receive from the state a  
282 portion of an annual increase in sales tax collections generated  
283 by the development of a retail development project and will  
284 further the revitalization of such counties and municipalities.  
285 By authorizing the receipt of an annual increase in sales tax  
286 collections within a sales tax TIF area resulting from the  
287 retail development project, the Legislature intends to provide  
288 financing for public improvements that will foster job growth  
289 for the residents of economically distressed areas and enhance  
290 the base of retailers operating within the enterprise zone and  
291 serving local residents and international visitors.

292 Section 8. Section 290.0137, Florida Statutes, is created  
293 to read:

294 290.0137 Designation of sales tax TIF area; review and  
295 approval by the department.-

296 (1) Any municipality having a population of at least  
297 300,000 residents that has designated an enterprise zone, or all  
298 of the governing bodies in the case of a county and one or more  
299 municipalities having designated an enterprise zone if the  
300 county has a population of at least 1,200,000 residents, may  
301 adopt a resolution after a public hearing designating a sales  
302 tax TIF area.



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303       (2) The resolution creating a sales tax TIF area, at a  
304 minimum, must:  
305       (a) Include findings that the designation of the sales tax  
306 TIF area:  
307       1. Is essential to furthering a retail development project;  
308       2. Will provide needed retail amenities within the  
309 enterprise zone;  
310       3. Will result in the development of a retail development  
311 project that will create no fewer than 500 new jobs within the  
312 compliance period and not less than \$1 million in sales tax  
313 increment revenue annually; and  
314       4. Will enhance the health and general welfare of the  
315 residents of the enterprise zone within the sponsoring  
316 municipality or county;  
317       (b) Fix the geographic boundaries of the sales tax TIF area  
318 within which the governing body may expend tax increment  
319 revenues;  
320       (c) Establish the term of the life of the sales tax TIF  
321 area, which term may not extend more than 40 years after the  
322 date the sales tax TIF area is approved by the department;  
323       (d) Establish the base year for determination of sales tax  
324 receipts collected pursuant to s. 212.20(6)(d)5., less the  
325 amount required under s. 290.0138(1); and  
326       (3) No more than two sales tax TIF areas may be designated  
327 in any one eligible municipality. No more than four sales tax  
328 TIF areas may be designated in any eligible county. If an  
329 eligible municipality is located in an eligible county, any  
330 sales tax TIF area designated by a municipality shall count  
331 against the maximum number of sales tax TIF areas permitted



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332 within an eligible county. A sales tax TIF area may not be  
333 located within a one-quarter mile of any other designated sales  
334 tax TIF area and may not exceed 5 square miles in total land  
335 mass.

336 (4) A designated sales tax TIF area may not include:

337 (a) Areas designated or to be designated as an "urban  
338 infill and redevelopment area" pursuant to part II of chapter  
339 163;

340 (b) Areas designated or to be designated as a "community  
341 redevelopment area" pursuant to part III of chapter 163;

342 (c) Any facility financed or partially financed with bonds  
343 whose debt is serviced with proceeds collected under the  
344 authority provided under s. 125.0104; or

345 (d) Any facility conducting gaming activities authorized  
346 pursuant to part II of chapter 285, chapter 550, chapter 551, or  
347 chapter 849. This prohibition shall extend to any facilities  
348 authorized to conduct gaming activities after the effective date  
349 of this act.

350 (5) The powers conferred by ss. 290.0136-290.01391 upon  
351 counties not having adopted a home rule charter may not be  
352 exercised within the boundaries of a municipality within such  
353 county unless the governing body of the municipality expresses  
354 its consent by resolution. A resolution consenting to the  
355 exercise of the powers conferred upon counties by ss. 290.0136-  
356 290.01391 must specifically enumerate the powers to be exercised  
357 by the county within the boundaries of the municipality. Any  
358 power not specifically enumerated in the resolution of consent  
359 shall be exercised exclusively by the municipality within its  
360 boundaries.



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361           (6) In any county that has adopted a home rule charter, the  
362 powers conferred by ss. 290.0136-290.01391 shall be exercised  
363 exclusively by the governing body of the county. However, the  
364 governing body of such county may, in its discretion, by  
365 resolution delegate the exercise of the powers conferred upon  
366 the county by ss. 290.0136-290.01391 within the boundaries of a  
367 municipality to the governing body of the municipality. Such  
368 delegation to a municipality confers upon a municipality only  
369 the powers that are specifically enumerated in the delegating  
370 resolution. Any power not specifically delegated is reserved  
371 exclusively to the governing body of the county.

372           (7) Before the governing body adopts any resolution  
373 designating a sales tax TIF area pursuant to the requirements of  
374 this section or authorizes the issuance of redevelopment revenue  
375 bonds under s. 290.01391, the governing body must provide public  
376 notice of such proposed action pursuant to s. 125.66(2) or s.  
377 166.041(3) (a).

378           (8) A copy of the resolution adopted by the governing body  
379 designating the sales tax TIF area must be transmitted to the  
380 department for review. The department shall determine whether  
381 the designation of the sales tax TIF area complies with the  
382 requirements of this chapter. When determining whether the  
383 designation complies with the requirements of this chapter, the  
384 department must consider whether the designation:

385           (a) Captures taxable spending, either in whole or in  
386 significant part, that would not otherwise occur in the  
387 community rather than redistributing current spending;

388           (b) Supports and enhances the tourism industry; and

389           (c) Supports a retail development project that will meet



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390 the jobs and taxes and fees required to be generated under s.  
391 290.004.

392 (9) If the department determines that the designation by  
393 the governing body complies with the requirements of this  
394 chapter, the department must provide written notification to the  
395 local governing body of such determination. Upon receipt of the  
396 notification, the local governing body must remit a copy of the  
397 resolution establishing the sales tax TIF area, along with the  
398 department's notice of determination, to the Department of  
399 Revenue.

400 Section 9. Section 290.0138, Florida Statutes, is created  
401 to read:

402 290.0138 Calculation of tax increment revenue contribution  
403 to governing body.-

404 (1) The governing body of a designated sales tax TIF area  
405 is eligible for a percentage distribution from the Revenue  
406 Sharing Trust Fund for Municipalities of the increased  
407 collections of the state tax on sales, use, and other  
408 transactions realized during any month by the municipality over  
409 the same monthly period of the base year, as follows:

410 (a) Eighty-five percent of the increased monthly  
411 collections of \$85,000 or less.

412 (b) Seventy-five percent of the increased monthly  
413 collections greater than \$85,000 but \$425,000 or less.

414 (c) Fifty percent of the increased monthly collections  
415 greater than \$425,000 but \$675,000 or less.

416 (d) Twenty-five percent of the increased monthly  
417 collections greater than \$675,000 but \$1 million or less.

418 (e) Zero percent of the increased monthly collections of



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419 more than \$1 million.

420 (2) The specific amount payable to each eligible governing  
421 body must be determined monthly by the Department of Revenue for  
422 distribution to the appropriate eligible governing body in  
423 accordance with subsection (1). The Department of Revenue must  
424 determine monthly the aggregate amount of sales tax revenue that  
425 is required for distribution to each eligible governing body  
426 under this section and transfer that amount from the General  
427 Revenue Fund to the Revenue Sharing Trust Fund for  
428 Municipalities in accordance with s. 212.20(6)(d)5. All amounts  
429 transferred to the Revenue Sharing Trust Fund for Municipalities  
430 must be distributed as provided in s. 218.23(3)(e). The total  
431 distribution provided to the eligible governing body may not  
432 exceed the total tax increment revenue contribution set forth in  
433 the retail project development agreement required pursuant to s.  
434 290.0139.

435 (3) Percentage distributions to each governing body under  
436 subsection (1) are contingent upon the following:

437 (a) A contribution by the local governing body equal to not  
438 less than 30 percent of the percent of the distributions of  
439 sales tax revenues provided to the governing body under  
440 subsection (1). Such matching contribution may be provided in  
441 one of the following forms:

442 1. A cash deposit by the governing body to the revenue  
443 account established pursuant to subsection (4);

444 2. A commitment within the governing body's capital plan to  
445 underwrite any project within the sales TIF area; or

446 3. Approval of an economic development ad valorem tax  
447 exemption by the governing body authorized under ss. 196.1995





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448 and 196.1996.

449 (b) Total private investment in a retail development  
450 project equal to an amount not less than three times the state  
451 contribution; and

452 (c) Annual transmittal of an employment certificate by the  
453 retail development project developer to the department and the  
454 Department of Revenue attesting to the total number of full-time  
455 and part-time jobs created by the retail development project.

456 1. The retail development project developer must continue  
457 to provide such employment certificate until the end of the  
458 compliance period or transmittal of an employment certificate  
459 indicating that the retail development project has created the  
460 required minimum number of jobs, whichever occurs first. For  
461 purposes of determining whether the job requirement has been  
462 satisfied, two part-time jobs shall be counted as the equivalent  
463 of one full-time job.

464 2. If the retail development project fails to create the  
465 required minimum number of jobs by the end of the compliance  
466 period, future percentage distributions to the governing body  
467 under subsection (1) must be reduced by the number of actual  
468 jobs created as a percentage of the minimum required jobs.

469 (4) Each governing body receiving a percentage distribution  
470 under subsection (1) must establish a separate redevelopment  
471 trust fund for each designated sales tax TIF area. Funds  
472 allocated to and deposited in this fund may only be used to  
473 underwrite any eligible public improvements approved by the  
474 enterprise zone governing body pursuant to the authority  
475 provided in s. 290.0056 and ss. 290.0136-290.01391.

476 Section 10. Section 290.0139, Florida Statutes, is created



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477 to read:

478 290.0139 Retail development project agreement.—

479 (1) A retail development project developer proposing to use  
480 tax increment revenues to expend sales tax increment revenues  
481 for purposes authorized under s. 290.0056 on behalf of the  
482 governing body or enterprise zone development agency may enter  
483 into a retail development project agreement with the governing  
484 body designating a sales tax TIF area. The agreement must set  
485 forth:

486 (a) The goals and objectives of the retail development  
487 project;

488 (b) Requirements for leasing retail space within the retail  
489 development project which will advance the governing body's or  
490 enterprise zone development agency's goals and objectives;

491 (c) The terms and conditions pursuant to which tax  
492 increment revenue or bond proceeds will be advanced to pay for  
493 costs incurred in the sales tax TIF area;

494 (d) Goals for the hiring of enterprise zone residents for  
495 the new jobs created by the retail development project;

496 (e) Such matters as may be required in connection with the  
497 issuance of bonds to support the retail development project; and

498 (f) Such other matters as the governing body designating  
499 the sales tax TIF area may determine to be necessary and  
500 appropriate.

501 (2) A retail project development agreement must be approved  
502 by resolution of the governing body following a public hearing  
503 advertised in a newspaper of general circulation not less than  
504 10 days before the date of the required public hearing.

505 (3) A retail development agreement must be transmitted to



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506 the department for review and determination that the agreement  
507 complies with the requirements of this chapter.

508 Section 11. Section 290.01391, Florida Statutes, is created  
509 to read:

510 290.01391 Issuance of sales tax increment revenue bonds;  
511 use of bond proceeds; funding agreement.—

512 (1) If authorized or approved by resolution of the  
513 governing body that designated the sales tax TIF area, after a  
514 public hearing, tax increment revenues may be used to support  
515 the issuance of sales tax increment revenue bonds to finance the  
516 authorized public improvements, including, but not limited to,  
517 the payment of principal and interest upon any advances for  
518 surveys and plans or preliminary loans and to issue refunding  
519 bonds for the payment or retirement of bonds or other  
520 obligations previously issued. Sales tax increment revenue bonds  
521 may not be committed for any projects identified following the  
522 10th year after the base year established under s. 290.004. Any  
523 sales tax increment revenue bonds or other obligations issued to  
524 finance the undertaking of any eligible activity under ss.  
525 290.0136-290.01391 must mature by the end of the 40th fiscal  
526 year after the fiscal year in which sales tax increment revenues  
527 are first deposited into the sales tax TIF area trust fund or at  
528 the expiration of any agreement between the governing body and  
529 the retail project developer for which bonds are issued to  
530 underwrite eligible public improvements, whichever is later.  
531 However, any refunding bonds issued pursuant to this subsection  
532 may not mature later than the final maturity date of any bonds  
533 or other obligations issued pursuant to this subsection being  
534 paid or retired with the proceeds of such refunding bonds.



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535       (2) Sales tax increment revenue bonds issued under ss.  
536 290.0136-290.01391 may not be deemed to constitute a debt,  
537 liability, or obligation of the public body or the state or any  
538 political subdivision thereof, or a pledge of the faith and  
539 credit of the public body or the state or any political  
540 subdivision thereof, but shall be payable solely from the  
541 revenues provided therefor. All such sales tax increment revenue  
542 bonds must contain on the face thereof a statement to the effect  
543 that the agency may not be obligated to pay the same or the  
544 interest thereon except from the revenues of the sales tax TIF  
545 area held for that purpose and that neither the faith and credit  
546 nor the taxing power of the governing body or of the state or of  
547 any political subdivision thereof is pledged to the payment of  
548 the principal of, or the interest on, such bonds.

549       (3) Bonds issued under this section must be authorized by  
550 resolution of the governing body and may be issued in one or  
551 more series and may bear such date or dates, be payable upon  
552 demand or mature at such time or times, bear interest at such  
553 rate or rates, be in such denomination or denominations, be in  
554 such form either with or without coupon or registered, carry  
555 such conversion or registration privileges, have such rank or  
556 priority, be executed in such manner, be payable in such medium  
557 of payment at such place or places, be subject to such terms of  
558 redemption with or without a premium, be secured in such manner,  
559 and have such other characteristics as may be provided by the  
560 resolution or ordinance authorizing their issuance. Bonds issued  
561 under this section may be sold in such manner, either at public  
562 or private sale, and for such price as the designated governing  
563 body may determine will effectuate the purposes of this section.



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564           (4) If the public officials of the county or municipal  
565 governing body whose signatures appear on any bonds or coupons  
566 issued under ss. 290.0136-290.01391 cease to be such officials  
567 before the delivery of such bonds, such signatures are,  
568 nevertheless, valid and sufficient for all purposes, the same as  
569 if such officials had remained in office until such delivery.

570           (5) Bonds issued under ss. 290.0136-290.01391 are declared  
571 to be issued for an essential public and governmental purpose.  
572 In any suit, action, or proceeding involving the validity or  
573 enforceability of any bond issued under this section, any bond  
574 that recites in substance that it has been issued by the  
575 governing body in connection with the sales tax increment  
576 district for a purpose authorized under this section is  
577 conclusively presumed to have been issued for that purpose, and  
578 any project financed by the bond is conclusively presumed to  
579 have been planned and carried out in accordance with the  
580 intended purposes of this section.

581           (6) If the enterprise zone program is not extended beyond  
582 the date set forth in s. 290.016 and bonds issued pursuant to  
583 this section remain outstanding, the Department of Revenue must  
584 continue to collect and remit tax increment revenues generated  
585 by the retail development project to service the outstanding  
586 bond obligations.

587           Section 12. This act shall take effect July 1, 2012.

588  
589 ===== T I T L E   A M E N D M E N T =====

590 And the title is amended as follows:

591           Delete everything before the enacting clause  
592 and insert:



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593                                   A bill to be entitled  
594           An act relating to revitalizing municipalities;  
595           amending s. 212.20, F.S.; providing for the transfer  
596           of certain sales tax revenues from the General Revenue  
597           Fund to the Revenue Sharing Trust Fund for  
598           Municipalities; amending s. 218.23, F.S.; providing  
599           for a distribution from the Revenue Sharing Trust Fund  
600           for Municipalities relating to an increase in sales  
601           tax collections over the preceding year to the  
602           governing body of an area that receives tax increment  
603           revenues pursuant to a designation as a sales tax TIF  
604           area; amending s. 290.004, F.S.; providing  
605           definitions; amending s. 290.0056, F.S.; revising  
606           provisions relating to the enterprise zone development  
607           agency; providing powers of the governing body upon  
608           the designation of a sales tax TIF area; amending s.  
609           290.007, F.S.; providing designation of sales tax TIF  
610           areas as an economic incentive in enterprise zones;  
611           creating ss. 290.01351, 290.0136, 290.0137, 290.0138,  
612           290.0139, and 290.01391, F.S.; creating the "Municipal  
613           Revitalization Act"; providing legislative intent and  
614           purposes; authorizing specified governing bodies to  
615           create sales tax TIF areas within a county or  
616           municipality having a specified population; providing  
617           requirements, processes, and limitations relating to  
618           such sales tax TIF areas; providing that the governing  
619           body for an enterprise zone where a sales tax TIF area  
620           is located is eligible for specified percentage  
621           distributions of increased state sales tax collections



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622 under certain circumstances; requiring the Department  
623 of Revenue to determine the amount of increased sales  
624 tax collections to be distributed to each eligible  
625 designated enterprise zone redevelopment agency and to  
626 transfer the aggregate amount due to all such agencies  
627 to the Revenue Sharing Trust Fund for Municipalities  
628 for distribution; providing requirements and  
629 conditions relating to such distributions of increased  
630 sales tax collections to governing bodies; authorizing  
631 certain retail development project developers to enter  
632 into retail development project agreements with  
633 governing bodies designating sales tax TIF areas;  
634 providing requirements, limitations, and conditions  
635 relating to such retail development project  
636 agreements; granting specified powers to a governing  
637 body for a sales tax TIF area for the purpose of  
638 providing financing and fostering certain  
639 improvements, including issuing sales tax increment  
640 revenue bonds; providing for the issuance of tax  
641 increment revenue bonds and the use of such bonds;  
642 providing an effective date.