

**By** the Committees on Appropriations; Rules; and Appropriations;  
and Senators Braynon and Abruzzo

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1                   A bill to be entitled  
2           An act relating to economic development; amending s.  
3           125.0104, F.S.; providing that tourist development tax  
4           revenues may also be used to pay the debt service on  
5           bonds that finance the renovation of a professional  
6           sports facility that is publicly owned, or that is on  
7           publicly owned land, and that is publicly operated or  
8           operated by the owner of a professional sports  
9           franchise or other lessee; requiring that the  
10          renovation costs exceed a specified amount; allowing  
11          certain fees and costs to be included in the cost for  
12          renovation; requiring private contributions to the  
13          professional sports facility as a condition for the  
14          use of tourist development taxes; authorizing the use  
15          of certain tax revenues to pay for operation and  
16          maintenance costs of the renovated facility; requiring  
17          a majority plus one vote of the membership of the  
18          board of county commissioners to levy a tax for  
19          renovation of a sports franchise facility after  
20          approval by a majority of the electors voting in a  
21          referendum to approve the proposed use of the tax  
22          revenues; authorizing the referendum to be held before  
23          or after the effective date of this act; providing  
24          requirements for the referendum ballot; providing for  
25          nonapplication of the prohibition against levying such  
26          tax in certain cities and towns under certain  
27          conditions; authorizing the use of tourist development  
28          tax revenues for financing the renovation of a  
29          professional sports franchise facility; amending s.

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30 212.20, F.S.; authorizing a distribution for an  
31 applicant that has been approved by the Legislature  
32 and certified by the Department of Economic  
33 Opportunity under s. 288.11625, F.S.; providing a  
34 limitation; amending s. 220.153, F.S.; conforming a  
35 cross-reference; repealing s. 220.62(3) and (5), F.S.,  
36 relating to the definitions of the terms  
37 "international banking facility" and "foreign person"  
38 in the income tax code; repealing s. 220.63(5), F.S.,  
39 relating to an income tax deduction for international  
40 banking facilities; providing retroactive  
41 applicability and effect of certain provisions of the  
42 act; creating s. 288.11625, F.S.; providing that the  
43 Department of Economic Opportunity shall screen  
44 applicants for state funding for sports development;  
45 defining the terms "agreement," "applicant,"  
46 "beneficiary," "facility," "project," "state sales  
47 taxes generated by sales at the facility," and  
48 "signature event"; providing a purpose to provide  
49 funding for applicants for constructing,  
50 reconstructing, renovating, or improving a facility;  
51 providing an application and approval process;  
52 providing for an annual application period; providing  
53 for the Department of Economic Opportunity to submit  
54 recommendations to the Legislature by a certain date;  
55 requiring legislative approval for state funding;  
56 providing evaluation criteria for an applicant to  
57 receive state funding; providing for evaluation and  
58 ranking of applicants under certain criteria; allowing

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59 the department to determine the type of beneficiary;  
60 providing levels of state funding up to a certain  
61 amount of new incremental state sales tax revenue;  
62 providing for a distribution and calculation;  
63 requiring the Department of Revenue to distribute  
64 funds within a certain timeframe after notification by  
65 the department; limiting annual distributions to \$13  
66 million; providing for a contract between the  
67 department and the applicant; limiting use of funds;  
68 requiring an applicant to submit information to the  
69 department annually; requiring a 5-year review;  
70 authorizing the Auditor General to conduct audits;  
71 providing for an application related to a signature  
72 event; requiring award of a signature event as a  
73 condition for receiving distributions for an  
74 application related to a signature event; authorizing  
75 the Legislative Budget Commission to approve an  
76 application; providing for reimbursement of the state  
77 funding under certain circumstances; providing for  
78 discontinuation of distributions upon an applicant's  
79 request; authorizing the Department of Economic  
80 Opportunity to adopt rules; contingently creating s.  
81 288.116255, F.S.; providing for an evaluation;  
82 amending s. 218.64, F.S.; providing for municipalities  
83 and counties to expend a portion of local government  
84 half-cent sales tax revenues to reimburse the state as  
85 required by a contract; authorizing the Department of  
86 Economic Opportunity to adopt emergency rules;  
87 providing effective dates.

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88

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

90

91 Section 1. Paragraph (n) of subsection (3) and paragraph  
92 (a) of subsection (5) of section 125.0104, Florida Statutes, are  
93 amended to read:

94 125.0104 Tourist development tax; procedure for levying;  
95 authorized uses; referendum; enforcement.—

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

97 (n) In addition to any other tax that is imposed under this  
98 section, a county that has imposed the tax under paragraph (l)  
99 may impose an additional tax that is no greater than 1 percent  
100 on the exercise of the privilege described in paragraph (a) by a  
101 majority plus one vote of the membership of the board of county  
102 commissioners, or as otherwise provided in this paragraph, in  
103 order to:

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

105 a. The construction, reconstruction, or renovation of a  
106 facility that is ~~either~~ publicly owned and operated, or is  
107 publicly owned and operated by the owner of a professional  
108 sports franchise or other lessee with sufficient expertise or  
109 financial capability to operate such facility, and to pay the  
110 planning and design costs incurred before ~~prior to~~ the issuance  
111 of such bonds for a new professional sports franchise as defined  
112 in s. 288.1162.

113 b. The acquisition, construction, reconstruction, or  
114 renovation of a facility ~~either~~ publicly owned and operated, or  
115 publicly owned and operated by the owner of a professional  
116 sports franchise or other lessee with sufficient expertise or

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117 financial capability to operate such facility, and to pay the  
118 planning and design costs incurred before ~~prior to~~ the issuance  
119 of such bonds for a retained spring training franchise.

120 2. Pay the debt service on bonds issued to finance the  
121 renovation of a professional sports franchise facility that is  
122 publicly owned, or located on land that is publicly owned, and  
123 that is publicly operated or operated by the owner of a  
124 professional sports franchise or other lessee who has sufficient  
125 expertise or financial capability to operate the facility, and  
126 to pay the planning and design costs incurred before the  
127 issuance of such bonds for the renovated professional sports  
128 facility. The cost to renovate the facility must be more than  
129 \$300 million, including permitting, architectural, and  
130 engineering fees, and at least a majority of the total  
131 construction cost, exclusive of in-kind contributions, must be  
132 paid for by the ownership group of the professional sports  
133 franchise or other private sources. Tax revenues available to  
134 pay debt service on bonds may be used to pay for operation and  
135 maintenance costs of the facility. A county levying the tax for  
136 the purposes specified in this subparagraph may do so only by a  
137 majority plus one vote of the membership of the board of county  
138 commissioners and after approval of the proposed use of the tax  
139 revenues by a majority vote of the electors voting in the  
140 referendum. Referendum approval of the proposed use of the tax  
141 revenues may be in an election held before or after the  
142 effective date of this act. The referendum ballot must include a  
143 brief description of the proposed use of the tax revenues and  
144 the following question:

145 FOR the Proposed Use

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146        AGAINST the Proposed Use

147        3.2. Promote and advertise tourism in this ~~the~~ state ~~of~~  
148 ~~Florida~~ and nationally and internationally; however, if tax  
149 revenues are expended for an activity, service, venue, or event,  
150 the activity, service, venue, or event must ~~shall~~ have as one of  
151 its main purposes the attraction of tourists as evidenced by the  
152 promotion of the activity, service, venue, or event to tourists.  
153

154 A county that imposes the tax authorized in this paragraph may  
155 not expend any ad valorem tax revenues for the acquisition,  
156 expansion, construction, reconstruction, or renovation of a  
157 facility for which tax revenues are used pursuant to  
158 subparagraph 1. The provision of paragraph (b) which prohibits  
159 any county authorized to levy a convention development tax  
160 pursuant to s. 212.0305 from levying more than the 2 percent ~~2-~~  
161 ~~percent~~ tax authorized by this section does ~~shall~~ not apply to  
162 the additional tax authorized by this paragraph in counties that  
163 ~~which~~ levy convention development taxes pursuant to s.  
164 212.0305(4) (a) or (b). Subsection (4) does not apply to the  
165 adoption of the additional tax authorized in this paragraph. The  
166 effective date of the levy and imposition of the tax authorized  
167 under this paragraph is the first day of the second month  
168 following approval of the ordinance by the board of county  
169 commissioners or the first day of any subsequent month specified  
170 in the ordinance. A certified copy of such ordinance must ~~shall~~  
171 be furnished by the county to the Department of Revenue within  
172 10 days after approval of the ordinance.

173        (5) AUTHORIZED USES OF REVENUE.—

174        (a) All tax revenues received pursuant to this section by a

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175 county imposing the tourist development tax must ~~shall~~ be used  
176 by that county for the following purposes only:

177 1. To acquire, construct, extend, enlarge, remodel, repair,  
178 improve, maintain, operate, or promote one or more publicly  
179 owned and operated convention centers, sports stadiums, sports  
180 arenas, coliseums, auditoriums, aquariums, or museums that are  
181 publicly owned and operated or owned and operated by not-for-  
182 profit organizations and open to the public, within the  
183 boundaries of the county or subcounty special taxing district in  
184 which the tax is levied. Tax revenues received pursuant to this  
185 section may also be used for promotion of zoological parks that  
186 are publicly owned and operated or owned and operated by not-  
187 for-profit organizations and open to the public. However, these  
188 purposes may be implemented through service contracts and leases  
189 with lessees with sufficient expertise or financial capability  
190 to operate such facilities;

191 2. To promote and advertise tourism in this ~~the~~ state ~~of~~  
192 ~~Florida~~ and nationally and internationally; however, if tax  
193 revenues are expended for an activity, service, venue, or event,  
194 the activity, service, venue, or event must ~~shall~~ have as one of  
195 its main purposes the attraction of tourists as evidenced by the  
196 promotion of the activity, service, venue, or event to tourists;

197 3. To fund convention bureaus, tourist bureaus, tourist  
198 information centers, and news bureaus as county agencies or by  
199 contract with the chambers of commerce or similar associations  
200 in the county, which may include any indirect administrative  
201 costs for services performed by the county on behalf of the  
202 promotion agency; ~~or~~

203 4. To finance beach park facilities or beach improvement,

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204 maintenance, renourishment, restoration, and erosion control,  
205 including shoreline protection, enhancement, cleanup, or  
206 restoration of inland lakes and rivers to which there is public  
207 access as those uses relate to the physical preservation of the  
208 beach, shoreline, or inland lake or river. However, any funds  
209 identified by a county as the local matching source for beach  
210 renourishment, restoration, or erosion control projects included  
211 in the long-range budget plan of the state's Beach Management  
212 Plan, pursuant to s. 161.091, or funds contractually obligated  
213 by a county in the financial plan for a federally authorized  
214 shore protection project may not be used or loaned for any other  
215 purpose. In counties of less than 100,000 population, no more  
216 than 10 percent of the revenues from the tourist development tax  
217 may be used for beach park facilities; or.

218 5. For other uses specifically allowed under subsection  
219 (3).

220 Section 2. Paragraph (d) of subsection (6) of section  
221 212.20, Florida Statutes, is amended to read:

222 212.20 Funds collected, disposition; additional powers of  
223 department; operational expense; refund of taxes adjudicated  
224 unconstitutionally collected.—

225 (6) Distribution of all proceeds under this chapter and s.  
226 202.18(1)(b) and (2)(b) shall be as follows:

227 (d) The proceeds of all other taxes and fees imposed  
228 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
229 and (2)(b) must ~~shall~~ be distributed as follows:

230 1. In any fiscal year, the greater of \$500 million, minus  
231 an amount equal to 4.6 percent of the proceeds of the taxes  
232 collected pursuant to chapter 201, or 5.2 percent of all other

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233 taxes and fees imposed pursuant to this chapter or remitted  
234 pursuant to s. 202.18(1)(b) and (2)(b) must ~~shall~~ be deposited  
235 in monthly installments into the General Revenue Fund.

236 2. After the distribution under subparagraph 1., 8.814  
237 percent of the amount remitted by a sales tax dealer located  
238 within a participating county pursuant to s. 218.61 must ~~shall~~  
239 be transferred into the Local Government Half-cent Sales Tax  
240 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
241 transferred must ~~shall~~ be reduced by 0.1 percent, and the  
242 department shall distribute this amount to the Public Employees  
243 Relations Commission Trust Fund less \$5,000 each month, which  
244 must ~~shall~~ be added to the amount calculated in subparagraph 3.  
245 and distributed accordingly.

246 3. After the distribution under subparagraphs 1. and 2.,  
247 0.095 percent must ~~shall~~ be transferred to the Local Government  
248 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
249 to s. 218.65.

250 4. After the distributions under subparagraphs 1., 2., and  
251 3., 2.0440 percent of the available proceeds must ~~shall~~ be  
252 transferred monthly to the Revenue Sharing Trust Fund for  
253 Counties pursuant to s. 218.215.

254 5. After the distributions under subparagraphs 1., 2., and  
255 3., 1.3409 percent of the available proceeds must ~~shall~~ be  
256 transferred monthly to the Revenue Sharing Trust Fund for  
257 Municipalities pursuant to s. 218.215. If the total revenue to  
258 be distributed pursuant to this subparagraph is at least as  
259 great as the amount due from the Revenue Sharing Trust Fund for  
260 Municipalities and the former Municipal Financial Assistance  
261 Trust Fund in state fiscal year 1999-2000, a ~~no~~ municipality may

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262 not ~~shall~~ receive less than the amount due from the Revenue  
263 Sharing Trust Fund for Municipalities and the former Municipal  
264 Financial Assistance Trust Fund in state fiscal year 1999-2000.  
265 If the total proceeds to be distributed are less than the amount  
266 received in combination from the Revenue Sharing Trust Fund for  
267 Municipalities and the former Municipal Financial Assistance  
268 Trust Fund in state fiscal year 1999-2000, each municipality  
269 shall receive an amount proportionate to the amount it was due  
270 in state fiscal year 1999-2000.

271 6. Of the remaining proceeds:

272 a. In each fiscal year, the sum of \$29,915,500 must ~~shall~~  
273 be divided into as many equal parts as there are counties in the  
274 state, and one part must ~~shall~~ be distributed to each county.  
275 The distribution among the several counties must begin each  
276 fiscal year on or before January 5th and continue monthly for a  
277 total of 4 months. If a local or special law required that any  
278 moneys accruing to a county in fiscal year 1999-2000 under the  
279 then-existing provisions of s. 550.135 be paid directly to the  
280 district school board, special district, or a municipal  
281 government, such payment must continue until the local or  
282 special law is amended or repealed. The state covenants with  
283 holders of bonds or other instruments of indebtedness issued by  
284 local governments, special districts, or district school boards  
285 before July 1, 2000, that it is not the intent of this  
286 subparagraph to adversely affect the rights of those holders or  
287 relieve local governments, special districts, or district school  
288 boards of the duty to meet their obligations as a result of  
289 previous pledges or assignments or trusts entered into which  
290 obligated funds received from the distribution to county

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291 governments under then-existing s. 550.135. This distribution  
292 specifically is in lieu of funds distributed under s. 550.135  
293 before July 1, 2000.

294 b. The department shall, pursuant to s. 288.1162,  
295 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each  
296 applicant certified as a facility for a new or retained  
297 professional sports franchise ~~pursuant to s. 288.1162~~. Up to  
298 \$41,667 must ~~shall~~ be distributed monthly by the department to  
299 each certified applicant as defined in s. 288.11621 for a  
300 facility for a spring training franchise. However, not more than  
301 \$416,670 may be distributed monthly in the aggregate to all  
302 certified applicants for facilities for spring training  
303 franchises. Distributions begin 60 days after such certification  
304 and continue for not more than 30 years, except as otherwise  
305 provided in s. 288.11621. A certified applicant identified in  
306 this sub-subparagraph may not receive more in distributions than  
307 expended by the applicant for the public purposes provided for  
308 in s. 288.1162 ~~288.1162(5)~~ or s. 288.11621(3).

309 c. Beginning 30 days after notice by the Department of  
310 Economic Opportunity to the Department of Revenue that an  
311 applicant has been certified as the professional golf hall of  
312 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
313 must ~~shall~~ be distributed monthly, for up to 300 months, to the  
314 applicant.

315 d. Beginning 30 days after notice by the Department of  
316 Economic Opportunity to the Department of Revenue that the  
317 applicant has been certified as the International Game Fish  
318 Association World Center facility pursuant to s. 288.1169, and  
319 the facility is open to the public, \$83,333 must ~~shall~~ be

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320 distributed monthly, for up to 168 months, to the applicant.  
321 This distribution is subject to reduction pursuant to s.  
322 288.1169. A lump sum payment of \$999,996 must ~~shall~~ be made,  
323 after certification and before July 1, 2000.

324 e. Beginning 45 days after notice by the Department of  
325 Economic Opportunity to the Department of Revenue that an  
326 applicant has been approved by the Legislature and certified by  
327 the Department of Economic Opportunity under s. 288.11625, the  
328 department shall distribute each month an amount equal to one-  
329 twelfth the annual distribution amount certified by the  
330 Department of Economic Opportunity for the applicant. The  
331 department may not distribute more than \$13 million annually to  
332 all applicants approved by the Legislature and certified by the  
333 Department of Economic Opportunity pursuant to s. 288.11625.

334 7. All other proceeds must remain in the General Revenue  
335 Fund.

336 Section 3. Subsection (2) of section 220.153, Florida  
337 Statutes, is amended to read:

338 220.153 Apportionment by sales factor.—

339 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not  
340 including a financial organization as defined in s. 220.15(6) or  
341 a bank, savings association, ~~international banking facility,~~ or  
342 banking organization as defined in s. 220.62, doing business  
343 within and without this state, who applies and demonstrates to  
344 the Department of Economic Opportunity that, within a 2-year  
345 period beginning on or after July 1, 2011, it has made qualified  
346 capital expenditures equal to or exceeding \$250 million may  
347 apportion its adjusted federal income solely by the sales factor  
348 set forth in s. 220.15(5), commencing in the taxable year that

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349 the Department of Economic Opportunity approves the application,  
350 but not before a taxable year that begins on or after January 1,  
351 2013. Once approved, a taxpayer may elect to apportion its  
352 adjusted federal income for any taxable year using the method  
353 provided under this section or the method provided under s.  
354 220.15.

355 Section 4. Subsections (3) and (5) of section 220.62,  
356 Florida Statutes, are repealed.

357 Section 5. Subsection (5) of section 220.63, Florida  
358 Statutes, is repealed.

359 Section 6. Sections 3, 4, and 5 of this act are effective  
360 with respect to taxable years beginning on or after January 1,  
361 2013.

362 Section 7. Section 288.11625, Florida Statutes, is created  
363 to read:

364 288.11625 Sports development.—

365 (1) ADMINISTRATION.—The department shall serve as the state  
366 agency responsible for screening applicants for state funding  
367 under s. 212.20(6)(d)6.e.

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

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

371 (b) "Applicant" means a unit of local government, as  
372 defined in s. 218.369, which is responsible for the  
373 construction, management, or operation of a facility; or an  
374 entity that is responsible for the construction, management, or  
375 operation of a facility if a unit of local government holds  
376 title to the underlying property on which the facility is  
377 located.

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378       (c) "Beneficiary" means a professional sports franchise of  
379 the National Football League, the National Hockey League, the  
380 National Basketball Association, the National League or American  
381 League of Major League Baseball, Major League Soccer, or the  
382 National Association of Stock Car Auto Racing, or a nationally  
383 recognized professional sports association that occupies or uses  
384 a facility as the facility's primary tenant. A beneficiary may  
385 also be an applicant under this section.

386       (d) "Facility" means a facility primarily used to host  
387 games or events held by a beneficiary and does not include any  
388 portion used to provide transient lodging. For a professional  
389 sports franchise that uses or occupies a local government-owned  
390 facility during the months from February through April, the  
391 facility also includes training facilities that are associated  
392 with the primary facility, but does not include any portion used  
393 to provide transient lodging.

394       (e) "Project" means a proposed construction,  
395 reconstruction, renovation, or improvement of a facility.

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

- 402       1. National Football League Super Bowls.
- 403       2. Professional sports All-Star games.
- 404       3. International sporting events and tournaments.
- 405       4. Professional automobile race championships or Formula 1  
406 Grand Prix.

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407 5. The establishment of a new professional sports franchise  
408 in this state.

409 (g) "State sales taxes generated by sales at the facility"  
410 means state sales taxes imposed under chapter 212 generated by  
411 admissions to the facility or by sales made by vendors at the  
412 facility who are accessible to persons attending events  
413 occurring at the facility.

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

418 (4) APPLICATION AND APPROVAL PROCESS.—

419 (a) The department shall establish the procedures and  
420 application forms deemed necessary pursuant to the requirements  
421 of this section. The department may notify an applicant of any  
422 additional required or incomplete information necessary to  
423 evaluate an application.

424 (b) The annual application period is from June 1 through  
425 November 1.

426 (c) Within 60 days after receipt of a completed  
427 application, the department shall complete its evaluation of the  
428 application as provided under subsection (5) and notify the  
429 applicant in writing of the department's decision to recommend  
430 approval of the applicant by the Legislature or to deny the  
431 application.

432 (d) Annually by February 1, the department shall rank the  
433 applicants and shall provide to the Legislature the list of the  
434 recommended applicants in ranked order of projects most likely  
435 to positively impact the state based on required criteria

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436 established in this section. The list must include the  
437 department's evaluation of the applicant.

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

440 1. An application by a unit of local government which is  
441 approved by the Legislature and subsequently certified by the  
442 department remains certified for the duration of the  
443 beneficiary's agreement with the applicant or for 30 years,  
444 whichever is less, provided the certified applicant has an  
445 agreement with a beneficiary at the time of initial  
446 certification by the department.

447 2. An application by a beneficiary which is approved by the  
448 Legislature and subsequently certified by the department remains  
449 certified for the duration of the beneficiary's agreement with  
450 the unit of local government that owns the underlying property  
451 or for 30 years, whichever is less, provided the certified  
452 applicant has an agreement with the unit of local government at  
453 the time of initial certification by the department.

454 3. An applicant that is previously certified pursuant to  
455 this section does not need legislative approval each year to  
456 receive state funding.

457 (f) An applicant that is recommended by the department but  
458 is not approved by the Legislature may reapply and update any  
459 information in the original application as required by the  
460 department.

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

464 (5) EVALUATION PROCESS.-

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

468 1. The applicant or beneficiary is responsible for the  
469 construction, reconstruction, renovation, or improvement of a  
470 facility.

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

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

476 4. If the applicant is a unit of local government in whose  
477 jurisdiction the facility will be located, the unit of local  
478 government has an exclusive intent agreement to negotiate in  
479 this state with the beneficiary.

480 5.a. The unit of local government in whose jurisdiction the  
481 facility will be located supports the application for state  
482 funds. Such support must be verified by the adoption of a  
483 resolution after a public hearing that the project serves a  
484 public purpose.

485 b. If the unit of local government is required to pass a  
486 resolution by a majority plus one vote by the local government's  
487 governing body and to hold a referendum for approval pursuant to  
488 s. 125.0104(3)(n)2., such resolution and referendum must  
489 affirmatively pass for the applicant to receive state funding  
490 under this section.

491 6. The applicant or beneficiary has not previously  
492 defaulted or failed to meet any statutory requirements of a  
493 previous state-administered sports-related program under s.

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494 288.1162, s. 288.11621, or s. 288.1168.

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

499 8. If the applicant is a unit of local government, the  
500 applicant has a certified copy of a signed agreement with a  
501 beneficiary for the use of the facility. If the applicant is a  
502 beneficiary, the beneficiary must enter into an agreement with  
503 the department. The applicant's or beneficiary's agreement must  
504 also require the following:

505 a. The beneficiary must reimburse the state for state funds  
506 that have been distributed and will be distributed if the  
507 beneficiary relocates before the agreement expires.

508 b. The beneficiary must pay for signage or advertising  
509 within the facility. The signage or advertising must be placed  
510 in a prominent location as close to the field of play or  
511 competition as is practical, displayed consistent with signage  
512 or advertising in the same location and like value, and must  
513 feature Florida advertising approved by the Florida Tourism  
514 Industry Marketing Corporation.

515 9. The project will commence within 12 months after  
516 receiving state funds.

517 (b) The department shall competitively evaluate and rank  
518 applicants that submit applications for state funding which are  
519 received during the application period using the following  
520 criteria to evaluate the applicant's ability to positively  
521 impact the state:

522 1. The proposed use of state funds.

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523       2. The length of time that a beneficiary has agreed to use  
524 the facility.

525       3. The percentage of total project funds provided by the  
526 applicant and the percentage of total project funds provided by  
527 the beneficiary.

528       4. The number and type of signature events the facility is  
529 likely to attract during the duration of the agreement with the  
530 beneficiary.

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

533       6. The potential to attract out-of-state visitors to the  
534 facility.

535       7. The length of time a beneficiary has been in the state  
536 or partnered with the unit of local government.

537       8. The multiuse capabilities of the facility.

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

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

543       11. The amount of positive advertising or media coverage  
544 the facility generates.

545       (6) DISTRIBUTION.—

546       (a) The department shall determine the annual distribution  
547 amount an applicant may receive based on the total cost of the  
548 project.

549       1. If the total project cost is \$200 million or greater,  
550 the applicant is eligible to receive annual distributions equal  
551 to the new incremental state sales taxes generated by sales at

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552 the facility during 12 months as provided under paragraph (b)2.,  
553 up to \$3 million.

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

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

564 (b) At the time of initial evaluation and review by the  
565 department pursuant to subsection (5), the applicant must  
566 provide an analysis by an independent certified public  
567 accountant which demonstrates:

568 1. The amount of state sales taxes generated by sales at  
569 the facility during the 12-month period immediately prior to the  
570 beginning of the application period. This amount is the  
571 baseline.

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

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

577 (d) The Department of Revenue shall begin distributions  
578 within 45 days after notification of initial certification from  
579 the department.

580 (e) The department must consult with the Department of

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581 Revenue and the Office of Economic and Demographic Research to  
582 develop a standard calculation for estimating new incremental  
583 state sales taxes generated by sales at the facility and  
584 adjustments to distributions.

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

588 (7) CONTRACT.—An applicant approved by the Legislature and  
589 certified by the department must enter into a contract with the  
590 department which:

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

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

594 (c) Requires the applicant to submit the independent  
595 analysis required under subsection (6) and an annual independent  
596 analysis.

597 1. The applicant must agree to submit to the department,  
598 beginning 12 months after completion of a project or 12 months  
599 after the first four annual distributions, whichever is earlier,  
600 an annual analysis by an independent certified public accountant  
601 demonstrating the actual amount of new incremental state sales  
602 taxes generated by sales at the facility during the previous 12-  
603 month period. The applicant shall certify to the department a  
604 comparison of the actual amount of state sales taxes generated  
605 by sales at the facility during the previous 12-month period to  
606 the baseline under subparagraph (6) (b)1.

607 2. The applicant must submit the certification within 60  
608 days after the end of the previous 12-month period. The  
609 department shall verify the analysis.

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610 (d) Specifies information that the certified applicant must  
611 report to the department.

612 (e) Requires the applicant to reimburse the state for the  
613 amount each year that the actual new incremental state sales  
614 taxes generated by sales at the facility during the most recent  
615 12-month period was less than the annual distribution under  
616 paragraph (6) (a). This requirement applies 12 months after  
617 completion of a project or 12 months after the first four annual  
618 distributions, whichever is earlier.

619 1. If the applicant is unable or unwilling to reimburse the  
620 state in any year for the amount equal to the difference between  
621 the actual new incremental state sales taxes generated by sales  
622 at the facility and the annual distribution under paragraph  
623 (6) (a), the department may place a lien on the applicant's  
624 facility.

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

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

630 (f) Includes any provisions deemed prudent by the  
631 department.

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

634 (a) Constructing, reconstructing, renovating, or improving  
635 a facility, or reimbursing such costs.

636 (b) Paying or pledging for the payment of debt service on,  
637 or to fund debt service reserve funds, arbitrage rebate  
638 obligations, or other amounts payable with respect thereto,

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639 bonds issued for the construction or renovation of such  
640 facility; or for the reimbursement of such costs or the  
641 refinancing of bonds issued for such purposes.

642 (9) REPORTS.—

643 (a) On or before November 1 of each year, an applicant  
644 certified under this section and approved to receive state funds  
645 must submit to the department any information required by the  
646 department. The department shall summarize this information for  
647 inclusion in the report to the Legislature due February 1 under  
648 subsection (4) (d).

649 (b) Every 5 years following the first month that an  
650 applicant receives a monthly distribution, the department must  
651 verify that the applicant is meeting the program requirements.  
652 If the applicant is not meeting program requirements, the  
653 department must notify the Governor and Legislature of the  
654 requirements not being met and must recommend future action as  
655 part of the report to the Legislature due February 1 pursuant to  
656 paragraph (4) (d). The department shall consider exceptions that  
657 may have prevented the applicant from meeting the program  
658 requirements. Such exceptions include:

659 1. Force majeure events.

660 2. Significant economic downturn.

661 3. Other extenuating circumstances.

662 (10) AUDITS.—The Auditor General may conduct audits  
663 pursuant to s. 11.45 to verify the independent analysis required  
664 under paragraphs (6) (b) and (7) (c) and to verify that the  
665 distributions are expended as required. The Auditor General  
666 shall report the findings to the department. If the Auditor  
667 General determines that the distribution payments are not

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668 expended as required, the Auditor General must notify the  
669 Department of Revenue, which may pursue recovery of  
670 distributions under the laws and rules that govern the  
671 assessment of taxes.

672 (11) APPLICATION RELATED TO SIGNATURE EVENT.—If an  
673 applicant intends to apply, before the 2014 Regular Session, for  
674 a signature event for which state funds for a project are  
675 requested, the applicant may apply for the program after May 1,  
676 2013. The department must review the application and recommend  
677 approval to the Legislature. The Legislative Budget Commission  
678 may approve such applications. A distribution to an applicant is  
679 conditioned upon award of the signature event for which the  
680 applicant applied and which was the basis of the application  
681 under this subsection. State funds may not be distributed until  
682 the department has notified the Department of Revenue that the  
683 applicant was approved by the Legislative Budget Commission and  
684 certified by the department. An applicant certified under this  
685 subsection is subject to the provisions and requirements of this  
686 section. An applicant that fails to meet the conditions of this  
687 subsection may reapply during future application periods.

688 (12) REPAYMENT OF DISTRIBUTIONS.—An applicant that is  
689 certified under this section may be subject to repayment of  
690 distributions upon the occurrence of any of the following:

691 (a) An applicant's beneficiary has broken the terms of its  
692 agreement with the applicant and relocated from the facility.  
693 The beneficiary must reimburse the state for state funds that  
694 have been distributed and will be distributed if the beneficiary  
695 relocates before the agreement expires.

696 (b) The department has determined that an applicant has

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697 submitted any information or made a representation that is  
698 determined to be false, misleading, deceptive, or otherwise  
699 untrue. The applicant must reimburse the state for state funds  
700 that have been distributed and will be distributed if such  
701 determination is made.

702 (13) HALTING OF PAYMENTS.—The applicant may request to halt  
703 future distributions by providing the department with written  
704 notice at least 20 days prior to the next monthly distribution  
705 payment. The department must immediately notify the Department  
706 of Revenue to halt future payments.

707 (14) RULEMAKING.—The department may adopt rules to  
708 implement this section.

709 Section 8. Contingent upon enactment of the Economic  
710 Development Program Evaluation as set forth in SB 406 or similar  
711 legislation, section 288.116255, Florida Statutes, is created to  
712 read:

713 288.116255 Sports Development Program evaluation.—Beginning  
714 in 2015, the Sports Development Program must be evaluated as  
715 part of the Economic Development Program Evaluation, and every 3  
716 years thereafter.

717 Section 9. Subsections (2) and (3) of section 218.64,  
718 Florida Statutes, are amended to read:

719 218.64 Local government half-cent sales tax; uses;  
720 limitations.—

721 (2) Municipalities shall expend their portions of the local  
722 government half-cent sales tax only for municipality-wide  
723 programs, for reimbursing the state as required by a contract  
724 pursuant to s. 288.11625(7), or for municipality-wide property  
725 tax or municipal utility tax relief. All utility tax rate

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726 reductions afforded by participation in the local government  
727 half-cent sales tax shall be applied uniformly across all types  
728 of taxed utility services.

729 (3) Subject to ordinances enacted by the majority of the  
730 members of the county governing authority and by the majority of  
731 the members of the governing authorities of municipalities  
732 representing at least 50 percent of the municipal population of  
733 such county, counties may use up to ~~\$2~~ \$3 million annually of  
734 the local government half-cent sales tax allocated to that  
735 county for ~~funding for~~ any of the following ~~applicant's~~ purposes:

736 (a) Funding a certified applicant as a facility for a new  
737 or retained professional sports franchise under s. 288.1162 or a  
738 certified applicant as defined in s. 288.11621 for a facility  
739 for a spring training franchise. It is the Legislature's intent  
740 that the provisions of s. 288.1162, including, but not limited  
741 to, the evaluation process by the Department of Economic  
742 Opportunity except for the limitation on the number of certified  
743 applicants or facilities as provided in that section and the  
744 restrictions set forth in s. 288.1162(8), shall apply to an  
745 applicant's facility to be funded by local government as  
746 provided in this subsection.

747 (b) Funding a certified applicant as a "motorsport  
748 entertainment complex," as provided for in s. 288.1171. Funding  
749 for each franchise or motorsport complex shall begin 60 days  
750 after certification and shall continue for not more than 30  
751 years.

752 (c) Reimbursing the state as required by a contract  
753 pursuant to s. 288.11625(7).

754 Section 10. (1) The executive director of the Department of

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755 Economic Opportunity may, and all conditions are deemed met,  
756 adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4),  
757 Florida Statutes, for the purpose of implementing this act.

758 (2) Notwithstanding any provision of law, such emergency  
759 rules remain in effect for 6 months after the date adopted and  
760 may be renewed during the pendency of procedures to adopt  
761 permanent rules addressing the subject of the emergency rules.

762 Section 11. This act shall take effect upon becoming a law.