



407778

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2014	.	
	.	
	.	
	.	

The Committee on Appropriations (Latvala) 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.



407778

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



407778

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



407778

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



407778

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



407778

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



407778

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:



407778

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, the National Association of
208 Professional Baseball Leagues, Major League Soccer, the North
209 American Soccer League, the Professional Rodeo Cowboys
210 Association, or the promoter of a signature event sanctioned by
211 the National Association for Stock Car Auto Racing. A
212 beneficiary may also be an applicant under this section.

213 (d) "Facility" means a structure primarily used to host



407778

214 games or events held by a beneficiary and does not include any
215 portion used to provide transient lodging.

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

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

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

233 (g) "State sales taxes generated by sales at the facility"
234 means state sales taxes imposed under chapter 212 and generated
235 by admissions to the facility; parking on property owned or
236 controlled by the beneficiary or the applicant; team operations
237 and necessary leases; sales by the beneficiary; sales by other
238 vendors at the facility; and ancillary uses, including, but not
239 limited to, team stores, museums, restaurants, retail, lodging,
240 and commercial uses from economic development generated by the
241 beneficiary or facility as determined by the Department of
242 Economic Opportunity.



407778

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

247 (4) APPLICATION AND APPROVAL PROCESS.—

248 (a) The department shall establish the procedures and
249 application forms deemed necessary pursuant to the requirements
250 of this section. The department may notify an applicant of any
251 additional required or incomplete information necessary to
252 evaluate an application.

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

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

261 (d) By each February 1, the department shall rank the
262 applicants and provide to the Legislature the list of the
263 recommended applicants in ranked order of projects most likely
264 to positively impact the state based on criteria established
265 under this section. The list must include the department's
266 evaluation of the applicant.

267 (e) A recommended applicant's request for funding must be
268 approved by the Legislature in the General Appropriations Act or
269 a conforming bill for the General Appropriations Act.

270 1. An application by a unit of local government which is
271 approved by the Legislature and subsequently certified by the



407778

272 department remains certified for the duration of the
273 beneficiary's agreement with the applicant or for 30 years,
274 whichever is less, provided the certified applicant has an
275 agreement with a beneficiary at the time of initial
276 certification by the department.

277 2. An application by a beneficiary or other applicant which
278 is approved by the Legislature and subsequently certified by the
279 department remains certified for the duration of the
280 beneficiary's agreement with the unit of local government that
281 owns the underlying property or for 30 years, whichever is less,
282 provided the certified applicant has an agreement with the unit
283 of local government at the time of initial certification by the
284 department.

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

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

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

295 (h) An application submitted either by a first-time
296 applicant whose project exceeds \$300 million and commenced on
297 the facility's existing site before January 1, 2014, or by a
298 beneficiary that has completed the terms of a previous agreement
299 for distributions under chapter 212 for an existing facility
300 shall be considered an application for a new facility for



407778

301 purposes that include, but are not limited to, incremental and
302 baseline tax calculations.

303 (5) EVALUATION PROCESS.—

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

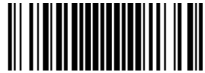
307 1. The applicant or beneficiary is responsible for the
308 construction, reconstruction, renovation, or improvement of a
309 facility and obtained at least three bids for the project.

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

313 3. If the applicant is a unit of local government in whose
314 jurisdiction the facility will be located, the unit of local
315 government has an exclusive intent agreement to negotiate in
316 this state with the beneficiary.

317 4. A unit of local government in whose jurisdiction the
318 facility will be located supports the application for state
319 funds. Such support must be verified by the adoption of a
320 resolution, after a public hearing, that the project serves a
321 public purpose.

322 5. The applicant or beneficiary has not previously
323 defaulted or failed to meet any statutory requirements of a
324 previous state-administered sports-related program under s.
325 288.1162, s. 288.11621, or s. 288.1168. Additionally, the
326 applicant or beneficiary is not currently receiving state
327 distributions under s. 212.20 for the facility that is the
328 subject of the application, unless the applicant demonstrates
329 that the franchise that applied for a distribution under s.



407778

330 212.20 no longer plays at the facility that is the subject of
331 the application.

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

336 7. If the applicant is a unit of local government, the
337 applicant has a certified copy of a signed agreement with a
338 beneficiary for the use of the facility. If the applicant is a
339 beneficiary, the beneficiary must enter into an agreement with
340 the department. The applicant's or beneficiary's agreement must
341 also require the following:

342 a. The beneficiary must reimburse the state for state funds
343 that have been distributed and will be distributed if the
344 beneficiary relocates before the agreement expires.

345 b. The beneficiary must pay for signage or advertising
346 within the facility. The signage or advertising must be placed
347 in a prominent location as close to the field of play or
348 competition as is practicable, must be displayed consistent with
349 signage or advertising in the same location and of like value,
350 and must feature Florida advertising approved by the Florida
351 Tourism Industry Marketing Corporation.

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

355 (b) The department shall competitively evaluate and rank
356 applicants that timely submit applications for state funding
357 based on their ability to positively impact the state using the
358 following criteria:



407778

- 359 1. The proposed use of state funds.
- 360 2. The length of time that a beneficiary has agreed to use
361 the facility.
- 362 3. The percentage of total project funds provided by the
363 applicant and the percentage of total project funds provided by
364 the beneficiary, with priority in the evaluation and ranking
365 given to applications with 50 percent or more of total project
366 funds provided by the applicant and beneficiary.
- 367 4. The number and type of signature events the facility is
368 likely to attract during the duration of the agreement with the
369 beneficiary.
- 370 5. The anticipated increase in average annual ticket sales
371 and attendance at the facility due to the project.
- 372 6. The potential to attract out-of-state visitors to the
373 facility.
- 374 7. The length of time a beneficiary has been in this state
375 or partnered with the unit of local government. In order to
376 encourage new franchises to locate in this state, an application
377 for a new franchise shall be considered to have a significant
378 positive impact on the state and shall be given priority in the
379 evaluation and ranking by the department.
- 380 8. The multiuse capabilities of the facility.
- 381 9. The facility's projected employment of residents of this
382 state, contracts with Florida-based firms, and purchases of
383 locally available building materials.
- 384 10. The amount of private and local financial or in-kind
385 contributions to the project.
- 386 11. The amount of positive advertising or media coverage
387 the facility generates.



407778

388 (6) DISTRIBUTION.-

389 (a) The department shall determine the annual distribution
390 amount an applicant may receive based on 80 percent of the
391 average annual new incremental state sales taxes generated by
392 sales at the facility, as provided under subparagraph (b)2., and
393 such annual distribution shall be limited by the following:

394 1. If the total project cost is \$200 million or greater,
395 the annual distribution amount may be up to \$3 million.

396 2. If the total project cost is at least \$100 million but
397 less than \$200 million, the annual distribution amount may be up
398 to \$2 million.

399 3. If the total project cost is less than \$100 million, the
400 annual distribution amount may be up to \$1 million.

401 (b) At the time of initial evaluation and review by the
402 department pursuant to subsection (5), the applicant must
403 provide an analysis by an independent certified public
404 accountant which demonstrates:

405 1. The amount of state sales taxes generated by sales at
406 the facility during the 12-month period immediately before the
407 beginning of the application period. This amount is the
408 baseline. Notwithstanding any other provision of this section,
409 for projects with a total cost of more than \$300 million which
410 are at least 90 percent funded by private sources, the baseline
411 shall be zero for purposes of this section.

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

415 3. The expected amount of average annual new incremental
416 state sales taxes generated by sales at the facility must be at



407778

417 least \$500,000 above the baseline for the applicant to be
418 eligible to receive a distribution under this section.

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

421 (d) The Department of Revenue shall begin distributions
422 within 45 days after notification of initial certification from
423 the department.

424 (e) The department shall consult with the Department of
425 Revenue and the Office of Economic and Demographic Research to
426 develop a standard calculation for estimating the average annual
427 new incremental state sales taxes generated by sales at the
428 facility.

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

432 (7) CONTRACT.—An applicant approved by the Legislature and
433 certified by the department must enter into a contract with the
434 department which:

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

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

438 (c) Requires the applicant to submit the independent
439 analysis required under subsection (6) and an annual independent
440 analysis.

441 1. The applicant must agree to submit to the department,
442 beginning 12 months after completion of a project or 12 months
443 after the first four annual distributions, whichever is earlier,
444 an annual analysis by an independent certified public accountant
445 demonstrating the actual amount of new incremental state sales



407778

446 taxes generated by sales at the facility during the previous 12-
447 month period. The applicant shall certify to the department a
448 comparison of the actual amount of state sales taxes generated
449 by sales at the facility during the previous 12-month period to
450 the baseline under subparagraph (6) (b)1.

451 2. The applicant must submit the certification within 60
452 days after the end of the previous 12-month period. The
453 department shall verify the analysis.

454 (d) Specifies information that the certified applicant must
455 report to the department.

456 (e) Requires the applicant to reimburse the state, after
457 all distributions have been made, an amount equal to the
458 difference between the actual new incremental state sales taxes
459 generated by sales at the facility during the contract and the
460 total amount of distributions made under s. 212.20(6) (d)6.f. If
461 any reimbursement is due to the state, such reimbursement must
462 be made within 90 days after the last distribution under the
463 contract has been made. If the applicant is unable or unwilling
464 to reimburse the state for such amount, the department may place
465 a lien on the applicant's facility.

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

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

471 (f) Includes any provisions deemed prudent by the
472 department.

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



407778

475 (a) Constructing, reconstructing, renovating, or improving
476 a facility or reimbursing such costs.

477 (b) Paying or pledging for the payment of debt service on
478 bonds issued for the construction or renovation of such
479 facility.

480 (c) Funding debt service reserve funds, arbitrage rebate
481 obligations, or other amounts payable with respect thereto on
482 bonds issued for the construction or renovation of such
483 facility.

484 (d) Reimbursing the costs under paragraphs (b) and (c) or
485 the refinancing of bonds issued for the construction or
486 renovation of such facility.

487 (9) REPORTS.—

488 (a) On or before November 1 of each year, an applicant
489 certified under this section and approved to receive state funds
490 must submit to the department any information required by the
491 department. The department shall summarize this information for
492 inclusion in its annual report to the Legislature under
493 paragraph (4) (d).

494 (b) Every 5 years after an applicant receives its first
495 monthly distribution, the department must verify that the
496 applicant is meeting the program requirements. If the applicant
497 fails to meet these requirements, the department shall notify
498 the Governor and the Legislature in its next annual report under
499 paragraph (4) (d) that the requirements are not being met and
500 recommend future action. The department shall take into
501 consideration extenuating circumstances that may have prevented
502 the applicant from meeting the program requirements, such as
503 force majeure events or a significant economic downturn.



407778

504 (10) AUDITS.—The Auditor General may conduct audits
505 pursuant to s. 11.45 to verify the independent analysis required
506 under paragraphs (6)(b) and (7)(c) and to verify that the
507 distributions are expended as required. The Auditor General
508 shall report the findings to the department. If the Auditor
509 General determines that the distribution payments are not
510 expended as required, the Auditor General must notify the
511 Department of Revenue, which may pursue recovery of
512 distributions under the laws and rules that govern the
513 assessment of taxes.

514 (11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS
515 COMMENCED BEFORE JULY 1, 2014.—After May 1, 2014, an applicant
516 may apply for state funds for a new facility or a project
517 commenced between March 1, 2013, and July 1, 2014. The
518 department must review the application and recommend approval to
519 the Legislature. The Legislative Budget Commission may approve
520 such applications on or after January 1, 2015. The department
521 must certify the applicant within 45 days of approval by the
522 Legislative Budget Commission. State funds may not be
523 distributed until the department notifies the Department of
524 Revenue that the applicant was approved by the Legislative
525 Budget Commission and certified by the department. An applicant
526 certified under this subsection is subject to the provisions and
527 requirements of this section. An applicant that fails to meet
528 the conditions of this subsection may reapply during future
529 application periods.

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



407778

533 (a) An applicant's beneficiary has broken the terms of its
534 agreement with the applicant and relocated from the facility.
535 The beneficiary must reimburse the state for state funds that
536 will be distributed if the beneficiary relocates before the
537 agreement expires.

538 (b) A determination by the department that an applicant has
539 submitted information or made a representation that is
540 determined to be false, misleading, deceptive, or otherwise
541 untrue. The applicant must reimburse the state for state funds
542 that will be distributed if such determination is made.

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

545 (13) HALTING OF PAYMENTS.—The applicant may request in
546 writing at least 20 days before the next monthly distribution
547 that the department halt future payments. The department shall
548 immediately notify the Department of Revenue to halt future
549 payments.

550 (14) RULEMAKING.—The department may adopt rules to
551 implement this section.

552 Section 5. Paragraphs (a) and (c) of subsection (2) of
553 section 288.11631, Florida Statutes, are amended, and paragraph
554 (d) is added to that subsection, to read:

555 288.11631 Retention of Major League Baseball spring
556 training baseball franchises.—

557 (2) CERTIFICATION PROCESS.—

558 (a) Before certifying an applicant to receive state funding
559 for a facility for a spring training franchise, the department
560 must verify that:

561 1. The applicant is responsible for the construction or



407778

562 renovation of the facility for a spring training franchise or
563 holds title to the property on which the facility for a spring
564 training franchise is located.

565 2. The applicant has a certified copy of a signed agreement
566 with a spring training franchise. The signed agreement with a
567 spring training franchise for the use of a facility must, at a
568 minimum, be equal to the length of the term of the bonds issued
569 for the public purpose of constructing or renovating a facility
570 for a spring training franchise. If no such bonds are issued for
571 the public purpose of constructing or renovating a facility for
572 a spring training franchise, the signed agreement with a spring
573 training franchise for the use of a facility must be for at
574 least 20 years. Any such agreement with a spring training
575 franchise for the use of a facility cannot be signed more than 4
576 years before the expiration of any existing agreement with a
577 spring training franchise for the use of a facility. However,
578 any such agreement may be signed at any time before the
579 expiration of any existing agreement with a spring training
580 franchise for use of a facility if the applicant has never
581 received state funding for the facility as a spring training
582 facility under this section or s. 288.11621 and the facility was
583 constructed before January 1, 2000. The agreement must also
584 require the franchise to reimburse the state for state funds
585 expended by an applicant under this section if the franchise
586 relocates before the agreement expires; however, if bonds were
587 issued to construct or renovate a facility for a spring training
588 franchise, the required reimbursement must be equal to the total
589 amount of state distributions expected to be paid from the date
590 the franchise breaks its agreement with the applicant through



407778

591 the final maturity of the bonds. The agreement may be contingent
592 on an award of funds under this section and other conditions
593 precedent.

594 3. The applicant has made a financial commitment to provide
595 50 percent or more of the funds required by an agreement for the
596 construction or renovation of the facility for a spring training
597 franchise. The commitment may be contingent upon an award of
598 funds under this section and other conditions precedent.

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

602 5. The facility for a spring training franchise is located
603 in a county that levies a tourist development tax under s.
604 125.0104.

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

607 1. Specifies the amount of the state incentive funding to
608 be distributed. The amount of state incentive funding per
609 certified applicant may not exceed \$20 million. However, if a
610 certified applicant's facility is used by more than one spring
611 training franchise, the maximum amount may not exceed \$50
612 million, and the Department of Revenue shall make distributions
613 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~
614 ~~than 37 years and 6 months.~~

615 2. States the criteria that the certified applicant must
616 meet in order to remain certified. These criteria must include a
617 provision stating that the spring training franchise must
618 reimburse the state for any funds received if the franchise does
619 not comply with the terms of the contract. If bonds were issued



407778

620 to construct or renovate a facility for a spring training
621 franchise, the required reimbursement must be equal to the total
622 amount of state distributions expected to be paid from the date
623 the franchise violates the agreement with the applicant through
624 the final maturity of the bonds.

625 3. States that the certified applicant is subject to
626 decertification if the certified applicant fails to comply with
627 this section or the agreement.

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

630 5. Specifies the information that the certified applicant
631 must report to the department.

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

633 (d) If a certified applicant has been certified under this
634 program for use of its facility by one spring training
635 franchise, the certified applicant may apply to amend its
636 certification for use of its facility by more than one spring
637 training franchise. The certified applicant must submit an
638 application to amend its original certification that meets the
639 requirements of this section. The maximum amount of state
640 incentive funding to be distributed may not exceed \$50 million
641 as provided in subparagraph (c)1. for a certified applicant with
642 a facility used by more than one spring training franchise,
643 including any distributions previously received by the certified
644 applicant under its original certification under this section.
645 Upon approval of an amended certification, the department shall
646 notify the Department of Revenue as provided in this section.

647 Section 6. Section 288.1166, Florida Statutes, is amended
648 to read:



407778

649 288.1166 Professional sports facility; designation as
650 shelter site for the homeless; establishment of local programs.—

651 (1) A Any professional sports facility constructed with
652 financial assistance from the state of Florida shall be
653 designated as a shelter site for the homeless during the period
654 of a declared federal, state, or local emergency in accordance
655 with the criteria of locally existing homeless shelter programs
656 unless: ~~except when~~

657 (a) The facility is otherwise contractually obligated for a
658 specific event or activity;

659 (b) The facility is designated or used by the county owning
660 the facility as a staging area; or

661 (c) The county owning the facility also owns or operates
662 homeless assistance centers and the county determines there
663 exists sufficient capacity to meet the sheltering needs of
664 homeless persons within the county.

665 (2) If ~~Should~~ a local program does not exist ~~be in~~
666 ~~existence~~ in the facility's area, such program shall be
667 established in accordance with normally accepted criteria as
668 defined by the county or its designee.

669 Section 7. (1) The executive director of the Department of
670 Economic Opportunity is authorized, and all conditions are
671 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)
672 and 120.54(4), Florida Statutes, for the purpose of implementing
673 this act.

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



407778

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

679 Section 8. This act shall take effect upon becoming a law.

680

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

682 And the title is amended as follows:

683 Delete everything before the enacting clause

684 and insert:

685 A bill to be entitled

686 An act relating to professional sports facilities;
687 amending s. 212.20, F.S.; revising the distribution of
688 moneys to certified applicants for a facility used by
689 a spring training franchise under s. 288.11631, F.S.;
690 authorizing a distribution for an applicant that has
691 been approved by the Legislature and certified by the
692 Department of Economic Opportunity under s. 288.11625,
693 F.S.; providing a limitation; amending s. 218.64,
694 F.S.; providing for municipalities and counties to
695 expend an increased portion of local government half-
696 cent sales tax revenues to reimburse the state as
697 required by a contract; amending s. 288.0001, F.S.;
698 providing for an evaluation; creating s. 288.11625,
699 F.S.; requiring the Department of Economic Opportunity
700 to screen applicants for state funding for sports
701 development; defining terms; providing a purpose to
702 provide funding for applicants for constructing,
703 reconstructing, renovating, or improving a facility;
704 providing an application and approval process;
705 providing for an annual application period; providing
706 for the department to submit recommendations to the



407778

707 Legislature by a certain date; requiring legislative
708 approval for state funding; providing evaluation
709 criteria for an applicant to receive state funding;
710 providing for evaluation and ranking of applicants
711 under certain criteria; requiring the department to
712 determine the annual distribution amount an applicant
713 may receive; requiring the applicant to provide an
714 analysis by a certified public accountant to the
715 department; requiring the Department of Revenue to
716 distribute funds within a certain timeframe after
717 notification by the department; requiring the
718 department to develop a calculation to estimate
719 certain taxes; limiting annual distributions to a
720 specified amount; providing for a contract between the
721 department and the applicant; limiting use of funds;
722 requiring an applicant to submit information to the
723 department annually; requiring a 5-year review;
724 authorizing the Auditor General to conduct audits;
725 authorizing the Legislative Budget Commission to
726 approve an application; providing for reimbursement of
727 the state funding under certain circumstances;
728 providing for discontinuation of distributions upon an
729 applicant's request; authorizing the department to
730 adopt rules; amending s. 288.11631, F.S.; revising the
731 requirements for an applicant to be certified to
732 receive state funding for a facility for a spring
733 training franchise; authorizing a certified applicant
734 to submit an amendment to its original certification
735 for use of the facility by more than one spring



407778

736 training franchise; amending s. 288.1166, F.S.;

737 providing that certain professional sports facilities

738 are designated as shelter sites for the homeless

739 during declared federal, state, or local emergencies;

740 providing exceptions; authorizing the department to

741 adopt emergency rules; providing an effective date.