

By the Committee on Community Affairs; and Senator Altman

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1 A bill to be entitled
 2 An act relating to sporting events; amending s.
 3 125.0104, F.S.; authorizing a county to use certain
 4 revenues from tourist development taxes to pay the
 5 debt service on bonds issued to finance the
 6 construction, reconstruction, or renovation of certain
 7 football stadiums and to pay planning and design costs
 8 incurred before the issuance of bonds; amending s.
 9 212.04, F.S.; creating an exemption from the tax on
 10 admissions for certain events sponsored by a
 11 governmental entity, sports authority, or sports
 12 commission; providing an effective date.

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

16 Section 1. Paragraphs (l) and (n) of subsection (3) of
 17 section 125.0104, Florida Statutes, are amended to read:

18 125.0104 Tourist development tax; procedure for levying;
 19 authorized uses; referendum; enforcement.—

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

21 (1) In addition to any other tax which is imposed pursuant
 22 to this section, a county may impose up to an additional 1-
 23 percent tax on the exercise of the privilege described in
 24 paragraph (a) by majority vote of the governing board of the
 25 county in order to:

26 1. Pay the debt service on bonds issued to finance the
 27 construction, reconstruction, or renovation of a professional
 28 sports franchise facility, or the acquisition, construction,
 29 reconstruction, or renovation of a retained spring training

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30 franchise facility, either publicly owned and operated, or
31 publicly owned and operated by the owner of a professional
32 sports franchise or other lessee with sufficient expertise or
33 financial capability to operate such facility, and to pay the
34 planning and design costs incurred prior to the issuance of such
35 bonds.

36 2. Pay the debt service on bonds issued to finance the
37 construction, reconstruction, or renovation of a convention
38 center, and to pay the planning and design costs incurred prior
39 to the issuance of such bonds.

40 3. Pay the operation and maintenance costs of a convention
41 center for a period of up to 10 years. Only counties that have
42 elected to levy the tax for the purposes authorized in
43 subparagraph 2. may use the tax for the purposes enumerated in
44 this subparagraph. Any county that elects to levy the tax for
45 the purposes authorized in subparagraph 2. after July 1, 2000,
46 may use the proceeds of the tax to pay the operation and
47 maintenance costs of a convention center for the life of the
48 bonds.

49 4. Promote and advertise tourism in the State of Florida
50 and nationally and internationally; however, if tax revenues are
51 expended for an activity, service, venue, or event, the
52 activity, service, venue, or event shall have as one of its main
53 purposes the attraction of tourists as evidenced by the
54 promotion of the activity, service, venue, or event to tourists.

55 5. Pay the debt service on bonds issued to finance the
56 construction, reconstruction, or renovation of a county or
57 municipally owned or operated sports stadium having a capacity
58 of more than 65,000 seats which promotes tourism and attracts

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59 tourists as one of its main purposes and annually hosts one or
60 more postseason collegiate football bowl games sanctioned by the
61 National Collegiate Athletic Association. The tax also may be
62 used to pay the planning and design costs incurred before the
63 issuance of the bonds.

64
65 The provision of paragraph (b) which prohibits any county
66 authorized to levy a convention development tax pursuant to s.
67 212.0305 from levying more than the 2-percent tax authorized by
68 this section, and the provisions of paragraphs (4) (a)-(d), shall
69 not apply to the additional tax authorized in this paragraph.
70 The effective date of the levy and imposition of the tax
71 authorized under this paragraph shall be the first day of the
72 second month following approval of the ordinance by the
73 governing board or the first day of any subsequent month as may
74 be specified in the ordinance. A certified copy of such
75 ordinance shall be furnished by the county to the Department of
76 Revenue within 10 days after approval of such ordinance.

77 (n) In addition to any other tax that is imposed under this
78 section, a county that has imposed the tax under paragraph (l)
79 may impose an additional tax that is no greater than 1 percent
80 on the exercise of the privilege described in paragraph (a) by a
81 majority plus one vote of the membership of the board of county
82 commissioners in order to:

83 1. Pay the debt service on bonds issued to finance:

84 a. The construction, reconstruction, or renovation of a
85 facility either publicly owned and operated, or publicly owned
86 and operated by the owner of a professional sports franchise or
87 other lessee with sufficient expertise or financial capability

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88 to operate such facility, and to pay the planning and design
89 costs incurred prior to the issuance of such bonds for a new
90 professional sports franchise as defined in s. 288.1162.

91 b. The acquisition, construction, reconstruction, or
92 renovation of a facility either publicly owned and operated, or
93 publicly owned and operated by the owner of a professional
94 sports franchise or other lessee with sufficient expertise or
95 financial capability to operate such facility, and to pay the
96 planning and design costs incurred prior to the issuance of such
97 bonds for a retained spring training franchise.

98 c. The construction, reconstruction, or renovation of a
99 county or municipally owned or operated sports stadium having a
100 capacity of more than 65,000 seats which promotes tourism and
101 attracts tourists as one of its main purposes and annually hosts
102 one or more postseason collegiate football bowl games sanctioned
103 by the National Collegiate Athletic Association. The tax also
104 may be used to pay the planning and design costs incurred before
105 the issuance of the bonds.

106 2. Promote and advertise tourism in the State of Florida
107 and nationally and internationally; however, if tax revenues are
108 expended for an activity, service, venue, or event, the
109 activity, service, venue, or event shall have as one of its main
110 purposes the attraction of tourists as evidenced by the
111 promotion of the activity, service, venue, or event to tourists.

112
113 A county that imposes the tax authorized in this paragraph may
114 not expend any ad valorem tax revenues for the acquisition,
115 construction, reconstruction, or renovation of a facility for
116 which tax revenues are used pursuant to subparagraph 1. The

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117 provision of paragraph (b) which prohibits any county authorized
118 to levy a convention development tax pursuant to s. 212.0305
119 from levying more than the 2-percent tax authorized by this
120 section shall not apply to the additional tax authorized by this
121 paragraph in counties which levy convention development taxes
122 pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to
123 the adoption of the additional tax authorized in this paragraph.
124 The effective date of the levy and imposition of the tax
125 authorized under this paragraph is the first day of the second
126 month following approval of the ordinance by the board of county
127 commissioners or the first day of any subsequent month specified
128 in the ordinance. A certified copy of such ordinance shall be
129 furnished by the county to the Department of Revenue within 10
130 days after approval of the ordinance.

131 Section 2. Subsection (2) of section 212.04, Florida
132 Statutes, is amended to read:

133 212.04 Admissions tax; rate, procedure, enforcement.—

134 (2)(a)1. No tax shall be levied on admissions to athletic
135 or other events sponsored by elementary schools, junior high
136 schools, middle schools, high schools, community colleges,
137 public or private colleges and universities, deaf and blind
138 schools, facilities of the youth services programs of the
139 Department of Children and Family Services, and state
140 correctional institutions when only student, faculty, or inmate
141 talent is used. However, this exemption shall not apply to
142 admission to athletic events sponsored by a state university,
143 and the proceeds of the tax collected on such admissions shall
144 be retained and used by each institution to support women's
145 athletics as provided in s. 1006.71(2)(c).

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146 2.a. No tax shall be levied on dues, membership fees, and
147 admission charges imposed by not-for-profit sponsoring
148 organizations. To receive this exemption, the sponsoring
149 organization must qualify as a not-for-profit entity under the
150 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,
151 as amended.

152 b. A tax may not be levied on admission charges to an event
153 sponsored by a governmental entity, sports authority, or sports
154 commission if the event is held in a convention hall, exhibition
155 hall, auditorium, stadium, theater, arena, civic center,
156 performing arts center, or publicly owned recreational facility
157 and all of the risk of success or failure lies with the sponsor
158 of the event and all of the funds at risk for the event belong
159 to the sponsor. As used in this sub-subparagraph, the terms
160 "sports authority" and "sports commission" mean a nonprofit
161 organization that is exempt from federal income tax under s.
162 501(c)(3) of the Internal Revenue Code and that contracts with a
163 county or municipal government for the purpose of promoting and
164 attracting sports-tourism events to the community with which it
165 contracts. ~~No tax shall be levied on admission charges to an~~
166 ~~event sponsored by a governmental entity, sports authority, or~~
167 ~~sports commission when held in a convention hall, exhibition~~
168 ~~hall, auditorium, stadium, theater, arena, civic center,~~
169 ~~performing arts center, or publicly owned recreational facility~~
170 ~~and when 100 percent of the risk of success or failure lies with~~
171 ~~the sponsor of the event and 100 percent of the funds at risk~~
172 ~~for the event belong to the sponsor, and student or faculty~~
173 ~~talent is not exclusively used. As used in this sub-~~
174 ~~subparagraph, the terms "sports authority" and "sports~~

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175 ~~commission" mean a nonprofit organization that is exempt from~~
176 ~~federal income tax under s. 501(c)(3) of the Internal Revenue~~
177 ~~Code and that contracts with a county or municipal government~~
178 ~~for the purpose of promoting and attracting sports tourism~~
179 ~~events to the community with which it contracts. This sub-~~
180 ~~subparagraph is repealed July 1, 2009.~~

181 3. No tax shall be levied on an admission paid by a
182 student, or on the student's behalf, to any required place of
183 sport or recreation if the student's participation in the sport
184 or recreational activity is required as a part of a program or
185 activity sponsored by, and under the jurisdiction of, the
186 student's educational institution, provided his or her
187 attendance is as a participant and not as a spectator.

188 4. No tax shall be levied on admissions to the National
189 Football League championship game, on admissions to any
190 semifinal game or championship game of a national collegiate
191 tournament, or on admissions to a Major League Baseball all-star
192 game.

193 5. A participation fee or sponsorship fee imposed by a
194 governmental entity as described in s. 212.08(6) for an athletic
195 or recreational program is exempt when the governmental entity
196 by itself, or in conjunction with an organization exempt under
197 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,
198 sponsors, administers, plans, supervises, directs, and controls
199 the athletic or recreational program.

200 6. Also exempt from the tax imposed by this section to the
201 extent provided in this subparagraph are admissions to live
202 theater, live opera, or live ballet productions in this state
203 which are sponsored by an organization that has received a

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204 determination from the Internal Revenue Service that the
205 organization is exempt from federal income tax under s.
206 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
207 the organization actively participates in planning and
208 conducting the event, is responsible for the safety and success
209 of the event, is organized for the purpose of sponsoring live
210 theater, live opera, or live ballet productions in this state,
211 has more than 10,000 subscribing members and has among the
212 stated purposes in its charter the promotion of arts education
213 in the communities which it serves, and will receive at least 20
214 percent of the net profits, if any, of the events which the
215 organization sponsors and will bear the risk of at least 20
216 percent of the losses, if any, from the events which it sponsors
217 if the organization employs other persons as agents to provide
218 services in connection with a sponsored event. Prior to March 1
219 of each year, such organization may apply to the department for
220 a certificate of exemption for admissions to such events
221 sponsored in this state by the organization during the
222 immediately following state fiscal year. The application shall
223 state the total dollar amount of admissions receipts collected
224 by the organization or its agents from such events in this state
225 sponsored by the organization or its agents in the year
226 immediately preceding the year in which the organization applies
227 for the exemption. Such organization shall receive the exemption
228 only to the extent of \$1.5 million multiplied by the ratio that
229 such receipts bear to the total of such receipts of all
230 organizations applying for the exemption in such year; however,
231 in no event shall such exemption granted to any organization
232 exceed 6 percent of such admissions receipts collected by the

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233 organization or its agents in the year immediately preceding the
234 year in which the organization applies for the exemption. Each
235 organization receiving the exemption shall report each month to
236 the department the total admissions receipts collected from such
237 events sponsored by the organization during the preceding month
238 and shall remit to the department an amount equal to 6 percent
239 of such receipts reduced by any amount remaining under the
240 exemption. Tickets for such events sold by such organizations
241 shall not reflect the tax otherwise imposed under this section.

242 7. Also exempt from the tax imposed by this section are
243 entry fees for participation in freshwater fishing tournaments.

244 8. Also exempt from the tax imposed by this section are
245 participation or entry fees charged to participants in a game,
246 race, or other sport or recreational event if spectators are
247 charged a taxable admission to such event.

248 9. No tax shall be levied on admissions to any postseason
249 collegiate football game sanctioned by the National Collegiate
250 Athletic Association.

251 (b) No municipality of the state shall levy an excise tax
252 on admissions.

253 (c) The taxes imposed by this section shall be collected in
254 addition to the admission tax collected pursuant to s. 550.0951,
255 but the amount collected under s. 550.0951 shall not be subject
256 to taxation under this chapter.

257 Section 3. This act shall take effect July 1, 2010.