



213492

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2014	.	
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The Committee on Commerce and Tourism (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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.



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11 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

31 3. After the distribution under subparagraphs 1. and 2.,
32 0.095 percent shall be transferred to the Local Government Half-
33 cent Sales Tax Clearing Trust Fund and distributed pursuant to
34 s. 218.65.

35 4. After the distributions under subparagraphs 1., 2., and
36 3., 2.0440 percent of the available proceeds shall be
37 transferred monthly to the Revenue Sharing Trust Fund for
38 Counties pursuant to s. 218.215.

39 5. After the distributions under subparagraphs 1., 2., and



40 3., 1.3409 percent of the available proceeds shall be
41 transferred monthly to the Revenue Sharing Trust Fund for
42 Municipalities pursuant to s. 218.215. If the total revenue to
43 be distributed pursuant to this subparagraph is at least as
44 great as the amount due from the Revenue Sharing Trust Fund for
45 Municipalities and the former Municipal Financial Assistance
46 Trust Fund in state fiscal year 1999-2000, no municipality shall
47 receive less than the amount due from the Revenue Sharing Trust
48 Fund for Municipalities and the former Municipal Financial
49 Assistance Trust Fund in state fiscal year 1999-2000. If the
50 total proceeds to be distributed are less than the amount
51 received in combination from the Revenue Sharing Trust Fund for
52 Municipalities and the former Municipal Financial Assistance
53 Trust Fund in state fiscal year 1999-2000, each municipality
54 shall receive an amount proportionate to the amount it was due
55 in state fiscal year 1999-2000.

56 6. Of the remaining proceeds:

57 a. In each fiscal year, the sum of \$29,915,500 shall be
58 divided into as many equal parts as there are counties in the
59 state, and one part shall be distributed to each county. The
60 distribution among the several counties must begin each fiscal
61 year on or before January 5th and continue monthly for a total
62 of 4 months. If a local or special law required that any moneys
63 accruing to a county in fiscal year 1999-2000 under the then-
64 existing provisions of s. 550.135 be paid directly to the
65 district school board, special district, or a municipal
66 government, such payment must continue until the local or
67 special law is amended or repealed. The state covenants with
68 holders of bonds or other instruments of indebtedness issued by



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69 local governments, special districts, or district school boards
70 before July 1, 2000, that it is not the intent of this
71 subparagraph to adversely affect the rights of those holders or
72 relieve local governments, special districts, or district school
73 boards of the duty to meet their obligations as a result of
74 previous pledges or assignments or trusts entered into which
75 obligated funds received from the distribution to county
76 governments under then-existing s. 550.135. This distribution
77 specifically is in lieu of funds distributed under s. 550.135
78 before July 1, 2000.

79 b. The department shall distribute \$166,667 monthly
80 pursuant to s. 288.1162 to each applicant certified as a
81 facility for a new or retained professional sports franchise
82 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
83 monthly by the department to each certified applicant as defined
84 in s. 288.11621 for a facility for a spring training franchise.
85 However, not more than \$416,670 may be distributed monthly in
86 the aggregate to all certified applicants for facilities for
87 spring training franchises. Distributions begin 60 days after
88 such certification and continue for not more than 30 years,
89 except as otherwise provided in s. 288.11621. A certified
90 applicant identified in this sub-subparagraph may not receive
91 more in distributions than expended by the applicant for the
92 public purposes provided for in s. 288.1162(5) or s.
93 288.11621(3).

94 c. Beginning 30 days after notice by the Department of
95 Economic Opportunity to the Department of Revenue that an
96 applicant has been certified as the professional golf hall of
97 fame pursuant to s. 288.1168 and is open to the public, \$166,667



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98 shall be distributed monthly, for up to 300 months, to the
99 applicant.

100 d. Beginning 30 days after notice by the Department of
101 Economic Opportunity to the Department of Revenue that the
102 applicant has been certified as the International Game Fish
103 Association World Center facility pursuant to s. 288.1169, and
104 the facility is open to the public, \$83,333 shall be distributed
105 monthly, for up to 168 months, to the applicant. This
106 distribution is subject to reduction pursuant to s. 288.1169. A
107 lump sum payment of \$999,996 shall be made, after certification
108 and before July 1, 2000.

109 e. The department shall distribute up to \$83,333 ~~\$55,555~~
110 monthly to each certified applicant as defined in s. 288.11631
111 for a facility used by a single spring training franchise, or up
112 to \$166,667 ~~\$111,110~~ monthly to each certified applicant as
113 defined in s. 288.11631 for a facility used by more than one
114 spring training franchise. Monthly distributions begin 60 days
115 after such certification or July 1, 2016, whichever is later,
116 and continue for not more than 20 ~~30~~ years to each certified
117 applicant as defined in s. 288.11631 for a facility used by a
118 single spring training franchise or not more than 25 years to
119 each certified applicant as defined in s. 288.11631 for a
120 facility used by more than one spring training franchise, except
121 as otherwise provided in s. 288.11631. A certified applicant
122 identified in this sub-subparagraph may not receive more in
123 distributions than expended by the applicant for the public
124 purposes provided in s. 288.11631(3).

125 f. Beginning 45 days after notice by the Department of
126 Economic Opportunity to the Department of Revenue that an



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127 applicant has been approved by the Legislature and certified by
128 the Department of Economic Opportunity under s. 288.11625, the
129 department shall distribute each month an amount equal to one-
130 twelfth of the annual distribution amount certified by the
131 Department of Economic Opportunity for the applicant. The
132 department may not distribute more than \$13 million annually
133 under this sub-subparagraph.

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

136 Section 2. Subsections (2) and (3) of section 218.64,
137 Florida Statutes, are amended to read:

138 218.64 Local government half-cent sales tax; uses;
139 limitations.-

140 (2) Municipalities shall expend their portions of the local
141 government half-cent sales tax only for municipality-wide
142 programs, for reimbursing the state as required by a contract
143 pursuant to s. 288.11625(7), or for municipality-wide property
144 tax or municipal utility tax relief. All utility tax rate
145 reductions afforded by participation in the local government
146 half-cent sales tax shall be applied uniformly across all types
147 of taxed utility services.

148 (3) Subject to ordinances enacted by the majority of the
149 members of the county governing authority and by the majority of
150 the members of the governing authorities of municipalities
151 representing at least 50 percent of the municipal population of
152 such county, counties may use up to \$3 ~~\$2~~ million annually of
153 the local government half-cent sales tax allocated to that
154 county for ~~funding for~~ any of the following purposes ~~applicants~~:

155 (a) Funding a certified applicant as a facility for a new



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156 or retained professional sports franchise under s. 288.1162 or a
157 certified applicant as defined in s. 288.11621 for a facility
158 for a spring training franchise. It is the Legislature's intent
159 that the provisions of s. 288.1162, including, but not limited
160 to, the evaluation process by the Department of Economic
161 Opportunity except for the limitation on the number of certified
162 applicants or facilities as provided in that section and the
163 restrictions set forth in s. 288.1162(8), shall apply to an
164 applicant's facility to be funded by local government as
165 provided in this subsection.

166 (b) Funding a certified applicant as a "motorsport
167 entertainment complex," as provided for in s. 288.1171. Funding
168 for each franchise or motorsport complex shall begin 60 days
169 after certification and shall continue for not more than 30
170 years.

171 (c) Reimbursing the state as required by a contract entered
172 into under s. 288.11625(7).

173 Section 3. Paragraph (d) is added to subsection (2) of
174 section 288.0001, Florida Statutes, to read:

175 288.0001 Economic Development Programs Evaluation.—The
176 Office of Economic and Demographic Research and the Office of
177 Program Policy Analysis and Government Accountability (OPPAGA)
178 shall develop and present to the Governor, the President of the
179 Senate, the Speaker of the House of Representatives, and the
180 chairs of the legislative appropriations committees the Economic
181 Development Programs Evaluation.

182 (2) The Office of Economic and Demographic Research and
183 OPPAGA shall provide a detailed analysis of economic development
184 programs as provided in the following schedule:



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185 (d) Beginning January 1, 2018, and every 3 years
186 thereafter, an analysis of the Sports Development Program
187 established under s. 288.11625.

188 Section 4. Section 288.11625, Florida Statutes, is created
189 to read:

190 288.11625 Sports development.—

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

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

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

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

204 (c) "Beneficiary" means a professional sports franchise of
205 the National Football League, the National Hockey League, the
206 National Basketball Association, the National League or American
207 League of Major League Baseball, Major League Soccer, or the
208 promoter of a signature event sanctioned by the National
209 Association for Stock Car Auto Racing. A beneficiary may also be
210 an applicant under this section.

211 (d) "Facility" means a structure primarily used to host
212 games or events held by a beneficiary and does not include any
213 portion used to provide transient lodging.



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214 (e) "Project" means a proposed construction,
215 reconstruction, renovation, or improvement of a facility or the
216 proposed acquisition of land to construct a new facility and
217 construction of improvements to state-owned land necessary for
218 the efficient use of the facility.

219 (f) "Signature event" means a professional sports event
220 with significant export factor potential. For purposes of this
221 paragraph, the term "export factor" means the attraction of
222 economic activity or growth into the state which otherwise would
223 not have occurred. Examples of signature events may include, but
224 are not limited to:

- 225 1. National Football League Super Bowls.
- 226 2. Professional sports All-Star games.
- 227 3. International sporting events and tournaments.
- 228 4. Professional motorsports events.
- 229 5. The establishment of a new professional sports franchise
230 in this state.

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

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

240 (4) APPLICATION AND APPROVAL PROCESS.—

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



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

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

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

254 (d) By each February 1, the department shall rank the
255 applicants and provide to the Legislature the list of the
256 recommended applicants in ranked order of projects most likely
257 to positively impact the state based on criteria established
258 under this section. The list must include the department's
259 evaluation of the applicant.

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

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

269 2. An application by a beneficiary or other applicant which
270 is approved by the Legislature and subsequently certified by the
271 department remains certified for the duration of the



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272 beneficiary's agreement with the unit of local government that
273 owns the underlying property or for 30 years, whichever is less,
274 provided the certified applicant has an agreement with the unit
275 of local government at the time of initial certification by the
276 department.

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

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

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

287 (5) EVALUATION PROCESS.—

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

291 1. The applicant or beneficiary is responsible for the
292 construction, reconstruction, renovation, or improvement of a
293 facility and obtained at least three bids for the project.

294 2. If the applicant is not a unit of local government, a
295 unit of local government holds title to the property on which
296 the facility and project are located.

297 3. If the applicant is a unit of local government in whose
298 jurisdiction the facility will be located, the unit of local
299 government has an exclusive intent agreement to negotiate in
300 this state with the beneficiary.



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301 4. A unit of local government in whose jurisdiction the
302 facility will be located supports the application for state
303 funds. Such support must be verified by the adoption of a
304 resolution, after a public hearing, that the project serves a
305 public purpose.

306 5. The applicant or beneficiary has not previously
307 defaulted or failed to meet any statutory requirements of a
308 previous state-administered sports-related program under s.
309 288.1162, s. 288.11621, or s. 288.1168. Additionally, the
310 applicant or beneficiary is not currently receiving state
311 distributions under s. 212.20 or the facility that is the
312 subject of the application is not the subject of a distribution
313 under s. 212.20.

314 6. The applicant or beneficiary has sufficiently
315 demonstrated a commitment to employ residents of this state,
316 contract with Florida-based firms, and purchase locally
317 available building materials to the greatest extent possible.

318 7. If the applicant is a unit of local government, the
319 applicant has a certified copy of a signed agreement with a
320 beneficiary for the use of the facility. If the applicant is a
321 beneficiary, the beneficiary must enter into an agreement with
322 the department. The applicant's or beneficiary's agreement must
323 also require the following:

324 a. The beneficiary must reimburse the state for state funds
325 that have been distributed and will be distributed if the
326 beneficiary relocates before the agreement expires.

327 b. The beneficiary must pay for signage or advertising
328 within the facility. The signage or advertising must be placed
329 in a prominent location as close to the field of play or



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330 competition as is practicable, must be displayed consistent with
331 signage or advertising in the same location and of like value,
332 and must feature Florida advertising approved by the Florida
333 Tourism Industry Marketing Corporation.

334 8. The project will commence within 12 months after
335 receiving state funds or did not commence more than 16 months
336 before July 1, 2014.

337 (b) The department shall competitively evaluate and rank
338 applicants that timely submit applications for state funding
339 based on their ability to positively impact the state using the
340 following criteria:

341 1. The proposed use of state funds.

342 2. The length of time that a beneficiary has agreed to use
343 the facility.

344 3. The percentage of total project funds provided by the
345 applicant and the percentage of total project funds provided by
346 the beneficiary, with priority in the evaluation and ranking
347 given to applications with 50 percent or more of total project
348 funds provided by the applicant and beneficiary.

349 4. The number and type of signature events the facility is
350 likely to attract during the duration of the agreement with the
351 beneficiary.

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

354 6. The potential to attract out-of-state visitors to the
355 facility.

356 7. The length of time a beneficiary has been in this state
357 or partnered with the unit of local government. In order to
358 encourage new franchises to locate in this state, an application



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359 for a new franchise shall be considered to have a significant
360 positive impact on the state and shall be given priority in the
361 evaluation and ranking by the department.

362 8. The multiuse capabilities of the facility.

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

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

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

370 (6) DISTRIBUTION.-

371 (a) The department shall determine the annual distribution
372 amount an applicant may receive based on 80 percent of the
373 average annual new incremental state sales taxes generated by
374 sales at the facility as provided under subparagraph (b)2., up
375 to \$3 million.

376 (b) At the time of initial evaluation and review by the
377 department pursuant to subsection (5), the applicant must
378 provide an analysis by an independent certified public
379 accountant which demonstrates:

380 1. The amount of state sales taxes generated by sales at
381 the facility during the 12-month period immediately before the
382 beginning of the application period. This amount is the
383 baseline.

384 2. The expected amount of average annual new incremental
385 state sales taxes generated by sales at the facility above the
386 baseline which will be generated as a result of the project.

387 3. The expected amount of average annual new incremental



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388 state sales taxes generated by sales at the facility must be at
389 least \$500,000 above the baseline for the applicant to be
390 eligible to receive a distribution under this section.

391 (c) The independent analysis provided in paragraph (b)
392 shall be verified by the department.

393 (d) The Department of Revenue shall begin distributions
394 within 45 days after notification of initial certification from
395 the department.

396 (e) The department shall consult with the Department of
397 Revenue and the Office of Economic and Demographic Research to
398 develop a standard calculation for estimating the average annual
399 new incremental state sales taxes generated by sales at the
400 facility.

401 (f) In any 12-month period when total distributions for all
402 certified applicants reach \$13 million, the department may not
403 certify new distributions for additional applicants.

404 (7) CONTRACT.—An applicant approved by the Legislature and
405 certified by the department must enter into a contract with the
406 department which:

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

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

410 (c) Requires the applicant to submit the independent
411 analysis required under subsection (6) and an annual independent
412 analysis.

413 1. The applicant must agree to submit to the department,
414 beginning 12 months after completion of a project or 12 months
415 after the first four annual distributions, whichever is earlier,
416 an annual analysis by an independent certified public accountant



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417 demonstrating the actual amount of new incremental state sales
418 taxes generated by sales at the facility during the previous 12-
419 month period. The applicant shall certify to the department a
420 comparison of the actual amount of state sales taxes generated
421 by sales at the facility during the previous 12-month period to
422 the baseline under subparagraph (6) (b)1.

423 2. The applicant must submit the certification within 60
424 days after the end of the previous 12-month period. The
425 department shall verify the analysis.

426 (d) Specifies information that the certified applicant must
427 report to the department.

428 (e) Requires the applicant to reimburse the state, after
429 all distributions have been made, an amount equal to the
430 difference between the actual new incremental state sales taxes
431 generated by sales at the facility during the contract and total
432 amount of distributions made under s. 212.20(6) (d) 6.f. If any
433 reimbursement is due to the state, such reimbursement must be
434 made within 90 days after the last distribution under the
435 contract has been made. If the applicant is unable or unwilling
436 to reimburse the state in any year for such amount, the
437 department may place a lien on the applicant's facility.

438 1. If the applicant is a municipality or county, it may
439 reimburse the state from its half-cent sales tax allocation, as
440 provided in s. 218.64(3).

441 2. Reimbursements must be sent to the Department of Revenue
442 for deposit into the General Revenue Fund.

443 (f) Includes any provisions deemed prudent by the
444 department.

445 (8) USE OF FUNDS.—An applicant certified under this section



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446 may use state funds only for the following purposes:

447 (a) Constructing, reconstructing, renovating, or improving
448 a facility or reimbursing such costs.

449 (b) Paying or pledging for the payment of debt service on
450 bonds issued for the construction or renovation of such
451 facility.

452 (c) Funding debt service reserve funds, arbitrage rebate
453 obligations, or other amounts payable with respect thereto on
454 bonds issued for the construction or renovation of such
455 facility.

456 (d) Reimbursing the costs under paragraphs (b) and (c) or
457 the refinancing of bonds issued for the construction or
458 renovation of such facility.

459 (9) REPORTS.—

460 (a) On or before November 1 of each year, an applicant
461 certified under this section and approved to receive state funds
462 must submit to the department any information required by the
463 department. The department shall summarize this information for
464 inclusion in its annual report to the Legislature under
465 paragraph (4) (d).

466 (b) Every 5 years after an applicant receives its first
467 monthly distribution, the department must verify that the
468 applicant is meeting the program requirements. If the applicant
469 fails to meet these requirements, the department shall notify
470 the Governor and the Legislature in its next annual report under
471 paragraph (4) (d) that the requirements are not being met and
472 recommend future action. The department shall take into
473 consideration extenuating circumstances that may have prevented
474 the applicant from meeting the program requirements, such as



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475 force majeure events or a significant economic downturn.
476 (10) AUDITS.—The Auditor General may conduct audits
477 pursuant to s. 11.45 to verify the independent analysis required
478 under paragraphs (6) (b) and (7) (c) and to verify that the
479 distributions are expended as required. The Auditor General
480 shall report the findings to the department. If the Auditor
481 General determines that the distribution payments are not
482 expended as required, the Auditor General must notify the
483 Department of Revenue, which may pursue recovery of
484 distributions under the laws and rules that govern the
485 assessment of taxes.

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

489 (a) An applicant's beneficiary has broken the terms of its
490 agreement with the applicant and relocated from the facility.
491 The beneficiary must reimburse the state for state funds that
492 will be distributed if the beneficiary relocates before the
493 agreement expires.

494 (b) A determination by the department that an applicant has
495 submitted information or made a representation that is
496 determined to be false, misleading, deceptive, or otherwise
497 untrue. The applicant must reimburse the state for state funds
498 will be distributed if such determination is made.

499 (c) Repayment of distributions must be sent to the
500 Department of Revenue for deposit into the General Revenue Fund.

501 (12) HALTING OF PAYMENTS.—The applicant may request in
502 writing at least 20 days before the next monthly distribution
503 that the department halt future payments. The department shall



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504 immediately notify the Department of Revenue to halt future
505 payments.

506 (13) RULEMAKING.—The department may adopt rules to
507 implement this section.

508 Section 5. Paragraphs (a) and (c) of subsection (2) of
509 section 288.11631, Florida Statutes, are amended to read:

510 288.11631 Retention of Major League Baseball spring
511 training baseball franchises.—

512 (2) CERTIFICATION PROCESS.—

513 (a) Before certifying an applicant to receive state funding
514 for a facility for a spring training franchise, the department
515 must verify that:

516 1. The applicant is responsible for the construction or
517 renovation of the facility for a spring training franchise or
518 holds title to the property on which the facility for a spring
519 training franchise is located.

520 2. The applicant has a certified copy of a signed agreement
521 with a spring training franchise. The signed agreement with a
522 spring training franchise for the use of a facility must, at a
523 minimum, be equal to the length of the term of the bonds issued
524 for the public purpose of constructing or renovating a facility
525 for a spring training franchise. If no such bonds are issued for
526 the public purpose of constructing or renovating a facility for
527 a spring training franchise, the signed agreement with a spring
528 training franchise for the use of a facility must be for at
529 least 20 years. Any such agreement with a spring training
530 franchise for the use of a facility cannot be signed more than 4
531 years before the expiration of any existing agreement with a
532 spring training franchise for the use of a facility. However,



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533 any such agreement may be signed at any time before the
534 expiration of any existing agreement with a spring training
535 franchise for use of a facility if the applicant has never
536 received state funding for the facility as a spring training
537 facility under this section or s. 288.11621 and the facility was
538 constructed before January 1, 2000. The agreement must also
539 require the franchise to reimburse the state for state funds
540 expended by an applicant under this section if the franchise
541 relocates before the agreement expires; however, if bonds were
542 issued to construct or renovate a facility for a spring training
543 franchise, the required reimbursement must be equal to the total
544 amount of state distributions expected to be paid from the date
545 the franchise breaks its agreement with the applicant through
546 the final maturity of the bonds. The agreement may be contingent
547 on an award of funds under this section and other conditions
548 precedent.

549 3. The applicant has made a financial commitment to provide
550 50 percent or more of the funds required by an agreement for the
551 construction or renovation of the facility for a spring training
552 franchise. The commitment may be contingent upon an award of
553 funds under this section and other conditions precedent.

554 4. The applicant demonstrates that the facility for a
555 spring training franchise will attract a paid attendance of at
556 least 50,000 persons annually to the spring training games.

557 5. The facility for a spring training franchise is located
558 in a county that levies a tourist development tax under s.
559 125.0104.

560 (c) Each applicant certified on or after July 1, 2013,
561 shall enter into an agreement with the department which:



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562 1. Specifies the amount of the state incentive funding to
563 be distributed. The amount of state incentive funding per
564 certified applicant may not exceed \$20 million. However, if a
565 certified applicant's facility is used by more than one spring
566 training franchise, the maximum amount may not exceed \$50
567 million, and the Department of Revenue shall make distributions
568 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~
569 ~~than 37 years and 6 months.~~

570 2. States the criteria that the certified applicant must
571 meet in order to remain certified. These criteria must include a
572 provision stating that the spring training franchise must
573 reimburse the state for any funds received if the franchise does
574 not comply with the terms of the contract. If bonds were issued
575 to construct or renovate a facility for a spring training
576 franchise, the required reimbursement must be equal to the total
577 amount of state distributions expected to be paid from the date
578 the franchise violates the agreement with the applicant through
579 the final maturity of the bonds.

580 3. States that the certified applicant is subject to
581 decertification if the certified applicant fails to comply with
582 this section or the agreement.

583 4. States that the department may recover state incentive
584 funds if the certified applicant is decertified.

585 5. Specifies the information that the certified applicant
586 must report to the department.

587 6. Includes any provision deemed prudent by the department.

588 Section 6. (1) The executive director of the Department of
589 Economic Opportunity is authorized, and all conditions are
590 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)



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591 and 120.54(4), Florida Statutes, for the purpose of implementing
592 this act.

593 (2) Notwithstanding any provision of law, such emergency
594 rules shall remain in effect for 6 months after the date adopted
595 and may be renewed during the pendency of procedures to adopt
596 permanent rules addressing the subject of the emergency rules.

597 (3) This section expires July 1, 2015.

598 Section 7. This act shall take effect July 1, 2014.

599
600 ===== T I T L E A M E N D M E N T =====

601 And the title is amended as follows:

602 Delete everything before the enacting clause
603 and insert:

604 A bill to be entitled
605 An act relating to professional sports facilities;
606 amending s. 212.20, F.S.; revising the distribution of
607 moneys to certified applicants for a
608 facility used by a spring training franchise under s.
609 288.11631, F.S.; authorizing a distribution for an
610 applicant that has been approved by the Legislature
611 and certified by the Department of Economic
612 Opportunity under s. 288.11625, F.S.; providing a
613 limitation; amending s. 218.64, F.S.; providing for
614 municipalities and counties to expend an increased
615 portion of local government half-cent sales tax
616 revenues to reimburse the state as required by a
617 contract; amending s. 288.0001, F.S.; providing for an
618 evaluation; creating s. 288.11625, F.S.; requiring the
619 Department of Economic Opportunity to screen



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620 applicants for state funding for sports development;
621 defining terms; providing a purpose to provide funding
622 for applicants for constructing, reconstructing,
623 renovating, or improving a facility; providing an
624 application and approval process; providing for an
625 annual application period; providing for the
626 department to submit recommendations to the
627 Legislature by a certain date; requiring legislative
628 approval for state funding; providing evaluation
629 criteria for an applicant to receive state funding;
630 providing for evaluation and ranking of applicants
631 under certain criteria; requiring the department to
632 determine the annual distribution amount an applicant
633 may receive; requiring the applicant to provide an
634 analysis by a certified public accountant to the
635 department; requiring the Department of Revenue to
636 distribute funds within a certain timeframe after
637 notification by the department; requiring the
638 department to develop a calculation to estimate
639 certain taxes; limiting annual distributions to a
640 specified amount; providing for a contract between the
641 department and the applicant; limiting use of funds;
642 requiring an applicant to submit information to the
643 department annually; requiring a 5-year review;
644 authorizing the Auditor General to conduct audits;
645 providing for reimbursement of the state funding under
646 certain circumstances; providing for discontinuation
647 of distributions upon an applicant's request;
648 authorizing the department to adopt rules; amending s.



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649 288.11631, F.S.; revising the requirements for an
650 applicant to be certified to receive state funding for
651 a facility for a spring training franchise;
652 authorizing the department to adopt emergency rules;
653 providing an effective date.