

By the Committee on Commerce and Tourism; and Senator Latvala

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1                   A bill to be entitled  
2           An act relating to professional sports facilities;  
3           amending s. 212.20, F.S.; revising the distribution of  
4           moneys to certified applicants for a  
5           facility used by a spring training franchise under s.  
6           288.11631, F.S.; authorizing a distribution for an  
7           applicant that has been approved by the Legislature  
8           and certified by the Department of Economic  
9           Opportunity under s. 288.11625, F.S.; providing a  
10          limitation; amending s. 218.64, F.S.; providing for  
11          municipalities and counties to expend an increased  
12          portion of local government half-cent sales tax  
13          revenues to reimburse the state as required by a  
14          contract; amending s. 288.0001, F.S.; providing for an  
15          evaluation; creating s. 288.11625, F.S.; requiring the  
16          Department of Economic Opportunity to screen  
17          applicants for state funding for sports development;  
18          defining terms; providing a purpose to provide funding  
19          for applicants for constructing, reconstructing,  
20          renovating, or improving a facility; providing an  
21          application and approval process; providing for an  
22          annual application period; providing for the  
23          department to submit recommendations to the  
24          Legislature by a certain date; requiring legislative  
25          approval for state funding; providing evaluation  
26          criteria for an applicant to receive state funding;  
27          providing for evaluation and ranking of applicants  
28          under certain criteria; requiring the department to  
29          determine the annual distribution amount an applicant

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30 may receive; requiring the applicant to provide an  
31 analysis by a certified public accountant to the  
32 department; requiring the Department of Revenue to  
33 distribute funds within a certain timeframe after  
34 notification by the department; requiring the  
35 department to develop a calculation to estimate  
36 certain taxes; limiting annual distributions to a  
37 specified amount; providing for a contract between the  
38 department and the applicant; limiting use of funds;  
39 requiring an applicant to submit information to the  
40 department annually; requiring a 5-year review;  
41 authorizing the Auditor General to conduct audits;  
42 providing for reimbursement of the state funding under  
43 certain circumstances; providing for discontinuation  
44 of distributions upon an applicant's request;  
45 authorizing the department to adopt rules; amending s.  
46 288.11631, F.S.; revising the requirements for an  
47 applicant to be certified to receive state funding for  
48 a facility for a spring training franchise;  
49 authorizing a certified applicant to submit an  
50 amendment to its original certification for use of the  
51 facility by more than one spring training franchise;  
52 authorizing the department to adopt emergency rules;  
53 providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
56

57 Section 1. Paragraph (d) of subsection (6) of section  
58 212.20, Florida Statutes, is amended to read:

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59           212.20 Funds collected, disposition; additional powers of  
60 department; operational expense; refund of taxes adjudicated  
61 unconstitutionally collected.—

62           (6) Distribution of all proceeds under this chapter and s.  
63 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

83           3. After the distribution under subparagraphs 1. and 2.,  
84 0.095 percent shall be transferred to the Local Government Half-  
85 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
86 s. 218.65.

87           4. After the distributions under subparagraphs 1., 2., and

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88 3., 2.0440 percent of the available proceeds shall be  
89 transferred monthly to the Revenue Sharing Trust Fund for  
90 Counties pursuant to s. 218.215.

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

108 6. Of the remaining proceeds:

109 a. In each fiscal year, the sum of \$29,915,500 shall be  
110 divided into as many equal parts as there are counties in the  
111 state, and one part shall be distributed to each county. The  
112 distribution among the several counties must begin each fiscal  
113 year on or before January 5th and continue monthly for a total  
114 of 4 months. If a local or special law required that any moneys  
115 accruing to a county in fiscal year 1999-2000 under the then-  
116 existing provisions of s. 550.135 be paid directly to the

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117 district school board, special district, or a municipal  
118 government, such payment must continue until the local or  
119 special law is amended or repealed. The state covenants with  
120 holders of bonds or other instruments of indebtedness issued by  
121 local governments, special districts, or district school boards  
122 before July 1, 2000, that it is not the intent of this  
123 subparagraph to adversely affect the rights of those holders or  
124 relieve local governments, special districts, or district school  
125 boards of the duty to meet their obligations as a result of  
126 previous pledges or assignments or trusts entered into which  
127 obligated funds received from the distribution to county  
128 governments under then-existing s. 550.135. This distribution  
129 specifically is in lieu of funds distributed under s. 550.135  
130 before July 1, 2000.

131       b. The department shall distribute \$166,667 monthly  
132 pursuant to s. 288.1162 to each applicant certified as a  
133 facility for a new or retained professional sports franchise  
134 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
135 monthly by the department to each certified applicant as defined  
136 in s. 288.11621 for a facility for a spring training franchise.  
137 However, not more than \$416,670 may be distributed monthly in  
138 the aggregate to all certified applicants for facilities for  
139 spring training franchises. Distributions begin 60 days after  
140 such certification and continue for not more than 30 years,  
141 except as otherwise provided in s. 288.11621. A certified  
142 applicant identified in this sub-subparagraph may not receive  
143 more in distributions than expended by the applicant for the  
144 public purposes provided for in s. 288.1162(5) or s.  
145 288.11621(3).

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146 c. Beginning 30 days after notice by the Department of  
147 Economic Opportunity to the Department of Revenue that an  
148 applicant has been certified as the professional golf hall of  
149 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
150 shall be distributed monthly, for up to 300 months, to the  
151 applicant.

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

161 e. The department shall distribute up to \$83,333 ~~\$55,555~~  
162 monthly to each certified applicant as defined in s. 288.11631  
163 for a facility used by a single spring training franchise, or up  
164 to \$166,667 ~~\$111,110~~ monthly to each certified applicant as  
165 defined in s. 288.11631 for a facility used by more than one  
166 spring training franchise. Monthly distributions begin 60 days  
167 after such certification or July 1, 2016, whichever is later,  
168 and continue for not more than 20 ~~30~~ years to each certified  
169 applicant as defined in s. 288.11631 for a facility used by a  
170 single spring training franchise or not more than 25 years to  
171 each certified applicant as defined in s. 288.11631 for a  
172 facility used by more than one spring training franchise, ~~except~~  
173 ~~as otherwise provided in s. 288.11631~~. A certified applicant  
174 identified in this sub-subparagraph may not receive more in

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175 distributions than expended by the applicant for the public  
176 purposes provided in s. 288.11631(3).

177 f. Beginning 45 days after notice by the Department of  
178 Economic Opportunity to the Department of Revenue that an  
179 applicant has been approved by the Legislature and certified by  
180 the Department of Economic Opportunity under s. 288.11625, the  
181 department shall distribute each month an amount equal to one-  
182 twelfth of the annual distribution amount certified by the  
183 Department of Economic Opportunity for the applicant. The  
184 department may not distribute more than \$13 million annually  
185 under this sub-subparagraph.

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

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

190 218.64 Local government half-cent sales tax; uses;  
191 limitations.-

192 (2) Municipalities shall expend their portions of the local  
193 government half-cent sales tax only for municipality-wide  
194 programs, for reimbursing the state as required by a contract  
195 pursuant to s. 288.11625(7), or for municipality-wide property  
196 tax or municipal utility tax relief. All utility tax rate  
197 reductions afforded by participation in the local government  
198 half-cent sales tax shall be applied uniformly across all types  
199 of taxed utility services.

200 (3) Subject to ordinances enacted by the majority of the  
201 members of the county governing authority and by the majority of  
202 the members of the governing authorities of municipalities  
203 representing at least 50 percent of the municipal population of

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204 such county, counties may use up to \$3 ~~\$2~~ million annually of  
205 the local government half-cent sales tax allocated to that  
206 county for ~~funding~~ for any of the following purposes ~~applicants~~:

207 (a) Funding a certified applicant as a facility for a new  
208 or retained professional sports franchise under s. 288.1162 or a  
209 certified applicant as defined in s. 288.11621 for a facility  
210 for a spring training franchise. It is the Legislature's intent  
211 that the provisions of s. 288.1162, including, but not limited  
212 to, the evaluation process by the Department of Economic  
213 Opportunity except for the limitation on the number of certified  
214 applicants or facilities as provided in that section and the  
215 restrictions set forth in s. 288.1162(8), shall apply to an  
216 applicant's facility to be funded by local government as  
217 provided in this subsection.

218 (b) Funding a certified applicant as a "motorsport  
219 entertainment complex," as provided for in s. 288.1171. Funding  
220 for each franchise or motorsport complex shall begin 60 days  
221 after certification and shall continue for not more than 30  
222 years.

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

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

227 288.0001 Economic Development Programs Evaluation.—The  
228 Office of Economic and Demographic Research and the Office of  
229 Program Policy Analysis and Government Accountability (OPPAGA)  
230 shall develop and present to the Governor, the President of the  
231 Senate, the Speaker of the House of Representatives, and the  
232 chairs of the legislative appropriations committees the Economic

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233 Development Programs Evaluation.

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

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

240 Section 4. Section 288.11625, Florida Statutes, is created  
241 to read:

242 288.11625 Sports development.—

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

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

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

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

256 (c) "Beneficiary" means a professional sports franchise of  
257 the National Football League, the National Hockey League, the  
258 National Basketball Association, the National League or American  
259 League of Major League Baseball, Major League Soccer, or the  
260 promoter of a signature event sanctioned by the National  
261 Association for Stock Car Auto Racing. A beneficiary may also be

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262 an applicant under this section.

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

266 (e) "Project" means a proposed construction,  
267 reconstruction, renovation, or improvement of a facility or the  
268 proposed acquisition of land to construct a new facility and  
269 construction of improvements to state-owned land necessary for  
270 the efficient use of the facility.

271 (f) "Signature event" means a professional sports event  
272 with significant export factor potential. For purposes of this  
273 paragraph, the term "export factor" means the attraction of  
274 economic activity or growth into the state which otherwise would  
275 not have occurred. Examples of signature events may include, but  
276 are not limited to:

- 277 1. National Football League Super Bowls.
- 278 2. Professional sports All-Star games.
- 279 3. International sporting events and tournaments.
- 280 4. Professional motorsports events.
- 281 5. The establishment of a new professional sports franchise  
282 in this state.

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

288 (3) PURPOSE.—The purpose of this section is to provide  
289 applicants state funding under s. 212.20(6)(d)6.f. for the  
290 public purpose of constructing, reconstructing, renovating, or

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291 improving a facility.

292 (4) APPLICATION AND APPROVAL PROCESS.-

293 (a) The department shall establish the procedures and  
294 application forms deemed necessary pursuant to the requirements  
295 of this section. The department may notify an applicant of any  
296 additional required or incomplete information necessary to  
297 evaluate an application.

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

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

306 (d) By each February 1, the department shall rank the  
307 applicants and provide to the Legislature the list of the  
308 recommended applicants in ranked order of projects most likely  
309 to positively impact the state based on criteria established  
310 under this section. The list must include the department's  
311 evaluation of the applicant.

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

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

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320 certification by the department.

321 2. An application by a beneficiary or other applicant which  
322 is approved by the Legislature and subsequently certified by the  
323 department remains certified for the duration of the  
324 beneficiary's agreement with the unit of local government that  
325 owns the underlying property or for 30 years, whichever is less,  
326 provided the certified applicant has an agreement with the unit  
327 of local government at the time of initial certification by the  
328 department.

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

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

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

339 (5) EVALUATION PROCESS.—

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

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

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

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349 3. If the applicant is a unit of local government in whose  
350 jurisdiction the facility will be located, the unit of local  
351 government has an exclusive intent agreement to negotiate in  
352 this state with the beneficiary.

353 4. A unit of local government in whose jurisdiction the  
354 facility will be located supports the application for state  
355 funds. Such support must be verified by the adoption of a  
356 resolution, after a public hearing, that the project serves a  
357 public purpose.

358 5. The applicant or beneficiary has not previously  
359 defaulted or failed to meet any statutory requirements of a  
360 previous state-administered sports-related program under s.  
361 288.1162, s. 288.11621, or s. 288.1168. Additionally, the  
362 applicant or beneficiary is not currently receiving state  
363 distributions under s. 212.20 or the facility that is the  
364 subject of the application is not the subject of a distribution  
365 under s. 212.20.

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

370 7. If the applicant is a unit of local government, the  
371 applicant has a certified copy of a signed agreement with a  
372 beneficiary for the use of the facility. If the applicant is a  
373 beneficiary, the beneficiary must enter into an agreement with  
374 the department. The applicant's or beneficiary's agreement must  
375 also require the following:

376 a. The beneficiary must reimburse the state for state funds  
377 that have been distributed and will be distributed if the

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378 beneficiary relocates before the agreement expires.

379 b. The beneficiary must pay for signage or advertising  
380 within the facility. The signage or advertising must be placed  
381 in a prominent location as close to the field of play or  
382 competition as is practicable, must be displayed consistent with  
383 signage or advertising in the same location and of like value,  
384 and must feature Florida advertising approved by the Florida  
385 Tourism Industry Marketing Corporation.

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

389 (b) The department shall competitively evaluate and rank  
390 applicants that timely submit applications for state funding  
391 based on their ability to positively impact the state using the  
392 following criteria:

393 1. The proposed use of state funds.

394 2. The length of time that a beneficiary has agreed to use  
395 the facility.

396 3. The percentage of total project funds provided by the  
397 applicant and the percentage of total project funds provided by  
398 the beneficiary, with priority in the evaluation and ranking  
399 given to applications with 50 percent or more of total project  
400 funds provided by the applicant and beneficiary.

401 4. The number and type of signature events the facility is  
402 likely to attract during the duration of the agreement with the  
403 beneficiary.

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

406 6. The potential to attract out-of-state visitors to the

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407 facility.

408 7. The length of time a beneficiary has been in this state  
409 or partnered with the unit of local government. In order to  
410 encourage new franchises to locate in this state, an application  
411 for a new franchise shall be considered to have a significant  
412 positive impact on the state and shall be given priority in the  
413 evaluation and ranking by the department.

414 8. The multiuse capabilities of the facility.

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

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

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

422 (6) DISTRIBUTION.—

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

428 (b) At the time of initial evaluation and review by the  
429 department pursuant to subsection (5), the applicant must  
430 provide an analysis by an independent certified public  
431 accountant which demonstrates:

432 1. The amount of state sales taxes generated by sales at  
433 the facility during the 12-month period immediately before the  
434 beginning of the application period. This amount is the  
435 baseline.

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

439 3. The expected amount of average annual new incremental  
440 state sales taxes generated by sales at the facility must be at  
441 least \$500,000 above the baseline for the applicant to be  
442 eligible to receive a distribution under this section.

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

445 (d) The Department of Revenue shall begin distributions  
446 within 45 days after notification of initial certification from  
447 the department.

448 (e) The department shall consult with the Department of  
449 Revenue and the Office of Economic and Demographic Research to  
450 develop a standard calculation for estimating the average annual  
451 new incremental state sales taxes generated by sales at the  
452 facility.

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

456 (7) CONTRACT.—An applicant approved by the Legislature and  
457 certified by the department must enter into a contract with the  
458 department which:

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

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

462 (c) Requires the applicant to submit the independent  
463 analysis required under subsection (6) and an annual independent  
464 analysis.

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465 1. The applicant must agree to submit to the department,  
466 beginning 12 months after completion of a project or 12 months  
467 after the first four annual distributions, whichever is earlier,  
468 an annual analysis by an independent certified public accountant  
469 demonstrating the actual amount of new incremental state sales  
470 taxes generated by sales at the facility during the previous 12-  
471 month period. The applicant shall certify to the department a  
472 comparison of the actual amount of state sales taxes generated  
473 by sales at the facility during the previous 12-month period to  
474 the baseline under subparagraph (6) (b)1.

475 2. The applicant must submit the certification within 60  
476 days after the end of the previous 12-month period. The  
477 department shall verify the analysis.

478 (d) Specifies information that the certified applicant must  
479 report to the department.

480 (e) Requires the applicant to reimburse the state, after  
481 all distributions have been made, an amount equal to the  
482 difference between the actual new incremental state sales taxes  
483 generated by sales at the facility during the contract and the  
484 total amount of distributions made under s. 212.20(6)(d)6.f. If  
485 any reimbursement is due to the state, such reimbursement must  
486 be made within 90 days after the last distribution under the  
487 contract has been made. If the applicant is unable or unwilling  
488 to reimburse the state for such amount, the department may place  
489 a lien on the applicant's facility.

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

493 2. Reimbursements must be sent to the Department of Revenue

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494 for deposit into the General Revenue Fund.

495 (f) Includes any provisions deemed prudent by the  
496 department.

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

499 (a) Constructing, reconstructing, renovating, or improving  
500 a facility or reimbursing such costs.

501 (b) Paying or pledging for the payment of debt service on  
502 bonds issued for the construction or renovation of such  
503 facility.

504 (c) Funding debt service reserve funds, arbitrage rebate  
505 obligations, or other amounts payable with respect thereto on  
506 bonds issued for the construction or renovation of such  
507 facility.

508 (d) Reimbursing the costs under paragraphs (b) and (c) or  
509 the refinancing of bonds issued for the construction or  
510 renovation of such facility.

511 (9) REPORTS.—

512 (a) On or before November 1 of each year, an applicant  
513 certified under this section and approved to receive state funds  
514 must submit to the department any information required by the  
515 department. The department shall summarize this information for  
516 inclusion in its annual report to the Legislature under  
517 paragraph (4) (d).

518 (b) Every 5 years after an applicant receives its first  
519 monthly distribution, the department must verify that the  
520 applicant is meeting the program requirements. If the applicant  
521 fails to meet these requirements, the department shall notify  
522 the Governor and the Legislature in its next annual report under

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523 paragraph (4) (d) that the requirements are not being met and  
524 recommend future action. The department shall take into  
525 consideration extenuating circumstances that may have prevented  
526 the applicant from meeting the program requirements, such as  
527 force majeure events or a significant economic downturn.

528 (10) AUDITS.—The Auditor General may conduct audits  
529 pursuant to s. 11.45 to verify the independent analysis required  
530 under paragraphs (6) (b) and (7) (c) and to verify that the  
531 distributions are expended as required. The Auditor General  
532 shall report the findings to the department. If the Auditor  
533 General determines that the distribution payments are not  
534 expended as required, the Auditor General must notify the  
535 Department of Revenue, which may pursue recovery of  
536 distributions under the laws and rules that govern the  
537 assessment of taxes.

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

541 (a) An applicant's beneficiary has broken the terms of its  
542 agreement with the applicant and relocated from the facility.  
543 The beneficiary must reimburse the state for state funds that  
544 will be distributed if the beneficiary relocates before the  
545 agreement expires.

546 (b) A determination by the department that an applicant has  
547 submitted information or made a representation that is  
548 determined to be false, misleading, deceptive, or otherwise  
549 untrue. The applicant must reimburse the state for state funds  
550 that will be distributed if such determination is made.

551 (c) Repayment of distributions must be sent to the

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552 Department of Revenue for deposit into the General Revenue Fund.

553 (12) HALTING OF PAYMENTS.—The applicant may request in  
554 writing at least 20 days before the next monthly distribution  
555 that the department halt future payments. The department shall  
556 immediately notify the Department of Revenue to halt future  
557 payments.

558 (13) RULEMAKING.—The department may adopt rules to  
559 implement this section.

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

563 288.11631 Retention of Major League Baseball spring  
564 training baseball franchises.—

565 (2) CERTIFICATION PROCESS.—

566 (a) Before certifying an applicant to receive state funding  
567 for a facility for a spring training franchise, the department  
568 must verify that:

569 1. The applicant is responsible for the construction or  
570 renovation of the facility for a spring training franchise or  
571 holds title to the property on which the facility for a spring  
572 training franchise is located.

573 2. The applicant has a certified copy of a signed agreement  
574 with a spring training franchise. The signed agreement with a  
575 spring training franchise for the use of a facility must, at a  
576 minimum, be equal to the length of the term of the bonds issued  
577 for the public purpose of constructing or renovating a facility  
578 for a spring training franchise. If no such bonds are issued for  
579 the public purpose of constructing or renovating a facility for  
580 a spring training franchise, the signed agreement with a spring

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581 training franchise for the use of a facility must be for at  
582 least 20 years. Any such agreement with a spring training  
583 franchise for the use of a facility cannot be signed more than 4  
584 years before the expiration of any existing agreement with a  
585 spring training franchise for the use of a facility. However,  
586 any such agreement may be signed at any time before the  
587 expiration of any existing agreement with a spring training  
588 franchise for use of a facility if the applicant has never  
589 received state funding for the facility as a spring training  
590 facility under this section or s. 288.11621 and the facility was  
591 constructed before January 1, 2000. The agreement must also  
592 require the franchise to reimburse the state for state funds  
593 expended by an applicant under this section if the franchise  
594 relocates before the agreement expires; however, if bonds were  
595 issued to construct or renovate a facility for a spring training  
596 franchise, the required reimbursement must be equal to the total  
597 amount of state distributions expected to be paid from the date  
598 the franchise breaks its agreement with the applicant through  
599 the final maturity of the bonds. The agreement may be contingent  
600 on an award of funds under this section and other conditions  
601 precedent.

602 3. The applicant has made a financial commitment to provide  
603 50 percent or more of the funds required by an agreement for the  
604 construction or renovation of the facility for a spring training  
605 franchise. The commitment may be contingent upon an award of  
606 funds under this section and other conditions precedent.

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

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610           5. The facility for a spring training franchise is located  
611 in a county that levies a tourist development tax under s.  
612 125.0104.

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

615           1. Specifies the amount of the state incentive funding to  
616 be distributed. The amount of state incentive funding per  
617 certified applicant may not exceed \$20 million. However, if a  
618 certified applicant's facility is used by more than one spring  
619 training franchise, the maximum amount may not exceed \$50  
620 million, and the Department of Revenue shall make distributions  
621 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~  
622 ~~than 37 years and 6 months.~~

623           2. States the criteria that the certified applicant must  
624 meet in order to remain certified. These criteria must include a  
625 provision stating that the spring training franchise must  
626 reimburse the state for any funds received if the franchise does  
627 not comply with the terms of the contract. If bonds were issued  
628 to construct or renovate a facility for a spring training  
629 franchise, the required reimbursement must be equal to the total  
630 amount of state distributions expected to be paid from the date  
631 the franchise violates the agreement with the applicant through  
632 the final maturity of the bonds.

633           3. States that the certified applicant is subject to  
634 decertification if the certified applicant fails to comply with  
635 this section or the agreement.

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

638           5. Specifies the information that the certified applicant

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639 must report to the department.

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

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

655 Section 6. (1) The executive director of the Department of  
656 Economic Opportunity is authorized, and all conditions are  
657 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)  
658 and 120.54(4), Florida Statutes, for the purpose of implementing  
659 this act.

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

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

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