

By the Committees on Community Affairs; and Commerce and Tourism; and Senator Latvala

578-01733-13

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1 A bill to be entitled
 2 An act relating to the tourist development tax;
 3 amending s. 125.0104, F.S.; clarifying that the
 4 proceeds of the tax may be used for the benefit of
 5 certain museums or aquariums; clarifying that the tax
 6 automatically expires upon the retirement of all bonds
 7 issued by the county for financing certain facilities;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Paragraphs (a) and (c) of subsection (5) and
 13 subsection (7) of section 125.0104, Florida Statutes, are
 14 amended to read:

15 125.0104 Tourist development tax; procedure for levying;
 16 authorized uses; referendum; enforcement.—

17 (5) AUTHORIZED USES OF REVENUE.—

18 (a) All tax revenues received pursuant to this section by a
 19 county imposing the tourist development tax shall be used by
 20 that county for the following purposes only:

21 1. To acquire, construct, extend, enlarge, remodel, repair,
 22 improve, maintain, operate, or promote one or more:

23 a. Publicly owned and operated convention centers, sports
 24 stadiums, sports arenas, coliseums, or auditoriums within the
 25 boundaries of the county or subcounty special taxing district in
 26 which the tax is levied; or~~7~~

27 b. Aquariums~~7~~ or museums that are publicly owned and
 28 operated or owned and operated by not-for-profit organizations
 29 and open to the public, within the boundaries of the county or

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30 subcounty special taxing district in which the tax is levied.

31 2. Tax revenues received pursuant to this section may also
32 be used for promotion of zoological parks that are publicly
33 owned and operated or owned and operated by not-for-profit
34 organizations and open to the public. However, these purposes
35 may be implemented through service contracts and leases with
36 lessees that have ~~with~~ sufficient expertise or financial
37 capability to operate such facilities;

38 ~~3.2.~~ To promote and advertise tourism in this state ~~the~~
39 ~~State of Florida~~ and nationally and internationally; however, if
40 tax revenues are expended for an activity, service, venue, or
41 event, the activity, service, venue, or event must ~~shall~~ have as
42 one of its main purposes the attraction of tourists as evidenced
43 by the promotion of the activity, service, venue, or event to
44 tourists;

45 ~~4.3.~~ To fund convention bureaus, tourist bureaus, tourist
46 information centers, and news bureaus as county agencies or by
47 contract with the chambers of commerce or similar associations
48 in the county, which may include any indirect administrative
49 costs for services performed by the county on behalf of the
50 promotion agency; or

51 ~~5.4.~~ To finance beach park facilities or beach improvement,
52 maintenance, renourishment, restoration, and erosion control,
53 including shoreline protection, enhancement, cleanup, or
54 restoration of inland lakes and rivers to which there is public
55 access as those uses relate to the physical preservation of the
56 beach, shoreline, or inland lake or river. However, any funds
57 identified by a county as the local matching source for beach
58 renourishment, restoration, or erosion control projects included

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59 in the long-range budget plan of the state's Beach Management
60 Plan, pursuant to s. 161.091, or funds contractually obligated
61 by a county in the financial plan for a federally authorized
62 shore protection project may not be used or loaned for any other
63 purpose. In counties of fewer ~~less~~ than 100,000 population, up
64 to ~~no more than~~ 10 percent of the revenues from the tourist
65 development tax may be used for beach park facilities.

66 (c) The revenues to be derived from the tourist development
67 tax may be pledged to secure and liquidate revenue bonds issued
68 by the county for the purposes set forth in subparagraphs (a)1.,
69 2., and 5. ~~4.~~ or for the purpose of refunding bonds previously
70 issued for such purposes, or both; however, no more than 50
71 percent of the revenues from the tourist development tax may be
72 pledged to secure and liquidate revenue bonds or revenue
73 refunding bonds issued for the purposes set forth in
74 subparagraph (a)5. ~~(a)4.~~ Such revenue bonds and revenue
75 refunding bonds may be authorized and issued in such principal
76 amounts, with such interest rates and maturity dates, and
77 subject to such other terms, conditions, and covenants as the
78 governing board of the county shall provide. The Legislature
79 intends that this paragraph ~~shall~~ be full and complete authority
80 for accomplishing such purposes, but such authority is ~~shall be~~
81 supplemental and additional to, and not in derogation of, any
82 powers now existing or later conferred under law.

83 (7) AUTOMATIC EXPIRATION ON RETIREMENT OF BONDS. ~~Anything~~
84 ~~in this section to the contrary~~ Notwithstanding any other
85 provision of this section, if the plan for tourist development
86 approved by the governing board of the county, as amended ~~from~~
87 ~~time to time~~ pursuant to paragraph (4) (d), includes the

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88 acquisition, construction, extension, enlargement, remodeling,
89 repair, or improvement of a publicly owned and operated
90 convention center, sports stadium, sports arena, coliseum, or
91 auditorium, or museum or aquarium, ~~or museum~~ that is publicly
92 owned and operated or owned and operated by a not-for-profit
93 organization, the county ordinance levying and imposing the tax
94 ~~shall automatically expires~~ expire upon the later of:

95 (a) The retirement of all bonds issued by the county for
96 financing the acquisition, construction, extension, enlargement,
97 remodeling, repair, or improvement of a publicly owned and
98 operated convention center, sports stadium, sports arena,
99 coliseum, or auditorium, or museum or aquarium that is publicly
100 owned and operated or owned and operated by a not-for-profit
101 organization ~~the same~~; or

102 (b) The expiration of any agreement by the county for the
103 operation or maintenance, or both, of a publicly owned and
104 operated convention center, sports stadium, sports arena,
105 coliseum, auditorium, aquarium, or museum. However, this does
106 not ~~nothing herein shall~~ preclude that county from amending the
107 ordinance extending the tax to the extent that the board of the
108 county determines to be necessary to provide funds ~~with which~~ to
109 operate, maintain, repair, or renew and replace a publicly owned
110 and operated convention center, sports stadium, sports arena,
111 coliseum, auditorium, aquarium, or museum or from enacting an
112 ordinance that takes ~~which shall take~~ effect without referendum
113 approval, unless the original referendum required ordinance
114 expiration, pursuant to the provisions of this section
115 reimposing a tourist development tax, upon or following the
116 expiration of the previous ordinance.

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Section 2. This act shall take effect July 1, 2013.