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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/29/2013 05:14 PM

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Senator Bradley moved the following:

**Senate Amendment to Amendment (723596)**

Delete lines 280 - 500

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.



558046

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



558046

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



558046

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



558046

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



558046

- 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,



558046

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



558046

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.,





558046

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