

By Senator Latvala

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1                                   A bill to be entitled  
2       An act relating to professional sports facilities;  
3       amending s. 212.20, F.S.; authorizing a distribution  
4       for an applicant that has been approved by the  
5       Legislature and certified by the Department of  
6       Economic Opportunity under s. 288.11625, F.S.;  
7       providing a limitation; amending s. 218.64, F.S.;  
8       providing for municipalities and counties to expend an  
9       increased portion of local government half-cent sales  
10      tax revenues to reimburse the state as required by a  
11      contract; amending s. 288.0001, F.S.; providing for an  
12      evaluation; creating s. 288.11625, F.S.; requiring the  
13      Department of Economic Opportunity to screen  
14      applicants for state funding for sports development;  
15      defining terms; providing a purpose to provide funding  
16      for applicants for constructing, reconstructing,  
17      renovating, or improving a facility; providing an  
18      application and approval process; providing for an  
19      annual application period; providing for the  
20      department to submit recommendations to the  
21      Legislature by a certain date; requiring legislative  
22      approval for state funding; providing evaluation  
23      criteria for an applicant to receive state funding;  
24      providing for evaluation and ranking of applicants  
25      under certain criteria; requiring the department to  
26      determine the annual distribution amount an applicant  
27      may receive based on the total cost of the project;  
28      capping the distribution amount based on total project  
29      costs; requiring the applicant to provide an analysis

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30 by a certified public accountant to the department;  
31 requiring the Department of Revenue to distribute  
32 funds within a certain timeframe after notification by  
33 the department; requiring the department to develop a  
34 calculation to estimate certain taxes; limiting annual  
35 distributions to a specified amount; providing for a  
36 contract between the department and the applicant;  
37 limiting use of funds; requiring an applicant to  
38 submit information to the department annually;  
39 requiring a 5-year review; authorizing the Auditor  
40 General to conduct audits; providing for reimbursement  
41 of the state funding under certain circumstances;  
42 providing for discontinuation of distributions upon an  
43 applicant's request; authorizing the department to  
44 adopt rules; amending s. 288.11631, F.S.; revising the  
45 requirements for an applicant to be certified to  
46 receive state funding for a facility for a spring  
47 training franchise; authorizing the department to  
48 adopt emergency rules; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Paragraph (d) of subsection (6) of section  
53 212.20, Florida Statutes, is amended to read:

54 212.20 Funds collected, disposition; additional powers of  
55 department; operational expense; refund of taxes adjudicated  
56 unconstitutionally collected.—

57 (6) Distribution of all proceeds under this chapter and s.  
58 202.18(1)(b) and (2)(b) shall be as follows:

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

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

68 2. After the distribution under subparagraph 1., 8.814  
69 percent of the amount remitted by a sales tax dealer located  
70 within a participating county pursuant to s. 218.61 shall be  
71 transferred into the Local Government Half-cent Sales Tax  
72 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
73 transferred shall be reduced by 0.1 percent, and the department  
74 shall distribute this amount to the Public Employees Relations  
75 Commission Trust Fund less \$5,000 each month, which shall be  
76 added to the amount calculated in subparagraph 3. and  
77 distributed accordingly.

78 3. After the distribution under subparagraphs 1. and 2.,  
79 0.095 percent shall be transferred to the Local Government Half-  
80 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
81 s. 218.65.

82 4. After the distributions under subparagraphs 1., 2., and  
83 3., 2.0440 percent of the available proceeds shall be  
84 transferred monthly to the Revenue Sharing Trust Fund for  
85 Counties pursuant to s. 218.215.

86 5. After the distributions under subparagraphs 1., 2., and  
87 3., 1.3409 percent of the available proceeds shall be

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88 transferred monthly to the Revenue Sharing Trust Fund for  
89 Municipalities pursuant to s. 218.215. If the total revenue to  
90 be distributed pursuant to this subparagraph is at least as  
91 great as the amount due from the Revenue Sharing Trust Fund for  
92 Municipalities and the former Municipal Financial Assistance  
93 Trust Fund in state fiscal year 1999-2000, no municipality shall  
94 receive less than the amount due from the Revenue Sharing Trust  
95 Fund for Municipalities and the former Municipal Financial  
96 Assistance Trust Fund in state fiscal year 1999-2000. If the  
97 total proceeds to be distributed are less than the amount  
98 received in combination from the Revenue Sharing Trust Fund for  
99 Municipalities and the former Municipal Financial Assistance  
100 Trust Fund in state fiscal year 1999-2000, each municipality  
101 shall receive an amount proportionate to the amount it was due  
102 in state fiscal year 1999-2000.

103 6. Of the remaining proceeds:

104 a. In each fiscal year, the sum of \$29,915,500 shall be  
105 divided into as many equal parts as there are counties in the  
106 state, and one part shall be distributed to each county. The  
107 distribution among the several counties must begin each fiscal  
108 year on or before January 5th and continue monthly for a total  
109 of 4 months. If a local or special law required that any moneys  
110 accruing to a county in fiscal year 1999-2000 under the then-  
111 existing provisions of s. 550.135 be paid directly to the  
112 district school board, special district, or a municipal  
113 government, such payment must continue until the local or  
114 special law is amended or repealed. The state covenants with  
115 holders of bonds or other instruments of indebtedness issued by  
116 local governments, special districts, or district school boards

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117 before July 1, 2000, that it is not the intent of this  
118 subparagraph to adversely affect the rights of those holders or  
119 relieve local governments, special districts, or district school  
120 boards of the duty to meet their obligations as a result of  
121 previous pledges or assignments or trusts entered into which  
122 obligated funds received from the distribution to county  
123 governments under then-existing s. 550.135. This distribution  
124 specifically is in lieu of funds distributed under s. 550.135  
125 before July 1, 2000.

126 b. The department shall distribute \$166,667 monthly  
127 pursuant to s. 288.1162 to each applicant certified as a  
128 facility for a new or retained professional sports franchise  
129 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
130 monthly by the department to each certified applicant as defined  
131 in s. 288.11621 for a facility for a spring training franchise.  
132 However, not more than \$416,670 may be distributed monthly in  
133 the aggregate to all certified applicants for facilities for  
134 spring training franchises. Distributions begin 60 days after  
135 such certification and continue for not more than 30 years,  
136 except as otherwise provided in s. 288.11621. A certified  
137 applicant identified in this sub-subparagraph may not receive  
138 more in distributions than expended by the applicant for the  
139 public purposes provided for in s. 288.1162(5) or s.  
140 288.11621(3).

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

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146 applicant.

147 d. Beginning 30 days after notice by the Department of  
148 Economic Opportunity to the Department of Revenue that the  
149 applicant has been certified as the International Game Fish  
150 Association World Center facility pursuant to s. 288.1169, and  
151 the facility is open to the public, \$83,333 shall be distributed  
152 monthly, for up to 168 months, to the applicant. This  
153 distribution is subject to reduction pursuant to s. 288.1169. A  
154 lump sum payment of \$999,996 shall be made, after certification  
155 and before July 1, 2000.

156 e. The department shall distribute up to \$55,555 monthly to  
157 each certified applicant as defined in s. 288.11631 for a  
158 facility used by a single spring training franchise, or up to  
159 \$111,110 monthly to each certified applicant as defined in s.  
160 288.11631 for a facility used by more than one spring training  
161 franchise. Monthly distributions begin 60 days after such  
162 certification or July 1, 2016, whichever is later, and continue  
163 for not more than 30 years, except as otherwise provided in s.  
164 288.11631. A certified applicant identified in this sub-  
165 subparagraph may not receive more in distributions than expended  
166 by the applicant for the public purposes provided in s.  
167 288.11631(3).

168 f. Beginning 45 days after notice by the Department of  
169 Economic Opportunity to the Department of Revenue that an  
170 applicant has been approved by the Legislature and certified by  
171 the Department of Economic Opportunity under s. 288.11625, the  
172 department shall distribute each month an amount equal to one-  
173 twelfth of the annual distribution amount certified by the  
174 Department of Economic Opportunity for the applicant. The

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175 department may not distribute more than \$13 million annually  
176 under this sub-subparagraph.

177 7. All other proceeds must remain in the General Revenue  
178 Fund.

179 Section 2. Subsections (2) and (3) of section 218.64,  
180 Florida Statutes, are amended to read:

181 218.64 Local government half-cent sales tax; uses;  
182 limitations.-

183 (2) Municipalities shall expend their portions of the local  
184 government half-cent sales tax only for municipality-wide  
185 programs, for reimbursing the state as required by a contract  
186 pursuant to s. 288.11625(7), or for municipality-wide property  
187 tax or municipal utility tax relief. All utility tax rate  
188 reductions afforded by participation in the local government  
189 half-cent sales tax shall be applied uniformly across all types  
190 of taxed utility services.

191 (3) Subject to ordinances enacted by the majority of the  
192 members of the county governing authority and by the majority of  
193 the members of the governing authorities of municipalities  
194 representing at least 50 percent of the municipal population of  
195 such county, counties may use up to \$3 ~~\$2~~ million annually of  
196 the local government half-cent sales tax allocated to that  
197 county for ~~funding for~~ any of the following purposes ~~applicants~~:

198 (a) Funding a certified applicant as a facility for a new  
199 or retained professional sports franchise under s. 288.1162 or a  
200 certified applicant as defined in s. 288.11621 for a facility  
201 for a spring training franchise. It is the Legislature's intent  
202 that the provisions of s. 288.1162, including, but not limited  
203 to, the evaluation process by the Department of Economic

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204 Opportunity except for the limitation on the number of certified  
205 applicants or facilities as provided in that section and the  
206 restrictions set forth in s. 288.1162(8), shall apply to an  
207 applicant's facility to be funded by local government as  
208 provided in this subsection.

209 (b) Funding a certified applicant as a "motorsport  
210 entertainment complex," as provided for in s. 288.1171. Funding  
211 for each franchise or motorsport complex shall begin 60 days  
212 after certification and shall continue for not more than 30  
213 years.

214 (c) Reimbursing the state as required by a contract entered  
215 into under s. 288.11625(7).

216 Section 3. Paragraph (d) is added to subsection (2) of  
217 section 288.0001, Florida Statutes, to read:

218 288.0001 Economic Development Programs Evaluation.—The  
219 Office of Economic and Demographic Research and the Office of  
220 Program Policy Analysis and Government Accountability (OPPAGA)  
221 shall develop and present to the Governor, the President of the  
222 Senate, the Speaker of the House of Representatives, and the  
223 chairs of the legislative appropriations committees the Economic  
224 Development Programs Evaluation.

225 (2) The Office of Economic and Demographic Research and  
226 OPPAGA shall provide a detailed analysis of economic development  
227 programs as provided in the following schedule:

228 (d) Beginning January 1, 2018, and every 3 years  
229 thereafter, an analysis of the Sports Development Program  
230 established under s. 288.11625.

231 Section 4. Section 288.11625, Florida Statutes, is created  
232 to read:



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233       288.11625 Sports development.—

234       (1) ADMINISTRATION.—The department shall serve as the state  
235 agency responsible for screening applicants for state funding  
236 under s. 212.20(6)(d)6.f.

237       (2) DEFINITIONS.—As used in this section, the term:

238       (a) "Agreement" means a signed agreement between a unit of  
239 local government and a beneficiary.

240       (b) "Applicant" means a unit of local government, as  
241 defined in s. 218.369, which is responsible for the  
242 construction, management, or operation of a facility; or an  
243 entity that is responsible for the construction, management, or  
244 operation of a facility if a unit of local government holds  
245 title to the underlying property on which the facility is  
246 located.

247       (c) "Beneficiary" means a professional sports franchise of  
248 the National Football League, the National Hockey League, the  
249 National Basketball Association, the National League or American  
250 League of Major League Baseball, Major League Soccer, or the  
251 National Association for Stock Car Auto Racing. A beneficiary  
252 may also be an applicant under this section.

253       (d) "Facility" means a structure primarily used to host  
254 games or events held by a beneficiary and does not include any  
255 portion used to provide transient lodging.

256       (e) "Project" means a proposed construction,  
257 reconstruction, renovation, or improvement of a facility or the  
258 proposed acquisition of land to construct a new facility.

259       (f) "Signature event" means a professional sports event  
260 with significant export factor potential. For purposes of this  
261 paragraph, the term "export factor" means the attraction of

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262 economic activity or growth into the state which otherwise would  
263 not have occurred. Examples of signature events may include, but  
264 are not limited to:

265 1. National Football League Super Bowls.

266 2. Professional sports All-Star games.

267 3. International sporting events and tournaments.

268 4. Professional automobile race championships or Formula 1  
269 Grand Prix.

270 5. The establishment of a new professional sports franchise  
271 in this state.

272 (g) "State sales taxes generated by sales at the facility"  
273 means state sales taxes imposed under chapter 212 generated by  
274 admissions to the facility or by sales made by vendors at the  
275 facility who are accessible only to persons attending events  
276 occurring at the facility.

277 (3) PURPOSE.—The purpose of this section is to provide  
278 applicants state funding under s. 212.20(6)(d)6.f. for the  
279 public purpose of constructing, reconstructing, renovating, or  
280 improving a facility.

281 (4) APPLICATION AND APPROVAL PROCESS.—

282 (a) The department shall establish the procedures and  
283 application forms deemed necessary pursuant to the requirements  
284 of this section. The department may notify an applicant of any  
285 additional required or incomplete information necessary to  
286 evaluate an application.

287 (b) The annual application period is from June 1 through  
288 November 1.

289 (c) Within 60 days after receipt of a completed  
290 application, the department shall complete its evaluation of the

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291 application as provided under subsection (5) and notify the  
292 applicant in writing of the department's decision to recommend  
293 approval of the applicant by the Legislature or to deny the  
294 application.

295 (d) By each February 1, the department shall rank the  
296 applicants and provide to the Legislature the list of the  
297 recommended applicants in ranked order of projects most likely  
298 to positively impact the state based on criteria established  
299 under this section. The list must include the department's  
300 evaluation of the applicant.

301 (e) A recommended applicant's request for funding must be  
302 approved by the Legislature by general law.

303 1. An application by a unit of local government which is  
304 approved by the Legislature and subsequently certified by the  
305 department remains certified for the duration of the  
306 beneficiary's agreement with the applicant or for 30 years,  
307 whichever is less, provided the certified applicant has an  
308 agreement with a beneficiary at the time of initial  
309 certification by the department.

310 2. An application by a beneficiary which is approved by the  
311 Legislature and subsequently certified by the department remains  
312 certified for the duration of the beneficiary's agreement with  
313 the unit of local government that owns the underlying property  
314 or for 30 years, whichever is less, provided the certified  
315 applicant has an agreement with the unit of local government at  
316 the time of initial certification by the department.

317 3. An applicant that is previously certified pursuant to  
318 this section does not need legislative approval each year to  
319 receive state funding.

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320 (f) An applicant that is recommended by the department but  
321 not approved by the Legislature may reapply and shall update any  
322 information in the original application as required by the  
323 department.

324 (g) The department may recommend no more than one  
325 distribution under this section for any applicant, facility, or  
326 beneficiary at a time.

327 (5) EVALUATION PROCESS.—

328 (a) Before recommending an applicant to receive a state  
329 distribution under s. 212.20(6)(d)6.f., the department must  
330 verify that:

331 1. The applicant or beneficiary is responsible for the  
332 construction, reconstruction, renovation, or improvement of a  
333 facility and obtained at least three bids for the project.

334 2. If the applicant is also the beneficiary, a unit of  
335 local government holds title to the property on which the  
336 facility and project are located.

337 3. If the applicant is a unit of local government in whose  
338 jurisdiction the facility will be located, the unit of local  
339 government has an exclusive intent agreement to negotiate in  
340 this state with the beneficiary.

341 4. The unit of local government in whose jurisdiction the  
342 facility will be located supports the application for state  
343 funds. Such support must be verified by the adoption of a  
344 resolution, after a public hearing, that the project serves a  
345 public purpose.

346 5. The applicant or beneficiary has not previously  
347 defaulted or failed to meet any statutory requirements of a  
348 previous state-administered sports-related program under s.

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349 288.1162, s. 288.11621, or s. 288.1168. Additionally, the  
350 applicant or beneficiary is not currently receiving state  
351 distributions under s. 212.20 or the facility that is the  
352 subject of the application is not the subject of a distribution  
353 under s. 212.20.

354 6. The applicant or beneficiary has sufficiently  
355 demonstrated a commitment to employ residents of this state,  
356 contract with Florida-based firms, and purchase locally  
357 available building materials to the greatest extent possible.

358 7. If the applicant is a unit of local government, the  
359 applicant has a certified copy of a signed agreement with a  
360 beneficiary for the use of the facility. If the applicant is a  
361 beneficiary, the beneficiary must enter into an agreement with  
362 the department. The applicant's or beneficiary's agreement must  
363 also require the following:

364 a. The beneficiary must reimburse the state for state funds  
365 that have been distributed and will be distributed if the  
366 beneficiary relocates before the agreement expires.

367 b. The beneficiary must pay for signage or advertising  
368 within the facility. The signage or advertising must be placed  
369 in a prominent location as close to the field of play or  
370 competition as is practicable, must be displayed consistent with  
371 signage or advertising in the same location and of like value,  
372 and must feature Florida advertising approved by the Florida  
373 Tourism Industry Marketing Corporation.

374 8. The project will commence within 12 months after  
375 receiving state funds.

376 (b) The department shall competitively evaluate and rank  
377 applicants that timely submit applications for state funding

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378 based on their ability to positively impact the state using the  
379 following criteria:

380 1. The proposed use of state funds.

381 2. The length of time that a beneficiary has agreed to use  
382 the facility.

383 3. The percentage of total project funds provided by the  
384 applicant and the percentage of total project funds provided by  
385 the beneficiary, with priority in the evaluation and ranking  
386 given to applications with 50 percent or more of total project  
387 funds provided by the applicant and beneficiary.

388 4. The number and type of signature events the facility is  
389 likely to attract during the duration of the agreement with the  
390 beneficiary.

391 5. The anticipated increase in average annual ticket sales  
392 and attendance at the facility due to the project.

393 6. The potential to attract out-of-state visitors to the  
394 facility.

395 7. The length of time a beneficiary has been in this state  
396 or partnered with the unit of local government. In order to  
397 encourage new franchises to locate in this state, an application  
398 for a new franchise shall be considered to have a significant  
399 positive impact on the state and shall be given priority in the  
400 evaluation and ranking by the department.

401 8. The multiuse capabilities of the facility.

402 9. The facility's projected employment of residents of this  
403 state, contracts with Florida-based firms, and purchases of  
404 locally available building materials.

405 10. The amount of private and local financial or in-kind  
406 contributions to the project.

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407 11. The amount of positive advertising or media coverage  
408 the facility generates.

409 (6) DISTRIBUTION.-

410 (a) The department shall determine the annual distribution  
411 amount an applicant may receive based on the total cost of the  
412 project.

413 1. If the total project cost is \$200 million or greater,  
414 the applicant may receive annual distributions equal to the new  
415 incremental state sales taxes generated by sales at the facility  
416 during 12 months as provided under subparagraph (b)2., up to \$3  
417 million.

418 2. If the total project cost is at least \$100 million but  
419 less than \$200 million, the applicant may receive annual  
420 distributions equal to the new incremental state sales taxes  
421 generated by sales at the facility during 12 months as provided  
422 under subparagraph (b)2., up to \$2 million.

423 3. If the total project cost is less than \$100 million, the  
424 applicant may receive annual distributions equal to the new  
425 incremental state sales taxes generated by sales at the facility  
426 during 12 months as provided under subparagraph (b)2., up to \$1  
427 million.

428 (b) At the time of initial evaluation and review by the  
429 department pursuant to subsection (5), the applicant must  
430 provide an analysis by an independent certified public  
431 accountant which demonstrates:

432 1. The amount of state sales taxes generated by sales at  
433 the facility during the 12-month period immediately before the  
434 beginning of the application period. This amount is the  
435 baseline.

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436 2. The expected amount of new incremental state sales taxes  
437 generated by sales at the facility above the baseline which will  
438 be generated as a result of the project.

439 (c) The independent analysis provided in paragraph (b)  
440 shall be verified by the department.

441 (d) The Department of Revenue shall begin distributions  
442 within 45 days after notification of initial certification from  
443 the department.

444 (e) The department shall consult with the Department of  
445 Revenue and the Office of Economic and Demographic Research to  
446 develop a standard calculation for estimating new incremental  
447 state sales taxes generated by sales at the facility and  
448 adjustments to distributions.

449 (f) In any 12-month period when total distributions for all  
450 certified applicants reach \$13 million, the department may not  
451 certify new distributions for additional applicants.

452 (7) CONTRACT.—An applicant approved by the Legislature and  
453 certified by the department must enter into a contract with the  
454 department which:

455 (a) Specifies the terms of the state's investment.

456 (b) States the criteria that the certified applicant must  
457 meet in order to remain certified.

458 (c) Requires the applicant to submit the independent  
459 analysis required under subsection (6) and an annual independent  
460 analysis.

461 1. The applicant must agree to submit to the department,  
462 beginning 12 months after completion of a project or 12 months  
463 after the first four annual distributions, whichever is earlier,  
464 an annual analysis by an independent certified public accountant



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465 demonstrating the actual amount of new incremental state sales  
466 taxes generated by sales at the facility during the previous 12-  
467 month period. The applicant shall certify to the department a  
468 comparison of the actual amount of state sales taxes generated  
469 by sales at the facility during the previous 12-month period to  
470 the baseline under subparagraph (6) (b)1.

471 2. The applicant must submit the certification within 60  
472 days after the end of the previous 12-month period. The  
473 department shall verify the analysis.

474 (d) Specifies information that the certified applicant must  
475 report to the department.

476 (e) Requires the applicant to reimburse the state for the  
477 amount each year that the actual new incremental state sales  
478 taxes generated by sales at the facility during the most recent  
479 12-month period was less than the annual distribution under  
480 paragraph (6) (a). This requirement applies 12 months after  
481 completion of a project or 12 months after the first four annual  
482 distributions, whichever is earlier.

483 1. If the applicant is unable or unwilling to reimburse the  
484 state in any year for the amount equal to the difference between  
485 the actual new incremental state sales taxes generated by sales  
486 at the facility and the annual distribution under paragraph  
487 (6) (a), the department may place a lien on the applicant's  
488 facility.

489 2. If the applicant is a municipality or county, it may  
490 reimburse the state from its half-cent sales tax allocation, as  
491 provided in s. 218.64(3).

492 3. Reimbursements must be sent to the Department of Revenue  
493 for deposit into the General Revenue Fund.

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494 (f) Includes any provisions deemed prudent by the  
495 department.

496 (8) USE OF FUNDS.—An applicant certified under this section  
497 may use state funds only for the following purposes:

498 (a) Constructing, reconstructing, renovating, or improving  
499 a facility or reimbursing such costs.

500 (b) Paying or pledging for the payment of debt service on  
501 bonds issued for the construction or renovation of such  
502 facility.

503 (c) Funding debt service reserve funds, arbitrage rebate  
504 obligations, or other amounts payable with respect thereto on  
505 bonds issued for the construction or renovation of such  
506 facility.

507 (d) Reimbursing the costs under paragraphs (b) and (c) or  
508 the refinancing of bonds issued for the construction or  
509 renovation of such facility.

510 (9) REPORTS.—

511 (a) On or before November 1 of each year, an applicant  
512 certified under this section and approved to receive state funds  
513 must submit to the department any information required by the  
514 department. The department shall summarize this information for  
515 inclusion in its annual report to the Legislature under  
516 paragraph (4) (d).

517 (b) Every 5 years after an applicant receives its first  
518 monthly distribution, the department must verify that the  
519 applicant is meeting the program requirements. If the applicant  
520 fails to meet these requirements, the department shall notify  
521 the Governor and the Legislature in its next annual report under  
522 paragraph (4) (d) that the requirements are not being met and

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523 recommend future action. The department shall take into  
524 consideration extenuating circumstances that may have prevented  
525 the applicant from meeting the program requirements, such as  
526 force majeure events or a significant economic downturn.

527 (10) AUDITS.—The Auditor General may conduct audits  
528 pursuant to s. 11.45 to verify the independent analysis required  
529 under paragraphs (6) (b) and (7) (c) and to verify that the  
530 distributions are expended as required. The Auditor General  
531 shall report the findings to the department. If the Auditor  
532 General determines that the distribution payments are not  
533 expended as required, the Auditor General must notify the  
534 Department of Revenue, which may pursue recovery of  
535 distributions under the laws and rules that govern the  
536 assessment of taxes.

537 (11) REPAYMENT OF DISTRIBUTIONS.—An applicant that is  
538 certified under this section may be subject to repayment of  
539 distributions upon the occurrence of any of the following:

540 (a) An applicant's beneficiary has broken the terms of its  
541 agreement with the applicant and relocated from the facility.  
542 The beneficiary must reimburse the state for state funds that  
543 have been distributed and will be distributed if the beneficiary  
544 relocates before the agreement expires.

545 (b) A determination by the department that an applicant has  
546 submitted information or made a representation that is  
547 determined to be false, misleading, deceptive, or otherwise  
548 untrue. The applicant must reimburse the state for state funds  
549 that have been distributed and will be distributed if such  
550 determination is made.

551 (12) HALTING OF PAYMENTS.—The applicant may request in

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552 writing at least 20 days before the next monthly distribution  
553 that the department halt future payments. The department shall  
554 immediately notify the Department of Revenue to halt future  
555 payments.

556 (13) RULEMAKING.—The department may adopt rules to  
557 implement this section.

558 Section 5. Paragraph (a) of subsection (2) of section  
559 288.11631, Florida Statutes, is amended to read:

560 288.11631 Retention of Major League Baseball spring  
561 training baseball franchises.—

562 (2) CERTIFICATION PROCESS.—

563 (a) Before certifying an applicant to receive state funding  
564 for a facility for a spring training franchise, the department  
565 must verify that:

566 1. The applicant is responsible for the construction or  
567 renovation of the facility for a spring training franchise or  
568 holds title to the property on which the facility for a spring  
569 training franchise is located.

570 2. The applicant has a certified copy of a signed agreement  
571 with a spring training franchise. The signed agreement with a  
572 spring training franchise for the use of a facility must, at a  
573 minimum, be equal to the length of the term of the bonds issued  
574 for the public purpose of constructing or renovating a facility  
575 for a spring training franchise. If no such bonds are issued for  
576 the public purpose of constructing or renovating a facility for  
577 a spring training franchise, the signed agreement with a spring  
578 training franchise for the use of a facility must be for at  
579 least 20 years. Any such agreement with a spring training  
580 franchise for the use of a facility cannot be signed more than 4

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581 years before the expiration of any existing agreement with a  
582 spring training franchise for the use of a facility. However,  
583 any such agreement may be signed at any time before the  
584 expiration of any existing agreement with a spring training  
585 franchise for use of a facility if the applicant has never  
586 received state funding for the facility as a spring training  
587 facility under this section or s. 288.11621 and the facility was  
588 constructed before January 1, 2000. The agreement must also  
589 require the franchise to reimburse the state for state funds  
590 expended by an applicant under this section if the franchise  
591 relocates before the agreement expires. The agreement may be  
592 contingent on an award of funds under this section and other  
593 conditions precedent.

594 3. The applicant has made a financial commitment to provide  
595 50 percent or more of the funds required by an agreement for the  
596 construction or renovation of the facility for a spring training  
597 franchise. The commitment may be contingent upon an award of  
598 funds under this section and other conditions precedent.

599 4. The applicant demonstrates that the facility for a  
600 spring training franchise will attract a paid attendance of at  
601 least 50,000 persons annually to the spring training games.

602 5. The facility for a spring training franchise is located  
603 in a county that levies a tourist development tax under s.  
604 125.0104.

605 Section 6. (1) The executive director of the Department of  
606 Economic Opportunity is authorized, and all conditions are  
607 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)  
608 and 120.54(4), Florida Statutes, for the purpose of implementing  
609 this act.

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610           (2) Notwithstanding any provision of law, such emergency  
611 rules shall remain in effect for 6 months after the date adopted  
612 and may be renewed during the pendency of procedures to adopt  
613 permanent rules addressing the subject of the emergency rules.

614           Section 7. This act shall take effect July 1, 2014.