



402070

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .

Floor: WD/2R

04/29/2013 05:08 PM

Senator Bradley moved the following:

Senate Amendment

Delete lines 396 - 612

and insert:

(f) "Signature event" means a sports event with significant export factor potential. For purposes of this paragraph, the term "export factor" means the attraction of economic activity or growth into the state which otherwise would not have occurred. Examples of signature events may include, but are not limited to:

1. National Football League Super Bowls.
2. Professional sports All-Star games.
3. International sporting events and tournaments.



402070

14 4. Professional automobile race championships or Formula 1
15 Grand Prix.

16 5. The establishment of a new professional sports franchise
17 in this state.

18 (g) "State sales taxes generated by sales at the facility"
19 means state sales taxes imposed under chapter 212 generated by
20 admissions to the facility or by sales made by vendors at the
21 facility who are accessible to persons attending events
22 occurring at the facility.

23 (3) PURPOSE.—The purpose of this section is to provide
24 applicants state funding under s. 212.20(6)(d)6.e. for the
25 public purpose of constructing, reconstructing, renovating, or
26 improving a facility.

27 (4) APPLICATION AND APPROVAL PROCESS.—

28 (a) The department shall establish the procedures and
29 application forms deemed necessary pursuant to the requirements
30 of this section. The department may notify an applicant of any
31 additional required or incomplete information necessary to
32 evaluate an application.

33 (b) The annual application period is from June 1 through
34 November 1.

35 (c) Within 60 days after receipt of a completed
36 application, the department shall complete its evaluation of the
37 application as provided under subsection (5) and notify the
38 applicant in writing of the department's decision to recommend
39 approval of the applicant by the Legislature or to deny the
40 application.

41 (d) Annually by February 1, the department shall rank the
42 applicants and shall provide to the Legislature the list of the



402070

43 recommended applicants in ranked order of projects most likely
44 to positively impact the state based on required criteria
45 established in this section. The list must include the
46 department's evaluation of the applicant.

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

49 1. An application by a unit of local government which is
50 approved by the Legislature and subsequently certified by the
51 department remains certified for the duration of the
52 beneficiary's agreement with the applicant or for 30 years,
53 whichever is less, provided the certified applicant has an
54 agreement with a beneficiary at the time of initial
55 certification by the department.

56 2. An application by a beneficiary which is approved by the
57 Legislature and subsequently certified by the department remains
58 certified for the duration of the beneficiary's agreement with
59 the unit of local government that owns the underlying property
60 or for 30 years, whichever is less, provided the certified
61 applicant has an agreement with the unit of local government at
62 the time of initial certification by the department.

63 3. An applicant that is previously certified pursuant to
64 this section does not need legislative approval each year to
65 receive state funding.

66 (f) An applicant that is recommended by the department but
67 is not approved by the Legislature may reapply and update any
68 information in the original application as required by the
69 department.

70 (g) The department may recommend no more than one
71 distribution under this section for any applicant, facility, or



402070

72 beneficiary at a time.

73 (5) EVALUATION PROCESS.—

74 (a) Before recommending an applicant to receive a state
75 distribution under s. 212.20(6)(d)6.e., the department must
76 verify that:

77 1. The applicant or beneficiary is responsible for the
78 construction, reconstruction, renovation, or improvement of a
79 facility.

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

83 3. The project for which the applicant is seeking state
84 funding has not commenced construction.

85 4. If the applicant is a unit of local government in whose
86 jurisdiction the facility will be located, the unit of local
87 government has an exclusive intent agreement to negotiate in
88 this state with the beneficiary.

89 5.a. The unit of local government in whose jurisdiction the
90 facility will be located supports the application for state
91 funds. Such support must be verified by the adoption of a
92 resolution after a public hearing that the project serves a
93 public purpose.

94 b. If the unit of local government is required to pass a
95 resolution by a majority plus one vote by the local government's
96 governing body and to hold a referendum for approval pursuant to
97 s. 125.0104(3)(n)2., such resolution and referendum must
98 affirmatively pass for the applicant to receive state funding
99 under this section.

100 6. The applicant or beneficiary has not previously



402070

101 defaulted or failed to meet any statutory requirements of a
102 previous state-administered sports-related program under s.
103 288.1162, s. 288.11621, or s. 288.1168.

104 7. The applicant or beneficiary has sufficiently
105 demonstrated a commitment to employ residents of this state,
106 contract with Florida-based firms, and purchase locally
107 available building materials to the greatest extent possible.

108 8. If the applicant is a unit of local government, the
109 applicant has a certified copy of a signed agreement with a
110 beneficiary for the use of the facility. If the applicant is a
111 beneficiary, the beneficiary must enter into an agreement with
112 the department. The applicant's or beneficiary's agreement must
113 also require the following:

114 a. The beneficiary must reimburse the state for state funds
115 that have been distributed and will be distributed if the
116 beneficiary relocates before the agreement expires.

117 b. The beneficiary must pay for signage or advertising
118 within the facility. The signage or advertising must be placed
119 in a prominent location as close to the field of play or
120 competition as is practical, displayed consistent with signage
121 or advertising in the same location and like value, and must
122 feature Florida advertising approved by the Florida Tourism
123 Industry Marketing Corporation.

124 9. The project will commence within 12 months after
125 receiving state funds.

126 (b) The department shall competitively evaluate and rank
127 applicants that submit applications for state funding which are
128 received during the application period using the following
129 criteria to evaluate the applicant's ability to positively



402070

- 130 impact the state:
- 131 1. The proposed use of state funds.
- 132 2. The length of time that a beneficiary has agreed to use
133 the facility.
- 134 3. The percentage of total project funds provided by the
135 applicant and the percentage of total project funds provided by
136 the beneficiary.
- 137 4. The number and type of signature events the facility is
138 likely to attract during the duration of the agreement with the
139 beneficiary.
- 140 5. The anticipated increase in average annual ticket sales
141 and attendance at the facility due to the project.
- 142 6. The potential to attract out-of-state visitors to the
143 facility.
- 144 7. The length of time a beneficiary has been in the state
145 or partnered with the unit of local government.
- 146 8. The multiuse capabilities of the facility.
- 147 9. The facility's projected employment of residents of this
148 state, contracts with Florida-based firms, and purchases of
149 locally available building materials.
- 150 10. The amount of private and local financial or in-kind
151 contributions to the project.
- 152 11. The amount of positive advertising or media coverage
153 the facility generates.
- 154 (6) DISTRIBUTION.-
- 155 (a) The department shall determine the annual distribution
156 amount an applicant may receive based on the total cost of the
157 project.
- 158 1. If the total project cost is \$200 million or greater,



402070

159 the applicant is eligible to receive annual distributions equal
160 to the new incremental state sales taxes generated by sales at
161 the facility during 12 months as provided under paragraph (b)2.,
162 up to \$3 million.

163 2. If the total project cost is at least \$100 million but
164 less than \$200 million, the applicant is eligible to receive
165 annual distributions equal to the new incremental state sales
166 taxes generated by sales at the facility during 12 months as
167 provided under paragraph (b)2., up to \$2 million.

168 3. If the total project cost is less than \$100 million, the
169 applicant is eligible to receive annual distributions equal to
170 the new incremental state sales taxes generated by sales at the
171 facility during 12 months as provided under paragraph (b)2., up
172 to \$666,660.

173 4. If the total project cost is at least \$100 million but
174 less than \$200 million and the facility is publicly owned and
175 located in a county that operates under a consolidated
176 government, the applicant is eligible to receive a sales tax
177 rebate equal to \$2 million annually if sales tax growth has
178 averaged a minimum of 3 percent annually in the 15 years prior
179 to application and an independent analysis projects an average
180 annual growth of at least 3 percent annually going forward.

181 (b) At the time of initial evaluation and review by the
182 department pursuant to subsection (5), the applicant must
183 provide an analysis by an independent certified public
184 accountant which demonstrates:

185 1. The amount of state sales taxes generated by sales at
186 the facility during the 12-month period immediately prior to the
187 beginning of the application period. This amount is the



402070

188 baseline.

189 2. Notwithstanding the provisions of subparagraph (a)4.,
190 the expected amount of new incremental state sales taxes
191 generated by sales at the facility above the baseline which will
192 be generated as a result of the project.

193 (c) The independent analysis provided in paragraph (b) must
194 be verified by the department.

195 (d) The Department of Revenue shall begin distributions
196 within 45 days after notification of initial certification from
197 the department.

198 (e) Notwithstanding the provisions of subparagraph (a)4.,
199 the department must consult with the Department of Revenue and
200 the Office of Economic and Demographic Research to develop a
201 standard calculation for estimating new incremental state sales
202 taxes generated by sales at the facility and adjustments to
203 distributions.

204 (f) In any 12-month period when total distributions for all
205 certified applicants equal \$13 million, the department may not
206 certify new distributions for any additional applicants.

207 (7) CONTRACT.—An applicant approved by the Legislature and
208 certified by the department must enter into a contract with the
209 department which:

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

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

213 (c) Requires the applicant to submit the independent
214 analysis required under subsection (6) and an annual independent
215 analysis.

216 1. Notwithstanding the provisions of subparagraph (6) (a)4.,



402070

217 the applicant must agree to submit to the department, beginning
218 12 months after completion of a project or 12 months after the
219 first four annual distributions, whichever is earlier, an annual
220 analysis by an independent certified public accountant
221 demonstrating the actual amount of new incremental state sales
222 taxes generated by sales at the facility during the previous 12-
223 month period. The applicant shall certify to the department a
224 comparison of the actual amount of state sales taxes generated
225 by sales at the facility during the previous 12-month period to
226 the baseline under subparagraph (6) (b)1.

227 2. The applicant must submit the certification within 60
228 days after the end of the previous 12-month period. The
229 department shall verify the analysis.

230 (d) Specifies information that the certified applicant must
231 report to the department.

232 (e) Notwithstanding the provisions of subparagraph
233 (6) (a)4., requires the applicant to reimburse the state for the