



757448

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Commerce and Tourism (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (5) are amended and subsection (9) is added to section 288.1162, Florida Statutes, to read:

288.1162 Professional sports franchises; duties.—

(1) The department shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise or under subsection (9).



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13 (5) An applicant certified as a facility for a new or
14 retained professional sports franchise or under subsection (9)
15 may use funds provided under s. 212.20 only for the public
16 purpose of paying for the acquisition, construction,
17 reconstruction, or renovation of a facility for a new or
18 retained professional sports franchise to pay or pledge for the
19 payment of debt service on, or to fund debt service reserve
20 funds, arbitrage rebate obligations, or other amounts payable
21 with respect to, bonds issued for the acquisition, construction,
22 reconstruction, or renovation of such facility or for the
23 reimbursement of such costs or the refinancing of bonds issued
24 for such purposes.

25 (9) (a) Notwithstanding subsections (4), (6), and (8), an
26 applicant previously certified under this section as a facility
27 for a new or retained professional sports franchise is eligible
28 for an additional certification for the public purpose of making
29 improvements to the facility in order to meet or exceed the
30 league's facility standards, if:

31 1. The cost of the planned improvements to the facility is
32 at least \$80 million.

33 2. The professional sports franchise has been in existence
34 for at least 15 years.

35 3. The signed agreement for use of the facility described
36 in paragraph (4) (b) has at least 15 years remaining on the
37 agreement's term.

38 4. The applicant has an independent analysis or study,
39 verified by the department, which demonstrates that the amount
40 of the revenues generated by the taxes imposed under chapter 212
41 with respect to the use and operation of the professional sports



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42 franchise facility will equal or exceed \$4 million annually.

43 (b) As used in this subsection, the term "facility
44 standards" means the stadium equipment standards in place
45 throughout the league as certified in writing by the league's
46 commissioner.

47 (c) The department shall notify the Department of Revenue
48 of any facility certified under this subsection.

49 Section 2. Paragraph (d) of subsection (6) of section
50 212.20, Florida Statutes, is amended to read:

51 212.20 Funds collected, disposition; additional powers of
52 department; operational expense; refund of taxes adjudicated
53 unconstitutionally collected.—

54 (6) Distribution of all proceeds under this chapter and s.
55 202.18(1)(b) and (2)(b) shall be as follows:

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

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

65 2. After the distribution under subparagraph 1., 8.814
66 percent of the amount remitted by a sales tax dealer located
67 within a participating county pursuant to s. 218.61 shall be
68 transferred into the Local Government Half-cent Sales Tax
69 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
70 transferred shall be reduced by 0.1 percent, and the department



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71 shall distribute this amount to the Public Employees Relations
72 Commission Trust Fund less \$5,000 each month, which shall be
73 added to the amount calculated in subparagraph 3. and
74 distributed accordingly.

75 3. After the distribution under subparagraphs 1. and 2.,
76 0.095 percent shall be transferred to the Local Government Half-
77 cent Sales Tax Clearing Trust Fund and distributed pursuant to
78 s. 218.65.

79 4. After the distributions under subparagraphs 1., 2., and
80 3., 2.0440 percent of the available proceeds shall be
81 transferred monthly to the Revenue Sharing Trust Fund for
82 Counties pursuant to s. 218.215.

83 5. After the distributions under subparagraphs 1., 2., and
84 3., 1.3409 percent of the available proceeds shall be
85 transferred monthly to the Revenue Sharing Trust Fund for
86 Municipalities pursuant to s. 218.215. If the total revenue to
87 be distributed pursuant to this subparagraph is at least as
88 great as the amount due from the Revenue Sharing Trust Fund for
89 Municipalities and the former Municipal Financial Assistance
90 Trust Fund in state fiscal year 1999-2000, no municipality shall
91 receive less than the amount due from the Revenue Sharing Trust
92 Fund for Municipalities and the former Municipal Financial
93 Assistance Trust Fund in state fiscal year 1999-2000. If the
94 total proceeds to be distributed are less than the amount
95 received in combination from the Revenue Sharing Trust Fund for
96 Municipalities and the former Municipal Financial Assistance
97 Trust Fund in state fiscal year 1999-2000, each municipality
98 shall receive an amount proportionate to the amount it was due
99 in state fiscal year 1999-2000.



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100 6. Of the remaining proceeds:

101 a. In each fiscal year, the sum of \$29,915,500 shall be
102 divided into as many equal parts as there are counties in the
103 state, and one part shall be distributed to each county. The
104 distribution among the several counties must begin each fiscal
105 year on or before January 5th and continue monthly for a total
106 of 4 months. If a local or special law required that any moneys
107 accruing to a county in fiscal year 1999-2000 under the then-
108 existing provisions of s. 550.135 be paid directly to the
109 district school board, special district, or a municipal
110 government, such payment must continue until the local or
111 special law is amended or repealed. The state covenants with
112 holders of bonds or other instruments of indebtedness issued by
113 local governments, special districts, or district school boards
114 before July 1, 2000, that it is not the intent of this
115 subparagraph to adversely affect the rights of those holders or
116 relieve local governments, special districts, or district school
117 boards of the duty to meet their obligations as a result of
118 previous pledges or assignments or trusts entered into which
119 obligated funds received from the distribution to county
120 governments under then-existing s. 550.135. This distribution
121 specifically is in lieu of funds distributed under s. 550.135
122 before July 1, 2000.

123 b. The department shall distribute \$166,667 monthly
124 pursuant to s. 288.1162 to each applicant certified as a
125 facility for a new or retained professional sports franchise
126 pursuant to s. 288.1162, and \$166,667 monthly to each applicant
127 that receives an additional certification pursuant to s.
128 288.1162(9). Up to \$41,667 shall be distributed monthly by the



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129 department to each certified applicant as defined in s.
130 288.11621 for a facility for a spring training franchise.
131 However, not more than \$416,670 may be distributed monthly in
132 the aggregate to all certified applicants for facilities for
133 spring training franchises. Distributions begin 60 days after
134 such certification and continue for not more than 30 years,
135 except as otherwise provided in s. 288.11621. A certified
136 applicant identified in this sub-subparagraph may not receive
137 more in distributions than expended by the applicant for the
138 public purposes provided for in s. 288.1162(5) or s.
139 288.11621(3).

140 c. Beginning 30 days after notice by the Department of
141 Economic Opportunity to the Department of Revenue that an
142 applicant has been certified as the professional golf hall of
143 fame pursuant to s. 288.1168 and is open to the public, \$166,667
144 shall be distributed monthly, for up to 300 months, to the
145 applicant.

146 d. Beginning 30 days after notice by the Department of
147 Economic Opportunity to the Department of Revenue that the
148 applicant has been certified as the International Game Fish
149 Association World Center facility pursuant to s. 288.1169, and
150 the facility is open to the public, \$83,333 shall be distributed
151 monthly, for up to 168 months, to the applicant. This
152 distribution is subject to reduction pursuant to s. 288.1169. A
153 lump sum payment of \$999,996 shall be made, after certification
154 and before July 1, 2000.

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

157 Section 3. This act shall take effect upon becoming law.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to professional sports franchise
facilities; amending ss. 288.1162 and 212.20, F.S.;
authorizing an applicant previously certified as a
facility for a new or retained professional sports
franchise to receive an additional certification under
certain circumstances, and to receive an additional
monthly distribution of a specified amount of sales
tax revenues, to improve the conditions of the
facility to meet or exceed certain facility standards;
defining the term "facility standards"; providing an
effective date.