

**By** the Committee on Commerce and Tourism; and Senators Bradley, Bean, Dean, Thrasher, and Gibson

577-02584-13

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1 A bill to be entitled

2 An act relating to professional sports franchise  
3 facilities; amending ss. 288.1162 and 212.20, F.S.;  
4 authorizing an applicant previously certified as a  
5 facility for a new or retained professional sports  
6 franchise to receive an additional certification under  
7 certain circumstances, and to receive an additional  
8 monthly distribution of a specified amount of sales  
9 tax revenues to improve the condition of the facility  
10 to meet or exceed certain facility standards;  
11 providing that the Department of Economic Opportunity  
12 administer the certification program; defining the  
13 term "facility standards"; requiring the Department of  
14 Economic Opportunity to notify the Department of  
15 Revenue of applicants that receive an additional  
16 certification; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsections (1) and (5) are amended and  
21 subsection (9) is added to section 288.1162, Florida Statutes,  
22 to read:

23 288.1162 Professional sports franchises; duties.—

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

29 (5) An applicant certified as a facility for a new or

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30 retained professional sports franchise or an applicant certified  
31 under subsection (9) may use funds provided under s. 212.20 only  
32 for the public purpose of paying for the acquisition,  
33 construction, reconstruction, or renovation of a facility for a  
34 new or retained professional sports franchise to pay or pledge  
35 for the payment of debt service on, or to fund debt service  
36 reserve funds, arbitrage rebate obligations, or other amounts  
37 payable with respect to, bonds issued for the acquisition,  
38 construction, reconstruction, or renovation of such facility or  
39 for the reimbursement of such costs or the refinancing of bonds  
40 issued for such purposes.

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

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

49 2. The professional sports franchise has been in existence  
50 for at least 15 years.

51 3. The signed agreement for use of the facility described  
52 in paragraph (4) (b) has at least 15 years remaining in the  
53 agreement's term.

54 4. The applicant has an independent analysis or study,  
55 verified by the department, which demonstrates that the amount  
56 of revenues generated by the taxes imposed under chapter 212  
57 with respect to the use and operation of the professional sports  
58 franchise facility will equal or exceed \$4 million annually.

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59       (b) As used in this subsection, the term "facility  
60 standards" means the stadium equipment standards in place  
61 throughout the league as certified in writing by the league's  
62 commissioner.

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

65       Section 2. Paragraph (d) of subsection (6) of section  
66 212.20, Florida Statutes, is amended to read:

67       212.20 Funds collected, disposition; additional powers of  
68 department; operational expense; refund of taxes adjudicated  
69 unconstitutionally collected.—

70       (6) Distribution of all proceeds under this chapter and s.  
71 202.18(1)(b) and (2)(b) shall be as follows:

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

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

81       2. After the distribution under subparagraph 1., 8.814  
82 percent of the amount remitted by a sales tax dealer located  
83 within a participating county pursuant to s. 218.61 shall be  
84 transferred into the Local Government Half-cent Sales Tax  
85 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
86 transferred shall be reduced by 0.1 percent, and the department  
87 shall distribute this amount to the Public Employees Relations

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88 Commission Trust Fund less \$5,000 each month, which shall be  
89 added to the amount calculated in subparagraph 3. and  
90 distributed accordingly.

91 3. After the distribution under subparagraphs 1. and 2.,  
92 0.095 percent shall be transferred to the Local Government Half-  
93 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
94 s. 218.65.

95 4. After the distributions under subparagraphs 1., 2., and  
96 3., 2.0440 percent of the available proceeds shall be  
97 transferred monthly to the Revenue Sharing Trust Fund for  
98 Counties pursuant to s. 218.215.

99 5. After the distributions under subparagraphs 1., 2., and  
100 3., 1.3409 percent of the available proceeds shall be  
101 transferred monthly to the Revenue Sharing Trust Fund for  
102 Municipalities pursuant to s. 218.215. If the total revenue to  
103 be distributed pursuant to this subparagraph is at least as  
104 great as the amount due from the Revenue Sharing Trust Fund for  
105 Municipalities and the former Municipal Financial Assistance  
106 Trust Fund in state fiscal year 1999-2000, no municipality shall  
107 receive less than the amount due from the Revenue Sharing Trust  
108 Fund for Municipalities and the former Municipal Financial  
109 Assistance Trust Fund in state fiscal year 1999-2000. If the  
110 total proceeds to be distributed are less than the amount  
111 received in combination from the Revenue Sharing Trust Fund for  
112 Municipalities and the former Municipal Financial Assistance  
113 Trust Fund in state fiscal year 1999-2000, each municipality  
114 shall receive an amount proportionate to the amount it was due  
115 in state fiscal year 1999-2000.

116 6. Of the remaining proceeds:

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

139 b. The department shall distribute \$166,667 monthly  
140 pursuant to s. 288.1162 to each applicant certified as a  
141 facility for a new or retained professional sports franchise  
142 pursuant to s. 288.1162, and \$166,667 monthly to each applicant  
143 that receives an additional certification pursuant to s.  
144 288.1162(9). Up to \$41,667 shall be distributed monthly by the  
145 department to each certified applicant as defined in s.

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146 288.11621 for a facility for a spring training franchise.  
147 However, not more than \$416,670 may be distributed monthly in  
148 the aggregate to all certified applicants for facilities for  
149 spring training franchises. Distributions begin 60 days after  
150 such certification and continue for not more than 30 years,  
151 except as otherwise provided in s. 288.11621. A certified  
152 applicant identified in this sub-subparagraph may not receive  
153 more in distributions than expended by the applicant for the  
154 public purposes provided for in s. 288.1162(5) or s.  
155 288.11621(3).

156 c. Beginning 30 days after notice by the Department of  
157 Economic Opportunity to the Department of Revenue that an  
158 applicant has been certified as the professional golf hall of  
159 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
160 shall be distributed monthly, for up to 300 months, to the  
161 applicant.

162 d. Beginning 30 days after notice by the Department of  
163 Economic Opportunity to the Department of Revenue that the  
164 applicant has been certified as the International Game Fish  
165 Association World Center facility pursuant to s. 288.1169, and  
166 the facility is open to the public, \$83,333 shall be distributed  
167 monthly, for up to 168 months, to the applicant. This  
168 distribution is subject to reduction pursuant to s. 288.1169. A  
169 lump sum payment of \$999,996 shall be made, after certification  
170 and before July 1, 2000.

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

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