



Finance and Tax Committee

Thursday, November 19, 2015

1:00 p.m. – 3:30 p.m.

Morris Hall

MEETING PACKET

The Florida House of Representatives

Finance and Tax Committee



Steve Crisafulli
Speaker

Matt Gaetz
Chair

AGENDA

November 19, 2015
1:00 p.m. – 3:30 p.m.
Morris Hall

- I. Call to Order/Roll Call
- II. Chair's Opening Remarks
- III. ***Consideration on the following proposed committee bills:***
PCB FTC 16-03 -- Ad Valorem Tax Exemption for Deployed Servicemembers
- IV. Discussion of Tax Credits for Research and Development
- V. Discussion of Tourism-related Taxes
- VI. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB FTC 16-03 Ad Valorem Tax Exemption for Deployed Servicemembers
SPONSOR(S): Finance & Tax Committee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Finance & Tax Committee		Dugan <i>RD</i>	Langston <i>LS</i>

SUMMARY ANALYSIS

Current law provides an additional ad valorem tax homestead exemption to military servicemembers deployed in the previous year outside of the United States in support of certain named military operations designated by the Legislature. The exemption is equal to the taxable value of the qualifying servicemember's homestead on January 1 of the year in which the exemption is sought, multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year, and divided by the number of days in that year. By January 15 of each year, the Department of Military Affairs (DMA) must submit to the Legislature a report of the military operations eligible for the exemption.

The bill updates the designated operations for which deployed servicemembers may qualify. Based upon the 2015 DMA report, the bill removes Operation Iraqi Freedom from the statutory list, which ended on August 31, 2010, and adds 11 operations to the statutory list. The bill also allows the exemption for deployments in newly named operations beginning with deployments in calendar year 2014.

The bill extends the normal March 1 application deadline for the exemption application for qualifying deployments during the 2014 and 2015 calendar years to June 1, 2016.

The bill also provides refund procedures for servicemembers who were on qualifying deployments for more than 365 days during the 2014 and 2015 calendar years.

The Revenue Estimating Conference estimates that this bill will reduce local property tax revenues by -\$1.6 million in Fiscal Year 2016-2017, with a recurring impact of -\$800,000 thereafter.

This bill is effective upon becoming a law, and first applies to tax rolls for 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, cities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are typically mailed in late October and early November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes,⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

Ad Valorem Exemption for Deployed Servicemembers⁶

The Florida Constitution grants an exemption for military servicemembers that have Florida homesteads and are deployed on active duty outside the continental United States, Alaska or Hawaii in support of military operations designated by the Legislature.⁷ The exemption is equal to the taxable value of the qualifying servicemember’s homestead on January 1 of the year in which the exemption is sought, multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year, and divided by the number of days in that year.⁸

In 2014, over 1,400 deployed service members were granted an additional property tax exemption in recognition of their service.⁹

Eligible Military Operations

The Legislature has designated the following military operations as eligible for the exemption:

- Operation Noble Eagle, which began on September 15, 2001;
- Operation Enduring Freedom, which began on October 7, 2001;
- Operation Iraqi Freedom, which began on March 19, 2003, and ended on August 31, 2010;
- Operation New Dawn, which began September 1, 2010, and ended on December 15, 2011; or
- Operation Odyssey Dawn, which began on March 19, 2011, and ended on October 31, 2011.¹⁰

¹ Both real property and tangible personal property can be subject to the tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a)

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 196.173(7), F.S., defines the term “servicemember” for purposes of this exemption to mean a member or former member of any branch of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard.

⁷ Fla. Const. art. VII, s. 3(g).

⁸ s. 196.173(4), F.S.

⁹ Revenue Estimating Conference, *Deployed Service Members Exemptions, House Proposed Language, October 2, 2015.*

Annual Report of All Known and Unclassified Military Operations

By January 15 of each year, the Department of Military Affairs (DMA) must submit to the President of the Senate, the Speaker of the House of Representatives, and the tax committees of each house of the Legislature a report of all known and unclassified military operations outside the continental United States, Alaska, or Hawaii for which servicemembers based in the continental United States have been deployed during the previous calendar year.¹¹

To the extent possible, the report must include:

- The official and common names of the military operations;
- The general location and purpose of each military operation;
- The date each military operation commenced; and
- The date each military operation terminated, unless the operation is ongoing.¹²

Exemption Application

A servicemember who seeks to claim the tax exemption must file an application for exemption with the property appraiser on or before March 1 of the year following the year of the qualifying deployment.¹³

The servicemember's application must include:

- Proof of a qualifying deployment;
- The dates of the qualifying deployment; and
- Other information necessary to verify eligibility for and the amount of the exemption.

The property appraiser must consider a servicemember's application for the exemption within 30 days after receipt of the application or within 30 days after receiving notice of the designation of qualifying deployments by the Legislature, whichever is later.¹⁴ If a servicemember's application is denied, the property appraiser must send a notice of disapproval no later than July 1, citing the reason for disapproval and advising the servicemember of the right to appeal the decision to the value adjustment board (VAB) along with the procedures for filing such appeal.¹⁵

Effect of Proposed Changes

The DMA has submitted the report required by s. 196.173(3), F.S., providing the names, dates, locations and general purposes of all known and unclassified military operations that occurred outside the continental United States in calendar year 2015.¹⁶

The bill amends s. 196.173(2), F.S., to remove from the statutory list Operation Iraqi Freedom, which ended on August 31, 2010. The final year a servicemember could apply for an exemption under s. 196.173, F.S., for a deployment on Operation Iraqi Freedom was 2011. Further, any refund claim for ad valorem taxes paid must be made within four years after January 1 of the tax year for which the taxes were paid. For example, a servicemember who was deployed in 2010 and paid property taxes (and claimed the exemption) in 2011, must submit his or her refund claim before January 1, 2015.

The bill also amends s. 196.173(2), F.S., to add to the statutory list the following 11 operations from the 2015 DMA report:

- Operation Joint Guardian;
- Operation Octave Shield;

¹⁰ s. 196.173(2), F.S.

¹¹ s. 196.173(3), F.S.

¹² *Id.*

¹³ s. 196.173(5)(a), F.S.

¹⁴ s. 196.173(6), F.S.

¹⁵ ss. 194.015 and 194.011, F.S.

¹⁶ State of Florida Department of Military Affairs Office of the Adjutant General, *Named Operations Report* (Feb. 17, 2015).

- Operation Trans-Sahara Counterterrorism Partnership;
- Operation Nomad Shadow;
- Operation U.S. Airstrikes Al Qaeda in Somalia;
- Operation Objective Voice;
- Operation Georgia Deployment Program;
- Operation Copper Dune;
- Operation Observant Compass;
- Operation Juniper Shield; and
- Operation Inherent Resolve.

The bill also allows the exemption for deployments in newly named operations beginning with deployments in calendar year 2014. The application deadline for qualifying deployments during the 2014 and 2015 calendar years is changed to June 1, 2016, for the military operations added by the bill.

The bill specifies that a property appraiser may grant the exemption to an otherwise qualifying applicant who fails to meet the June 1, 2016, deadline, under the following conditions:

- The applicant files on or before the 25th day after the mailing by the property appraiser of the notices required under s. 194.011(1), F.S. (i.e., the "TRIM" notices), during the 2016 calendar year;
- The applicant is qualified under the exemption; and
- The applicant produces sufficient evidence to demonstrate that they were unable to apply in a timely manner.

The bill provides an opportunity for review by a value adjustment board (VAB), if the applicant files a petition on or before the 25th day following the mailing by the property appraiser of the notices required under s. 194.011(1), F.S., and demonstrates extenuating circumstances that warrant granting the exemption. Payment of the VAB filing fee is waived.

The bill also provides that if the number of days that a servicemember was on qualifying deployments in the 2014 and 2015 calendar years exceeds 365 days, the servicemember may receive a refund of taxes paid for the 2015 tax year. The amount of the 2015 tax year refund is equal to the number of days in excess of 365 that the servicemember was on qualifying deployments in the 2014 and 2015 calendar years divided by 365.

B. SECTION DIRECTORY:

Section 1. Amends s. 196.173, F.S., to add 11 military operations that qualify for the exemption.

Section 2. Provides an application deadline for 2016.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On October 2, 2015, the REC estimated that this bill will reduce local property tax revenues by -\$1.6 million in Fiscal Year 2016-2017, with a recurring impact of -\$800,000, thereafter, assuming current millage rates.

2. Expenditures:

The bill provides additional duties to county property appraisers and VABs, which must consider servicemembers' applications for exemption that would otherwise not have met the filing deadline.

The bill may also require tax collectors to issue refunds to servicemembers if the servicemembers were on qualifying deployment for more than 365 days during the 2014 and 2015 calendar years.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If the bill becomes law, servicemembers deployed overseas in support of the added military operations may receive property tax relief.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill expands the designated operations which certain deployed servicemembers may be eligible for an exemption from ad valorem taxes, resulting in less ad valorem taxes to local governments. Also, the bill may require some additional expenditures to process exemption applications and refund requests. However, an exemption may apply because the fiscal impact may be insignificant.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
 An act relating to an ad valorem tax exemption for
 deployed servicemembers; amending s. 196.173, F.S.;
 expanding the military operations that qualify a
 servicemember deployed in support of such an operation
 in the previous calendar year for an additional ad
 valorem tax exemption; providing an extended deadline
 and specifying procedures for filing an application
 for such tax exemption for a qualifying deployment
 during the 2014 and 2015 calendar years; providing
 procedures to appeal a denial by a property appraiser
 of an application for such tax exemption; providing
 refund procedures for servicemembers who were on
 qualifying deployments for more than 365 days during
 the 2014 and 2015 calendar years; providing for
 retroactive applicability; providing an effective
 date.

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

Section 1. Subsection (2) of section 196.173, Florida
 Statutes, is amended to read:

196.173 Exemption for deployed servicemembers.—
 (2) The exemption is available to servicemembers who were
 deployed during the preceding calendar year on active duty
 outside the continental United States, Alaska, or Hawaii in

27 support of any of the following operations:

28 (a) Operation Joint Guardian, which began on June 12,
 29 1999.

30 (b) Operation Octave Shield, which began in 2000.

31 (c) ~~(a)~~ Operation Noble Eagle, which began on September 15,
 32 2001.

33 (d) ~~(b)~~ Operation Enduring Freedom, which began on October
 34 7, 2001.

35 ~~(e) Operation Iraqi Freedom, which began on March 19,~~
 36 ~~2003, and ended on August 31, 2010;~~

37 (e) Operation Trans-Sahara Counterterrorism Partnership,
 38 which began in June 2005.

39 (f) Operation Nomad Shadow, which began in 2007.

40 (g) Operation U.S. Airstrikes Al Qaeda in Somalia, which
 41 began in January 2007.

42 (h) Operation Objective Voice, which began in 2009.

43 (i) Operation Georgia Deployment Program, which began in
 44 August 2009.

45 (j) Operation Copper Dune, which began in 2010.

46 (k) ~~(d)~~ Operation New Dawn, which began on September 1,
 47 2010, and ended on December 15, 2011.

48 (l) ~~(e)~~ Operation Odyssey Dawn, which began on March 19,
 49 2011, and ended on October 31, 2011.

50 (m) Operation Observant Compass, which began in October
 51 2011.

52 (n) Operation Juniper Shield, which began in 2013.

53 (o) Operation Inherent Resolve, which began on August 8,
 54 2014.

55
 56 The Department of Revenue shall notify all property appraisers
 57 and tax collectors in this state of the designated military
 58 operations.

59 Section 2. (1) Notwithstanding provisions in s. 196.173,
 60 Florida Statutes, to the contrary:

61 (a) The deadline for an applicant to file an application
 62 with the property appraiser for an additional ad valorem tax
 63 exemption under s. 196.173, Florida Statutes, for the 2016 year
 64 is June 1, 2016.

65 (b) For purposes of calculating the 2016 exemption for
 66 operations added by this act, a servicemember may include the
 67 number of days he or she was on qualifying deployments during
 68 the 2014 and 2015 calendar years as days he or she was on a
 69 qualifying deployment in the preceding calendar year.

70 (2) If an application is not timely filed under subsection
 71 (1), a property appraiser may grant the exemption if:

72 (a) The applicant files an application for the exemption
 73 on or before the 25th day after the mailing by the property
 74 appraiser during the 2016 calendar year of the notice required
 75 under s. 194.011(1), Florida Statutes;

76 (b) The applicant is qualified for the exemption; and

77 (c) The applicant produces sufficient evidence, as
 78 determined by the property appraiser, which demonstrates that

79 the applicant was unable to apply for the exemption in a timely
 80 manner or otherwise demonstrates extenuating circumstances that
 81 warrant granting the exemption.

82 (3) If the property appraiser denies an application under
 83 subsection (2), the applicant may file, pursuant to s.
 84 194.011(3), Florida Statutes, a petition with the value
 85 adjustment board which requests that the exemption be granted.
 86 Such petition must be filed on or before the 25th day after the
 87 mailing by the property appraiser during the 2016 calendar year
 88 of the notice required under s. 194.011(1), Florida Statutes.
 89 Notwithstanding s. 194.013, Florida Statutes, the eligible
 90 servicemember is not required to pay a filing fee for such
 91 petition. Upon review of the petition, the value adjustment
 92 board may grant the exemption if the applicant is qualified for
 93 the exemption and demonstrates extenuating circumstances, as
 94 determined by the board, which warrant granting the exemption.

95 (4) A servicemember may receive a refund of taxes paid for
 96 the 2015 tax year if he or she was on qualifying deployments
 97 during the 2014 and 2015 calendar years for more than 365 days.
 98 The amount of the refund is equal to the taxes paid on the
 99 servicemember's homestead in 2015 multiplied by the number of
 100 days in excess of 365 that the servicemember was on qualifying
 101 deployments during the 2014 and 2015 calendar years, divided by
 102 365.

103 Section 3. This act shall take effect upon becoming a law,
 104 and first applies to ad valorem tax rolls for 2016.

1 A bill to be entitled
2 An act relating to tourist development taxes; amending
3 s. 125.0104, F.S.; correcting cross references;
4 providing that some members of county tourist
5 development councils shall be appointed by the Florida
6 Restaurant and Lodging Association; requiring counties
7 levying a tourist development tax to remit a portion
8 of the revenues to the Department of Economic
9 Opportunity; requiring the Department of Economic
10 Opportunity to deposit such revenues into the Tourism
11 Promotional Trust Fund; requiring that at least 40
12 percent of tourist development tax revenues be spent
13 on promotion; providing a limitation on the definition
14 of promotion; permitting counties to spend up to 10
15 percent of tourist development tax revenues on law
16 enforcement; requiring counties to remit half the
17 amount spent on law enforcement to the Department of
18 Economic Opportunity for deposit into the Tourism
19 Promotional Trust Fund; providing that tourist
20 development tax revenues shall first be made available
21 for payment of certain debt service; requiring a
22 written proposal be submitted to the governing board
23 of a county to propose a use of tourist development
24 tax revenues; providing requirements for the written
25 application; requiring a return on investment analysis
26 be performed prior to certain uses of tourist

27 development tax revenues; providing that certain
 28 parties may seek injunctive relief for misuse of
 29 tourist development tax revenues; providing that
 30 changes made by this act shall not impact current
 31 terms of members of a tourist development council;
 32 amending s. 212.04, F.S.; permitting a refund of sales
 33 tax paid on admission if the admission is subsequently
 34 resold in certain circumstances; providing an
 35 effective date.

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

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39 Section 1. Paragraph (m) of subsection (3), paragraph (e)
 40 of subsection (4), and subsection (5) of section 125.0104,
 41 Florida Statutes, are amended to read:

42 125.0104 Tourist development tax; procedure for levying;
 43 authorized uses; referendum; enforcement.—

44 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

45 (m)1. In addition to any other tax which is imposed
 46 pursuant to this section, a high tourism impact county may
 47 impose an additional 1-percent tax on the exercise of the
 48 privilege described in paragraph (a) by extraordinary vote of
 49 the governing board of the county. The tax revenues received
 50 pursuant to this paragraph shall be used for one or more of the
 51 authorized uses pursuant to subparagraph (5)(a)4. or paragraph
 52 (5)(b) or (5)(c) ~~subsection (5)~~.

53 2. A county is considered to be a high tourism impact
 54 county after the Department of Revenue has certified to such
 55 county that the sales subject to the tax levied pursuant to this
 56 section exceeded \$600 million during the previous calendar year,
 57 or were at least 18 percent of the county's total taxable sales
 58 under chapter 212 where the sales subject to the tax levied
 59 pursuant to this section were a minimum of \$200 million, except
 60 that no county authorized to levy a convention development tax
 61 pursuant to s. 212.0305 shall be considered a high tourism
 62 impact county. Once a county qualifies as a high tourism impact
 63 county, it shall retain this designation for the period the tax
 64 is levied pursuant to this paragraph.

65 3. The provisions of paragraphs (4)(a)-(d) shall not apply
 66 to the adoption of the additional tax authorized in this
 67 paragraph. The effective date of the levy and imposition of the
 68 tax authorized under this paragraph shall be the first day of
 69 the second month following approval of the ordinance by the
 70 governing board or the first day of any subsequent month as may
 71 be specified in the ordinance. A certified copy of such
 72 ordinance shall be furnished by the county to the Department of
 73 Revenue within 10 days after approval of such ordinance.

74 (4) ORDINANCE LEVY TAX; PROCEDURE.—

75 (e) The governing board of each county which levies and
 76 imposes a tourist development tax under this section shall
 77 appoint an advisory council to be known as the "... (name of
 78 county) ... Tourist Development Council." The council shall be

79 established by ordinance and composed of nine members ~~who shall~~
 80 ~~be appointed by the governing board.~~ The chair of the governing
 81 board of the county or any other member of the governing board
 82 as designated by the chair shall serve on the council. Two
 83 members of the council shall be elected municipal officials, at
 84 least one of whom shall be from the most populous municipality
 85 in the county or subcounty special taxing district in which the
 86 tax is levied. The elected municipal officials shall be
 87 appointed to the council by the governing board of the county.
 88 Six members of the council shall be persons who are involved in
 89 the tourist industry and who have demonstrated an interest in
 90 tourist development, and shall be appointed by the Florida
 91 Restaurant and Lodging Association ~~of which members, not less~~
 92 ~~than three nor more than four shall be owners or operators of~~
 93 ~~motels, hotels, recreational vehicle parks, or other tourist~~
 94 ~~accommodations in the county and subject to the tax.~~ All members
 95 of the council shall be electors of the county. The governing
 96 board of the county shall have the option of designating the
 97 chair of the council or allowing the council to elect a chair.
 98 The chair shall be appointed or elected annually and may be
 99 reelected or reappointed. The members of the council shall serve
 100 for staggered terms of 4 years. The terms of office of the
 101 original members shall be prescribed in the resolution required
 102 under paragraph (b). The council shall meet at least once each
 103 quarter and, from time to time, shall make recommendations to
 104 the county governing board for the effective operation of the

105 special projects or for uses of the tourist development tax
 106 revenue and perform such other duties as may be prescribed by
 107 county ordinance or resolution. The council shall continuously
 108 review expenditures of revenues from the tourist development
 109 trust fund and shall receive, at least quarterly, expenditure
 110 reports from the county governing board or its designee.
 111 Expenditures which the council believes to be unauthorized shall
 112 be reported to the county governing board and the Department of
 113 Revenue. The governing board and the department shall review the
 114 findings of the council and take appropriate administrative or
 115 judicial action to ensure compliance with this section. ~~The~~
 116 ~~changes in the composition of the membership of the tourist~~
 117 ~~development council mandated by chapter 86-4, Laws of Florida,~~
 118 ~~and this act shall not cause the interruption of the current~~
 119 ~~term of any person who is a member of a council on October 1,~~
 120 ~~1996.~~

121 (5) AUTHORIZED USES OF REVENUE.—

122 (a) Except as otherwise provided in this section, and
 123 after deducting payments required by subparagraph (c)2., all tax
 124 revenues received pursuant to this section by a county imposing
 125 the tourist development tax shall be used by that county as
 126 follows for the following purposes only:

127 1. Twenty percent of the revenues shall be remitted to the
 128 Department of Economic Opportunity for deposit into the Tourism
 129 Promotional Trust Fund for use pursuant to s. 288.122. Such
 130 payments shall be remitted monthly.

131 2. No less than 40 percent of the revenues must be used
 132 for promotion as permitted under this section. For purposes of
 133 this subparagraph the term "promotion" does not include any
 134 expenditures made pursuant to subsection (9).

135 3. Up to 10 percent of the revenues may be used to provide
 136 law enforcement services that are needed as a consequence of
 137 tourism in the county. No later than 30 days following the
 138 county fiscal year in which the provision of law enforcement
 139 services funded under this subparagraph occurred, the county
 140 shall remit an amount equal to 50 percent of the revenues
 141 expended during the fiscal year on law enforcement pursuant to
 142 this subparagraph to the Department of Economic Opportunity for
 143 deposit into the Tourism Promotional Trust Fund for use pursuant
 144 to s. 288.122.

145 4. The remaining revenues shall be used for the following
 146 purposes only:

147 a.1- To acquire, construct, extend, enlarge, remodel,
 148 repair, improve, maintain, operate, or promote one or more:

149 (I)a- Publicly owned and operated convention centers,
 150 sports stadiums, sports arenas, coliseums, or auditoriums within
 151 the boundaries of the county or subcounty special taxing
 152 district in which the tax is levied; or

153 (II)b- Aquariums or museums that are publicly owned and
 154 operated or owned and operated by not-for-profit organizations
 155 and open to the public, within the boundaries of the county or
 156 subcounty special taxing district in which the tax is levied;

157 b.2. To promote zoological parks that are publicly owned
 158 and operated or owned and operated by not-for-profit
 159 organizations and open to the public;

160 c.3. To promote and advertise tourism in this state and
 161 nationally and internationally; however, if tax revenues are
 162 expended for an activity, service, venue, or event, the
 163 activity, service, venue, or event must have as one of its main
 164 purposes the attraction of tourists as evidenced by the
 165 promotion of the activity, service, venue, or event to tourists;

166 d.4. To fund convention bureaus, tourist bureaus, tourist
 167 information centers, and news bureaus as county agencies or by
 168 contract with the chambers of commerce or similar associations
 169 in the county, which may include any indirect administrative
 170 costs for services performed by the county on behalf of the
 171 promotion agency; or

172 e.5. To finance beach park facilities or beach
 173 improvement, maintenance, renourishment, restoration, and
 174 erosion control, including shoreline protection, enhancement,
 175 cleanup, or restoration of inland lakes and rivers to which
 176 there is public access as those uses relate to the physical
 177 preservation of the beach, shoreline, or inland lake or river.
 178 However, any funds identified by a county as the local matching
 179 source for beach renourishment, restoration, or erosion control
 180 projects included in the long-range budget plan of the state's
 181 Beach Management Plan, pursuant to s. 161.091, or funds
 182 contractually obligated by a county in the financial plan for a

183 federally authorized shore protection project may not be used or
 184 loaned for any other purpose. In counties of fewer than 100,000
 185 population, up to 10 percent of the revenues from the tourist
 186 development tax may be used for beach park facilities.

187
 188 Subparagraphs 1. and 2. may be implemented through service
 189 contracts and leases with lessees that have sufficient expertise
 190 or financial capability to operate such facilities.

191 (b) Tax revenues received pursuant to this section by a
 192 county of less than 750,000 population imposing a tourist
 193 development tax may only be used by that county for the
 194 following purposes in addition to those purposes allowed
 195 pursuant to paragraph (a): to acquire, construct, extend,
 196 enlarge, remodel, repair, improve, maintain, operate, or promote
 197 one or more zoological parks, fishing piers or nature centers
 198 which are publicly owned and operated or owned and operated by
 199 not-for-profit organizations and open to the public. All
 200 population figures relating to this subsection shall be based on
 201 the most recent population estimates prepared pursuant to the
 202 provisions of s. 186.901. These population estimates shall be
 203 those in effect on July 1 of each year.

204 (c) 1. The revenues to be derived from the tourist
 205 development tax may be pledged to secure and liquidate revenue
 206 bonds issued by the county for the purposes set forth in sub-
 207 subparagraphs (a)4.a., b., and e. ~~subparagraphs (a)1., 2., and~~
 208 ~~5.~~ or for the purpose of refunding bonds previously issued for

209 such purposes, or both; however, no more than 50 percent of the
 210 revenues from the tourist development tax may be pledged to
 211 secure and liquidate revenue bonds or revenue refunding bonds
 212 issued for the purposes set forth in sub-subparagraph (a)4.e.
 213 ~~subparagraph (a)5.~~ Such revenue bonds and revenue refunding
 214 bonds may be authorized and issued in such principal amounts,
 215 with such interest rates and maturity dates, and subject to such
 216 other terms, conditions, and covenants as the governing board of
 217 the county shall provide. The Legislature intends that this
 218 paragraph be full and complete authority for accomplishing such
 219 purposes, but such authority is supplemental and additional to,
 220 and not in derogation of, any powers now existing or later
 221 conferred under law.

222 2. Revenues from tourist development taxes that are pledged
 223 to secure and liquidate revenue bonds issued pursuant to
 224 subparagraph 1. that are outstanding as of January 12, 2016,
 225 shall be first made available to make payments when due on the
 226 outstanding bonds before any other uses of the tax revenues.

227 (d) In order to recommend a proposed use of tourist
 228 development tax revenues authorized in subparagraph (a)4. or
 229 paragraph (b) to the governing body of a county, the Tourist
 230 Development Council or a member of the public must submit a
 231 written proposal to the governing board of the county. The
 232 governing board of each county may determine what must be
 233 included in the written proposal, but at a minimum each proposal
 234 must include a description of the proposed use and an estimate

235 of the cost.

236 (e) Prior to expending any revenues from a tourist
 237 development tax on a use authorized in subparagraph (a)4. or
 238 paragraph (b), the governing board of a county or a person
 239 authorized by the governing board must commission or perform a
 240 return-on-investment analysis for the proposed use. The return-
 241 on-investment analysis must be performed by a certified public
 242 accountant as defined in s. 473.302, or by an individual who has
 243 received a Ph.D. in economics from a regionally accredited
 244 university.

245 (f) ~~(d)~~ Any use of the local option tourist development tax
 246 revenues collected pursuant to this section for a purpose not
 247 expressly authorized by paragraph (3)(1) or paragraph (3)(n) or
 248 paragraph (a), paragraph (b), or paragraph (c) of this
 249 subsection is expressly prohibited.

250 (g) As an additional means of enforcing the prohibition of
 251 paragraph (f), any interested organization may file an action
 252 for injunctive relief to compel the county to limit the use of
 253 future funds collected pursuant to this section to those uses
 254 authorized by this section, and to require repayment of past
 255 funds appropriated for unauthorized uses. A prevailing
 256 interested organization shall be awarded the reasonable costs of
 257 the action plus treble attorney's fees. For purposes of this
 258 paragraph only, the term "interested organization" shall mean
 259 any county tourism promotion agency, any organization whose main
 260 purpose is the promotion of tourism, any trade organization of

261 providers of tourism goods or services, or any local chamber of
 262 commerce or similar organization, provided that any such
 263 organization operates in or has a reasonable relationship to
 264 that county and its tourism activities. A city within the county
 265 may be an "interested organization" but its recovery shall be
 266 limited to injunctive relief only.

267 Section 2. The changes in the composition of the
 268 membership of the tourist development council mandated this act
 269 shall not cause the interruption of the current term of any
 270 person who is a member of a council on October 1, 2016.

271 Section 3. Effective July 1, 2016, paragraph (c) of
 272 subsection (1) of section 212.04, Florida Statutes, is amended
 273 to read:

274 212.04 Admissions tax; rate, procedure, enforcement.—

275 (1)

276 (c)

277 1. The provisions of this chapter that authorize a tax-
 278 exempt sale for resale do not apply to sales of admissions.
 279 However, if a purchaser of an admission subsequently resells the
 280 admission for more than the amount paid, the purchaser shall
 281 collect tax on the full sales price and may take credit for the
 282 amount of tax previously paid. If the purchaser of the admission
 283 subsequently resells it for an amount equal to or less than the
 284 amount paid, the purchaser shall not collect any additional tax,
 285 nor shall the purchaser be allowed to take credit for the amount
 286 of tax previously paid.

287 2. In the event a purchaser subsequently resells an
 288 admission to an entity which has obtained a valid sales tax
 289 exemption certificate from the department, the purchaser may
 290 seek a refund or credit from its vendor. Upon an adequate
 291 showing of the ultimate exempt nature of the transaction, the
 292 vendor may allow a refund or credit of the tax paid by the
 293 purchaser, and the vendor may then seek a refund or credit of
 294 the tax from the department based on the ultimate exempt nature
 295 of the transaction.

296 Section 4. Except as otherwise provided herein, this act
 297 shall take effect October 1, 2016.