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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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212.20, F.S.; authorizing a distribution for an applicant that has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625, F.S.; providing a limitation; creating s. 288.11625, F.S.; providing that the Department of Economic Opportunity shall screen applicants for state funding for sports development; defining the terms "agreement," "applicant," "beneficiary," "facility," "project," "state sales taxes generated by sales at the facility," and "signature event"; providing a purpose to provide funding for applicants for constructing, reconstructing, renovating, or improving a facility; providing an application and approval process; providing for an annual application period; providing for the Department of Economic Opportunity to submit recommendations to the Legislature by a certain date; requiring legislative approval for state funding; providing evaluation criteria for an applicant to receive state funding; providing for evaluation and ranking of applicants under certain criteria; allowing the department to determine the type of beneficiary; providing levels of state funding up to a certain amount of new incremental state sales tax revenue; providing for a distribution and calculation; requiring the Department of Revenue to distribute funds within a certain timeframe after notification by the department; limiting annual distributions to \$13 million; providing for a contract between the

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department and the applicant; limiting use of funds;
requiring an applicant to submit information to the
department annually; requiring a 5-year review;
authorizing the Auditor General to conduct audits;
providing for reimbursement of the state funding under
certain circumstances; providing for discontinuation
of distributions upon an applicant's request;
authorizing the Department of Economic Opportunity to
adopt rules; contingently creating s. 288.116255,
F.S.; providing for an evaluation; amending s. 218.64,
F.S.; providing for municipalities and counties to
expend a portion of local government half-cent sales
tax revenues to reimburse the state as required by a
contract; authorizing the Department of Economic
Opportunity to adopt emergency rules; providing
effective dates.

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

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

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

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

(n) In addition to any other tax that is imposed under this
section, a county that has imposed the tax under paragraph (1)
may impose an additional tax that is no greater than 1 percent
on the exercise of the privilege described in paragraph (a) by a

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majority plus one vote of the membership of the board of county commissioners, or as otherwise provided in this paragraph, in order to:

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

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

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

2. Pay the debt service on bonds issued to finance the renovation of a professional sports franchise facility that is publicly owned, or located on land that is publicly owned, and that is publicly operated or operated by the owner of a professional sports franchise or other lessee who has sufficient expertise or financial capability to operate the facility, and to pay the planning and design costs incurred before the issuance of such bonds for the renovated professional sports facility. The cost to renovate the facility must be more than \$300 million, including permitting, architectural, and

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117 engineering fees, and at least a majority of the total
118 construction cost, exclusive of in-kind contributions, must be
119 paid for by the ownership group of the professional sports
120 franchise or other private sources. Tax revenues available to
121 pay debt service on bonds may be used to pay for operation and
122 maintenance costs of the facility. A county levying the tax for
123 the purposes specified in this subparagraph may do so only by a
124 majority plus one vote of the membership of the board of county
125 commissioners and after approval of the proposed use of the tax
126 revenues by a majority vote of the electors voting in the
127 referendum. Referendum approval of the proposed use of the tax
128 revenues may be in an election held before or after the
129 effective date of this act. The referendum ballot must include a
130 brief description of the proposed use of the tax revenues and
131 the following question:

132 FOR the Proposed Use

133 AGAINST the Proposed Use

134 3.2. Promote and advertise tourism in this ~~the~~ state ~~of~~
135 ~~Florida~~ and nationally and internationally; however, if tax
136 revenues are expended for an activity, service, venue, or event,
137 the activity, service, venue, or event must ~~shall~~ have as one of
138 its main purposes the attraction of tourists as evidenced by the
139 promotion of the activity, service, venue, or event to tourists.

140
141 A county that imposes the tax authorized in this paragraph may
142 not expend any ad valorem tax revenues for the acquisition,
143 expansion, construction, reconstruction, or renovation of a
144 facility for which tax revenues are used pursuant to
145 subparagraph 1. The provision of paragraph (b) which prohibits

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any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2 percent ~~2-percent~~ tax authorized by this section does ~~shall~~ not apply to the additional tax authorized by this paragraph in counties that ~~which~~ levy convention development taxes pursuant to s. 212.0305(4) (a) or (b). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance must ~~shall~~ be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax must ~~shall~~ be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, aquariums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. Tax revenues received pursuant to this section may also be used for promotion of zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. However, these

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175 purposes may be implemented through service contracts and leases
176 with lessees with sufficient expertise or financial capability
177 to operate such facilities;

178 2. To promote and advertise tourism in this ~~the~~ state ~~of~~
179 ~~Florida~~ and nationally and internationally; however, if tax
180 revenues are expended for an activity, service, venue, or event,
181 the activity, service, venue, or event must ~~shall~~ have as one of
182 its main purposes the attraction of tourists as evidenced by the
183 promotion of the activity, service, venue, or event to tourists;

184 3. To fund convention bureaus, tourist bureaus, tourist
185 information centers, and news bureaus as county agencies or by
186 contract with the chambers of commerce or similar associations
187 in the county, which may include any indirect administrative
188 costs for services performed by the county on behalf of the
189 promotion agency; ~~or~~

190 4. To finance beach park facilities or beach improvement,
191 maintenance, renourishment, restoration, and erosion control,
192 including shoreline protection, enhancement, cleanup, or
193 restoration of inland lakes and rivers to which there is public
194 access as those uses relate to the physical preservation of the
195 beach, shoreline, or inland lake or river. However, any funds
196 identified by a county as the local matching source for beach
197 renourishment, restoration, or erosion control projects included
198 in the long-range budget plan of the state's Beach Management
199 Plan, pursuant to s. 161.091, or funds contractually obligated
200 by a county in the financial plan for a federally authorized
201 shore protection project may not be used or loaned for any other
202 purpose. In counties of less than 100,000 population, no more
203 than 10 percent of the revenues from the tourist development tax

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may be used for beach park facilities; or—

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

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

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

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

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

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

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

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233 3. After the distribution under subparagraphs 1. and 2.,
234 0.095 percent must ~~shall~~ be transferred to the Local Government
235 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
236 to s. 218.65.

237 4. After the distributions under subparagraphs 1., 2., and
238 3., 2.0440 percent of the available proceeds must ~~shall~~ be
239 transferred monthly to the Revenue Sharing Trust Fund for
240 Counties pursuant to s. 218.215.

241 5. After the distributions under subparagraphs 1., 2., and
242 3., 1.3409 percent of the available proceeds must ~~shall~~ be
243 transferred monthly to the Revenue Sharing Trust Fund for
244 Municipalities pursuant to s. 218.215. If the total revenue to
245 be distributed pursuant to this subparagraph is at least as
246 great as the amount due from the Revenue Sharing Trust Fund for
247 Municipalities and the former Municipal Financial Assistance
248 Trust Fund in state fiscal year 1999-2000, a ~~no~~ municipality may
249 not ~~shall~~ receive less than the amount due from the Revenue
250 Sharing Trust Fund for Municipalities and the former Municipal
251 Financial Assistance Trust Fund in state fiscal year 1999-2000.
252 If the total proceeds to be distributed are less than the amount
253 received in combination from the Revenue Sharing Trust Fund for
254 Municipalities and the former Municipal Financial Assistance
255 Trust Fund in state fiscal year 1999-2000, each municipality
256 shall receive an amount proportionate to the amount it was due
257 in state fiscal year 1999-2000.

258 6. Of the remaining proceeds:

259 a. In each fiscal year, the sum of \$29,915,500 must ~~shall~~
260 be divided into as many equal parts as there are counties in the
261 state, and one part must ~~shall~~ be distributed to each county.

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262 The distribution among the several counties must begin each
263 fiscal year on or before January 5th and continue monthly for a
264 total of 4 months. If a local or special law required that any
265 moneys accruing to a county in fiscal year 1999-2000 under the
266 then-existing provisions of s. 550.135 be paid directly to the
267 district school board, special district, or a municipal
268 government, such payment must continue until the local or
269 special law is amended or repealed. The state covenants with
270 holders of bonds or other instruments of indebtedness issued by
271 local governments, special districts, or district school boards
272 before July 1, 2000, that it is not the intent of this
273 subparagraph to adversely affect the rights of those holders or
274 relieve local governments, special districts, or district school
275 boards of the duty to meet their obligations as a result of
276 previous pledges or assignments or trusts entered into which
277 obligated funds received from the distribution to county
278 governments under then-existing s. 550.135. This distribution
279 specifically is in lieu of funds distributed under s. 550.135
280 before July 1, 2000.

281 b. The department shall, pursuant to s. 288.1162,
282 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each
283 applicant certified as a facility for a new or retained
284 professional sports franchise ~~pursuant to s. 288.1162~~. Up to
285 \$41,667 must ~~shall~~ be distributed monthly by the department to
286 each certified applicant as defined in s. 288.11621 for a
287 facility for a spring training franchise. However, not more than
288 \$416,670 may be distributed monthly in the aggregate to all
289 certified applicants for facilities for spring training
290 franchises. Distributions begin 60 days after such certification

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291 and continue for not more than 30 years, except as otherwise
292 provided in s. 288.11621. A certified applicant identified in
293 this sub-subparagraph may not receive more in distributions than
294 expended by the applicant for the public purposes provided for
295 in s. 288.1162 ~~288.1162(5)~~ or s. 288.11621(3).

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

302 d. Beginning 30 days after notice by the Department of
303 Economic Opportunity to the Department of Revenue that the
304 applicant has been certified as the International Game Fish
305 Association World Center facility pursuant to s. 288.1169, and
306 the facility is open to the public, \$83,333 must ~~shall~~ be
307 distributed monthly, for up to 168 months, to the applicant.
308 This distribution is subject to reduction pursuant to s.
309 288.1169. A lump sum payment of \$999,996 must ~~shall~~ be made,
310 after certification and before July 1, 2000.

311 e. Beginning 45 days after notice by the Department of
312 Economic Opportunity to the Department of Revenue that an
313 applicant has been approved by the Legislature and certified by
314 the Department of Economic Opportunity under s. 288.11625, the
315 department shall distribute each month an amount equal to one-
316 twelfth the annual distribution amount certified by the
317 Department of Economic Opportunity for the applicant. The
318 department may not distribute more than \$13 million annually to
319 all applicants approved by the Legislature and certified by the

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Department of Economic Opportunity pursuant to s. 288.11625.

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

Section 3. Section 288.11625, Florida Statutes, is created to read:

288.11625 Sports development.—

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

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

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

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

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

(d) "Facility" means a facility primarily used to host games or events held by a beneficiary and does not include any

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portion used to provide transient lodging.

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

(f) "Signature event" means a professional 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.
4. Professional automobile race championships or Formula 1 Grand Prix.
5. The establishment of a new professional sports franchise in this state.

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

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

(4) APPLICATION AND APPROVAL PROCESS.—

(a) The department shall establish the procedures and application forms deemed necessary pursuant to the requirements

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of this section. The department may notify an applicant of any additional required or incomplete information necessary to evaluate an application.

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

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

(d) Annually by February 1, the department shall rank the applicants and shall provide to the Legislature the list of the recommended applicants in ranked order of projects most likely to positively impact the state based on required criteria established in this section. The list must include the department's evaluation of the applicant.

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

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

2. An application by a beneficiary which is approved by the Legislature and subsequently certified by the department remains certified for the duration of the beneficiary's agreement with

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the unit of local government that owns the underlying property or for 30 years, whichever is less, provided the certified applicant has an agreement with the unit of local government at the time of initial certification by the department.

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

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

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

(5) EVALUATION PROCESS.—

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

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

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

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

4. If the applicant is a unit of local government in whose jurisdiction the facility will be located, the unit of local government has an exclusive intent agreement to negotiate in

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436 this state with the beneficiary.

437 5.a. The unit of local government in whose jurisdiction the
438 facility will be located supports the application for state
439 funds. Such support must be verified by the adoption of a
440 resolution after a public hearing that the project serves a
441 public purpose.

442 b. If the unit of local government is required to pass a
443 resolution by a majority plus one vote by the local government's
444 governing body and to hold a referendum for approval pursuant to
445 s. 125.0104(3)(n)2., such resolution and referendum must
446 affirmatively pass for the applicant to receive state funding
447 under this section.

448 6. The applicant or beneficiary has not previously
449 defaulted or failed to meet any statutory requirements of a
450 previous state-administered sports-related program under s.
451 288.1162, s. 288.11621, or s. 288.1168.

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

456 8. If the applicant is a unit of local government, the
457 applicant has a certified copy of a signed agreement with a
458 beneficiary for the use of the facility. If the applicant is a
459 beneficiary, the beneficiary must enter into an agreement with
460 the department. The applicant's or beneficiary's agreement must
461 also require the following:

462 a. The beneficiary must reimburse the state for state funds
463 that have been distributed and will be distributed if the
464 beneficiary relocates before the agreement expires.

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465 b. The beneficiary must pay for signage or advertising
466 within the facility. The signage or advertising must be placed
467 in a prominent location as close to the field of play or
468 competition as is practical, displayed consistent with signage
469 or advertising in the same location and like value, and must
470 feature Florida advertising approved by the Florida Tourism
471 Industry Marketing Corporation.

472 9. The project will commence within 12 months after
473 receiving state funds.

474 (b) The department shall competitively evaluate and rank
475 applicants that submit applications for state funding which are
476 received during the application period using the following
477 criteria to evaluate the applicant's ability to positively
478 impact the state:

479 1. The proposed use of state funds.

480 2. The length of time that a beneficiary has agreed to use
481 the facility.

482 3. The percentage of total project funds provided by the
483 applicant and the percentage of total project funds provided by
484 the beneficiary.

485 4. The number and type of signature events the facility is
486 likely to attract during the duration of the agreement with the
487 beneficiary.

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

490 6. The potential to attract out-of-state visitors to the
491 facility.

492 7. The length of time a beneficiary has been in the state
493 or partnered with the unit of local government. In order to

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encourage new franchises to locate in this state, an application for a new franchise shall be considered to have a significant positive impact on the state and shall be given priority in the evaluation and ranking by the department.

8. The multiuse capabilities of the facility.

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

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

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

(6) DISTRIBUTION.—

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

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

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

3. If the total project cost is less than \$100 million, the applicant is eligible to receive annual distributions equal to the new incremental state sales taxes generated by sales at the

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523 facility during 12 months as provided under subparagraph (b)2.,
524 up to \$1 million.

525 (b) At the time of initial evaluation and review by the
526 department pursuant to subsection (5), the applicant must
527 provide an analysis by an independent certified public
528 accountant which demonstrates:

529 1. The amount of state sales taxes generated by sales at
530 the facility during the 12-month period immediately prior to the
531 beginning of the application period. This amount is the
532 baseline.

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

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

538 (d) The Department of Revenue shall begin distributions
539 within 45 days after notification of initial certification from
540 the department.

541 (e) The department must consult with the Department of
542 Revenue and the Office of Economic and Demographic Research to
543 develop a standard calculation for estimating new incremental
544 state sales taxes generated by sales at the facility and
545 adjustments to distributions.

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

549 (7) CONTRACT.—An applicant approved by the Legislature and
550 certified by the department must enter into a contract with the
551 department which:

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

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

555 (c) Requires the applicant to submit the independent
556 analysis required under subsection (6) and an annual independent
557 analysis.

558 1. The applicant must agree to submit to the department,
559 beginning 12 months after completion of a project or 12 months
560 after the first four annual distributions, whichever is earlier,
561 an annual analysis by an independent certified public accountant
562 demonstrating the actual amount of new incremental state sales
563 taxes generated by sales at the facility during the previous 12-
564 month period. The applicant shall certify to the department a
565 comparison of the actual amount of state sales taxes generated
566 by sales at the facility during the previous 12-month period to
567 the baseline under subparagraph (6) (b)1.

568 2. The applicant must submit the certification within 60
569 days after the end of the previous 12-month period. The
570 department shall verify the analysis.

571 (d) Specifies information that the certified applicant must
572 report to the department.

573 (e) Requires the applicant to reimburse the state for the
574 amount each year that the actual new incremental state sales
575 taxes generated by sales at the facility during the most recent
576 12-month period was less than the annual distribution under
577 paragraph (6) (a). This requirement applies 12 months after
578 completion of a project or 12 months after the first four annual
579 distributions, whichever is earlier.

580 1. If the applicant is unable or unwilling to reimburse the

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581 state in any year for the amount equal to the difference between
582 the actual new incremental state sales taxes generated by sales
583 at the facility and the annual distribution under paragraph
584 (6) (a), the department may place a lien on the applicant's
585 facility.

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

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

591 (f) Includes any provisions deemed prudent by the
592 department.

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

595 (a) Constructing, reconstructing, renovating, or improving
596 a facility, or reimbursing such costs.

597 (b) Paying or pledging for the payment of debt service on,
598 or to fund debt service reserve funds, arbitrage rebate
599 obligations, or other amounts payable with respect thereto,
600 bonds issued for the construction or renovation of such
601 facility; or for the reimbursement of such costs or the
602 refinancing of bonds issued for such purposes.

603 (9) REPORTS.—

604 (a) On or before November 1 of each year, an applicant
605 certified under this section and approved to receive state funds
606 must submit to the department any information required by the
607 department. The department shall summarize this information for
608 inclusion in the report to the Legislature due February 1 under
609 paragraph (4) (d).

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610 (b) Every 5 years following the first month that an
611 applicant receives a monthly distribution, the department must
612 verify that the applicant is meeting the program requirements.
613 If the applicant is not meeting program requirements, the
614 department must notify the Governor and Legislature of the
615 requirements not being met and must recommend future action as
616 part of the report to the Legislature due February 1 pursuant to
617 paragraph (4)(d). The department shall consider exceptions that
618 may have prevented the applicant from meeting the program
619 requirements. Such exceptions include:

- 620 1. Force majeure events.
621 2. Significant economic downturn.
622 3. Other extenuating circumstances.

623 (10) AUDITS.—The Auditor General may conduct audits
624 pursuant to s. 11.45 to verify the independent analysis required
625 under paragraphs (6)(b) and (7)(c) and to verify that the
626 distributions are expended as required. The Auditor General
627 shall report the findings to the department. If the Auditor
628 General determines that the distribution payments are not
629 expended as required, the Auditor General must notify the
630 Department of Revenue, which may pursue recovery of
631 distributions under the laws and rules that govern the
632 assessment of taxes.

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

636 (a) An applicant's beneficiary has broken the terms of its
637 agreement with the applicant and relocated from the facility.
638 The beneficiary must reimburse the state for state funds that

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639 have been distributed and will be distributed if the beneficiary
640 relocates before the agreement expires.

641 (b) The department has determined that an applicant has
642 submitted any information or made a representation that is
643 determined to be false, misleading, deceptive, or otherwise
644 untrue. The applicant must reimburse the state for state funds
645 that have been distributed and will be distributed if such
646 determination is made.

647 (12) HALTING OF PAYMENTS.—The applicant may request to halt
648 future distributions by providing the department with written
649 notice at least 20 days prior to the next monthly distribution
650 payment. The department must immediately notify the Department
651 of Revenue to halt future payments.

652 (13) RULEMAKING.—The department may adopt rules to
653 implement this section.

654 Section 4. Contingent upon enactment of the Economic
655 Development Program Evaluation as set forth in SB 406 or similar
656 legislation, section 288.116255, Florida Statutes, is created to
657 read:

658 288.116255 Sports Development Program Evaluation.—Beginning
659 in 2015, the Sports Development Program must be evaluated as
660 part of the Economic Development Program Evaluation, and every 3
661 years thereafter.

662 Section 5. Subsections (2) and (3) of section 218.64,
663 Florida Statutes, are amended to read:

664 218.64 Local government half-cent sales tax; uses;
665 limitations.—

666 (2) Municipalities shall expend their portions of the local
667 government half-cent sales tax only for municipality-wide

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668 programs, for reimbursing the state as required by a contract
669 pursuant to s. 288.11625(7), or for municipality-wide property
670 tax or municipal utility tax relief. All utility tax rate
671 reductions afforded by participation in the local government
672 half-cent sales tax shall be applied uniformly across all types
673 of taxed utility services.

674 (3) Subject to ordinances enacted by the majority of the
675 members of the county governing authority and by the majority of
676 the members of the governing authorities of municipalities
677 representing at least 50 percent of the municipal population of
678 such county, counties may use up to \$3 ~~\$2~~ million annually of
679 the local government half-cent sales tax allocated to that
680 county for ~~funding for~~ any of the following purposes ~~applicants~~:

681 (a) Funding a certified applicant as a facility for a new
682 or retained professional sports franchise under s. 288.1162 or a
683 certified applicant as defined in s. 288.11621 for a facility
684 for a spring training franchise. It is the Legislature's intent
685 that the provisions of s. 288.1162, including, but not limited
686 to, the evaluation process by the Department of Economic
687 Opportunity except for the limitation on the number of certified
688 applicants or facilities as provided in that section and the
689 restrictions set forth in s. 288.1162(8), shall apply to an
690 applicant's facility to be funded by local government as
691 provided in this subsection.

692 (b) Funding a certified applicant as a "motorsport
693 entertainment complex," as provided for in s. 288.1171. Funding
694 for each franchise or motorsport complex shall begin 60 days
695 after certification and shall continue for not more than 30
696 years.

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

699 Section 6. (1) The executive director of the Department of
700 Economic Opportunity may, and all conditions are deemed met,
701 adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4),
702 Florida Statutes, for the purpose of implementing this act.

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

707 Section 7. This act shall take effect upon becoming a law.