

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

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30 analysis by a certified public accountant to the
31 department; requiring the Department of Revenue to
32 distribute funds within a certain timeframe after
33 notification by the department; requiring the
34 department to develop a calculation to estimate
35 certain taxes; limiting annual distributions to a
36 specified amount; providing for a contract between the
37 department and the applicant; limiting use of funds;
38 requiring an applicant to submit information to the
39 department annually; requiring a 5-year review;
40 authorizing the Auditor General to conduct audits;
41 authorizing the Legislative Budget Commission to
42 approve an application; providing for reimbursement of
43 the state funding under certain circumstances;
44 providing for discontinuation of distributions upon an
45 applicant's request; authorizing the department to
46 adopt rules; amending s. 288.11631, F.S.; revising the
47 requirements for an applicant to be certified to
48 receive state funding for a facility for a spring
49 training franchise; authorizing a certified applicant
50 to submit an amendment to its original certification
51 for use of the facility by more than one spring
52 training franchise; amending s. 288.1166, F.S.;

53 providing that certain professional sports facilities
54 are designated as shelter sites for the homeless
55 during declared federal, state, or local emergencies;
56 providing exceptions; authorizing the department to
57 adopt emergency rules; providing an effective date.

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Paragraph (d) of subsection (6) of section
62 212.20, Florida Statutes, is amended to read:

63 212.20 Funds collected, disposition; additional powers of
64 department; operational expense; refund of taxes adjudicated
65 unconstitutionally collected.—

66 (6) Distribution of all proceeds under this chapter and s.
67 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

87 3. After the distribution under subparagraphs 1. and 2.,

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88 0.095 percent shall be transferred to the Local Government Half-
89 cent Sales Tax Clearing Trust Fund and distributed pursuant to
90 s. 218.65.

91 4. After the distributions under subparagraphs 1., 2., and
92 3., 2.0440 percent of the available proceeds shall be
93 transferred monthly to the Revenue Sharing Trust Fund for
94 Counties pursuant to s. 218.215.

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

112 6. Of the remaining proceeds:

113 a. In each fiscal year, the sum of \$29,915,500 shall be
114 divided into as many equal parts as there are counties in the
115 state, and one part shall be distributed to each county. The
116 distribution among the several counties must begin each fiscal

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

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

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146 applicant identified in this sub-subparagraph may not receive
147 more in distributions than expended by the applicant for the
148 public purposes provided for in s. 288.1162(5) or s.
149 288.11621(3).

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

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

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

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175 each certified applicant as defined in s. 288.11631 for a
176 facility used by more than one spring training franchise,~~except~~
177 ~~as otherwise provided in s. 288.11631.~~ A certified applicant
178 identified in this sub-subparagraph may not receive more in
179 distributions than expended by the applicant for the public
180 purposes provided in s. 288.11631(3).

181 f. Beginning 45 days after notice by the Department of
182 Economic Opportunity to the Department of Revenue that an
183 applicant has been approved by the Legislature and certified by
184 the Department of Economic Opportunity under s. 288.11625, the
185 department shall distribute each month an amount equal to one-
186 twelfth of the annual distribution amount certified by the
187 Department of Economic Opportunity for the applicant. The
188 department may not distribute more than \$6 million in the 2014-
189 2015 fiscal year and more than \$13 million annually thereafter
190 under this sub-subparagraph.

191 7. All other proceeds must remain in the General Revenue
192 Fund.

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

195 218.64 Local government half-cent sales tax; uses;
196 limitations.-

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

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204 of taxed utility services.

205 (3) Subject to ordinances enacted by the majority of the
206 members of the county governing authority and by the majority of
207 the members of the governing authorities of municipalities
208 representing at least 50 percent of the municipal population of
209 such county, counties may use up to \$3 ~~\$2~~ million annually of
210 the local government half-cent sales tax allocated to that
211 county for ~~funding for~~ any of the following purposes ~~applicants~~:

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

223 (b) Funding a certified applicant as a "motorsport
224 entertainment complex," as provided for in s. 288.1171. Funding
225 for each franchise or motorsport complex shall begin 60 days
226 after certification and shall continue for not more than 30
227 years.

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

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

232 288.0001 Economic Development Programs Evaluation.—The

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233 Office of Economic and Demographic Research and the Office of
234 Program Policy Analysis and Government Accountability (OPPAGA)
235 shall develop and present to the Governor, the President of the
236 Senate, the Speaker of the House of Representatives, and the
237 chairs of the legislative appropriations committees the Economic
238 Development Programs Evaluation.

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

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

245 Section 4. Section 288.11625, Florida Statutes, is created
246 to read:

247 288.11625 Sports development.-

248 (1) ADMINISTRATION.-The department shall serve as the state
249 agency responsible for screening applicants for state funding
250 under s. 212.20(6)(d)6.f.

251 (2) DEFINITIONS.-As used in this section, the term:

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

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

261 (c) "Beneficiary" means a professional sports franchise of

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262 the National Football League, the National Hockey League, the
263 National Basketball Association, the National League or American
264 League of Major League Baseball, the National Association of
265 Professional Baseball Leagues, Major League Soccer, the North
266 American Soccer League, the Professional Rodeo Cowboys
267 Association, the promoter or host of a signature event
268 administered by Breeders' Cup Limited, or the promoter of a
269 signature event sanctioned by the National Association for Stock
270 Car Auto Racing. A beneficiary may also be an applicant under
271 this section.

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

275 (e) "Project" means a proposed construction,
276 reconstruction, renovation, or improvement of a facility or the
277 proposed acquisition of land to construct a new facility and
278 construction of improvements to state-owned land necessary for
279 the efficient use of the facility.

280 (f) "Signature event" means a professional sports event
281 with significant export factor potential. For purposes of this
282 paragraph, the term "export factor" means the attraction of
283 economic activity or growth into the state which otherwise would
284 not have occurred. Examples of signature events may include, but
285 are not limited to:

- 286 1. National Football League Super Bowls.
- 287 2. Professional sports All-Star games.
- 288 3. International sporting events and tournaments.
- 289 4. Professional motorsports events.
- 290 5. The establishment of a new professional sports franchise

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291 in this state.

292 (g) "State sales taxes generated by sales at the facility"
293 means state sales taxes imposed under chapter 212 and generated
294 by admissions to the facility; parking on property owned or
295 controlled by the beneficiary or the applicant; team operations
296 and necessary leases; sales by the beneficiary; sales by other
297 vendors at the facility; and ancillary uses, including, but not
298 limited to, team stores, museums, restaurants, retail, lodging,
299 and commercial uses from economic development generated by the
300 beneficiary or facility as determined by the Department of
301 Economic Opportunity.

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

306 (4) APPLICATION AND APPROVAL PROCESS.—

307 (a) The department shall establish the procedures and
308 application forms deemed necessary pursuant to the requirements
309 of this section. The department may notify an applicant of any
310 additional required or incomplete information necessary to
311 evaluate an application.

312 (b) The annual application period is from June 1 through
313 November 1.

314 (c) Within 60 days after receipt of a completed
315 application, the department shall complete its evaluation of the
316 application as provided under subsection (5) and notify the
317 applicant in writing of the department's decision to recommend
318 approval of the applicant by the Legislature or to deny the
319 application.

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320 (d) By each February 1, the department shall rank the
321 applicants and provide to the Legislature the list of the
322 recommended applicants in ranked order of projects most likely
323 to positively impact the state based on criteria established
324 under this section. The list must include the department's
325 evaluation of the applicant.

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

329 1. An application by a unit of local government which is
330 approved by the Legislature and subsequently certified by the
331 department remains certified for the duration of the
332 beneficiary's agreement with the applicant or for 30 years,
333 whichever is less, provided the certified applicant has an
334 agreement with a beneficiary at the time of initial
335 certification by the department.

336 2. An application by a beneficiary or other applicant which
337 is approved by the Legislature and subsequently certified by the
338 department remains certified for the duration of the
339 beneficiary's agreement with the unit of local government that
340 owns the underlying property or for 30 years, whichever is less,
341 provided the certified applicant has an agreement with the unit
342 of local government at the time of initial certification by the
343 department.

344 3. An applicant that is previously certified pursuant to
345 this section does not need legislative approval each year to
346 receive state funding.

347 (f) An applicant that is recommended by the department but
348 not approved by the Legislature may reapply and shall update any

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349 information in the original application as required by the
350 department.

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

354 (h) An application submitted either by a first-time
355 applicant whose project exceeds \$300 million and commenced on
356 the facility's existing site before January 1, 2014, or by a
357 beneficiary that has completed the terms of a previous agreement
358 for distributions under chapter 212 for an existing facility
359 shall be considered an application for a new facility for
360 purposes that include, but are not limited to, incremental and
361 baseline tax calculations.

362 (5) EVALUATION PROCESS.-

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

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

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

372 3. If the applicant is a unit of local government in whose
373 jurisdiction the facility will be located, the unit of local
374 government has an exclusive intent agreement to negotiate in
375 this state with the beneficiary.

376 4. A unit of local government in whose jurisdiction the
377 facility will be located supports the application for state

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378 funds. Such support must be verified by the adoption of a
379 resolution, after a public hearing, that the project serves a
380 public purpose.

381 5. The applicant or beneficiary has not previously
382 defaulted or failed to meet any statutory requirements of a
383 previous state-administered sports-related program under s.
384 288.1162, s. 288.11621, or s. 288.1168. Additionally, the
385 applicant or beneficiary is not currently receiving state
386 distributions under s. 212.20 for the facility that is the
387 subject of the application, unless the applicant demonstrates
388 that the franchise that applied for a distribution under s.
389 212.20 no longer plays at the facility that is the subject of
390 the application.

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

395 7. If the applicant is a unit of local government, the
396 applicant has a certified copy of a signed agreement with a
397 beneficiary for the use of the facility. If the applicant is a
398 beneficiary, the beneficiary must enter into an agreement with
399 the department. The applicant's or beneficiary's agreement must
400 also require the following:

401 a. The beneficiary must reimburse the state for state funds
402 that have been distributed and will be distributed if the
403 beneficiary relocates before the agreement expires.

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

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407 competition as is practicable, must be displayed consistent with
408 signage or advertising in the same location and of like value,
409 and must feature Florida advertising approved by the Florida
410 Tourism Industry Marketing Corporation.

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

414 (b) The department shall competitively evaluate and rank
415 applicants that timely submit applications for state funding
416 based on their ability to positively impact the state using the
417 following criteria:

418 1. The proposed use of state funds.

419 2. The length of time that a beneficiary has agreed to use
420 the facility.

421 3. The percentage of total project funds provided by the
422 applicant and the percentage of total project funds provided by
423 the beneficiary, with priority in the evaluation and ranking
424 given to applications with 50 percent or more of total project
425 funds provided by the applicant and beneficiary.

426 4. The number and type of signature events the facility is
427 likely to attract during the duration of the agreement with the
428 beneficiary.

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

431 6. The potential to attract out-of-state visitors to the
432 facility.

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

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

439 8. The multiuse capabilities of the facility.

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

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

445 11. The amount of positive advertising or media coverage
446 the facility generates.

447 (6) DISTRIBUTION.—

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

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

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

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

460 (b) At the time of initial evaluation and review by the
461 department pursuant to subsection (5), the applicant must
462 provide an analysis by an independent certified public
463 accountant which demonstrates:

464 1. The amount of state sales taxes generated by sales at

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465 the facility during the 12-month period immediately before the
466 beginning of the application period. This amount is the
467 baseline. Notwithstanding any other provision of this section,
468 for projects with a total cost of more than \$300 million which
469 are at least 90 percent funded by private sources, the baseline
470 shall be zero for purposes of this section.

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

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

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

480 (d) The Department of Revenue shall begin distributions
481 within 45 days after notification of initial certification from
482 the department.

483 (e) The department shall consult with the Department of
484 Revenue and the Office of Economic and Demographic Research to
485 develop a standard calculation for estimating the average annual
486 new incremental state sales taxes generated by sales at the
487 facility.

488 (f) In any 12-month period when total distributions for all
489 certified applicants reach \$13 million, the department may not
490 certify new distributions for additional applicants. In the
491 2014-2015 fiscal year, the department may not certify total
492 distributions of more than \$6 million for all certified
493 applicants.

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494 (7) CONTRACT.—An applicant approved by the Legislature and
495 certified by the department must enter into a contract with the
496 department which:

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

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

500 (c) Requires the applicant to submit the independent
501 analysis required under subsection (6) and an annual independent
502 analysis.

503 1. The applicant must agree to submit to the department,
504 beginning 12 months after completion of a project or 12 months
505 after the first four annual distributions, whichever is earlier,
506 an annual analysis by an independent certified public accountant
507 demonstrating the actual amount of new incremental state sales
508 taxes generated by sales at the facility during the previous 12-
509 month period. The applicant shall certify to the department a
510 comparison of the actual amount of state sales taxes generated
511 by sales at the facility during the previous 12-month period to
512 the baseline under subparagraph (6) (b)1.

513 2. The applicant must submit the certification within 60
514 days after the end of the previous 12-month period. The
515 department shall verify the analysis.

516 (d) Specifies information that the certified applicant must
517 report to the department.

518 (e) Requires the applicant to reimburse the state, after
519 all distributions have been made, an amount equal to the
520 difference between the actual new incremental state sales taxes
521 generated by sales at the facility during the contract and the
522 total amount of distributions made under s. 212.20(6) (d)6.f. If

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523 any reimbursement is due to the state, such reimbursement must
524 be made within 90 days after the last distribution under the
525 contract has been made. If the applicant is unable or unwilling
526 to reimburse the state for such amount, the department may place
527 a lien on the applicant's facility.

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

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

533 (f) Includes any provisions deemed prudent by the
534 department.

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

537 (a) Constructing, reconstructing, renovating, or improving
538 a facility or reimbursing such costs.

539 (b) Paying or pledging for the payment of debt service on
540 bonds issued for the construction or renovation of such
541 facility.

542 (c) Funding debt service reserve funds, arbitrage rebate
543 obligations, or other amounts payable with respect thereto on
544 bonds issued for the construction or renovation of such
545 facility.

546 (d) Reimbursing the costs under paragraphs (b) and (c) or
547 the refinancing of bonds issued for the construction or
548 renovation of such facility.

549 (9) REPORTS.—

550 (a) On or before November 1 of each year, an applicant
551 certified under this section and approved to receive state funds

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552 must submit to the department any information required by the
553 department. The department shall summarize this information for
554 inclusion in its annual report to the Legislature under
555 paragraph (4) (d).

556 (b) Every 5 years after an applicant receives its first
557 monthly distribution, the department must verify that the
558 applicant is meeting the program requirements. If the applicant
559 fails to meet these requirements, the department shall notify
560 the Governor and the Legislature in its next annual report under
561 paragraph (4) (d) that the requirements are not being met and
562 recommend future action. The department shall take into
563 consideration extenuating circumstances that may have prevented
564 the applicant from meeting the program requirements, such as
565 force majeure events or a significant economic downturn.

566 (10) AUDITS.—The Auditor General may conduct audits
567 pursuant to s. 11.45 to verify the independent analysis required
568 under paragraphs (6) (b) and (7) (c) and to verify that the
569 distributions are expended as required. The Auditor General
570 shall report the findings to the department. If the Auditor
571 General determines that the distribution payments are not
572 expended as required, the Auditor General must notify the
573 Department of Revenue, which may pursue recovery of
574 distributions under the laws and rules that govern the
575 assessment of taxes.

576 (11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS
577 COMMENCED BEFORE JULY 1, 2014.—After May 1, 2014, an applicant
578 may apply for state funds for a new facility or a project
579 commenced between March 1, 2013, and July 1, 2014. The
580 department must review the application and recommend approval to

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581 the Legislature. The Legislative Budget Commission may approve
582 such applications on or after January 1, 2015. The department
583 must certify the applicant within 45 days of approval by the
584 Legislative Budget Commission. State funds may not be
585 distributed until the department notifies the Department of
586 Revenue that the applicant was approved by the Legislative
587 Budget Commission and certified by the department. An applicant
588 certified under this subsection is subject to the provisions and
589 requirements of this section. An applicant that fails to meet
590 the conditions of this subsection may reapply during future
591 application periods.

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

595 (a) An applicant's beneficiary has broken the terms of its
596 agreement with the applicant and relocated from the facility.
597 The beneficiary must reimburse the state for state funds that
598 will be distributed if the beneficiary relocates before the
599 agreement expires.

600 (b) A determination by the department that an applicant has
601 submitted information or made a representation that is
602 determined to be false, misleading, deceptive, or otherwise
603 untrue. The applicant must reimburse the state for state funds
604 that will be distributed if such determination is made.

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

607 (13) HALTING OF PAYMENTS.—The applicant may request in
608 writing at least 20 days before the next monthly distribution
609 that the department halt future payments. The department shall

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610 immediately notify the Department of Revenue to halt future
611 payments.

612 (14) RULEMAKING.—The department may adopt rules to
613 implement this section.

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

617 288.11631 Retention of Major League Baseball spring
618 training baseball franchises.—

619 (2) CERTIFICATION PROCESS.—

620 (a) Before certifying an applicant to receive state funding
621 for a facility for a spring training franchise, the department
622 must verify that:

623 1. The applicant is responsible for the construction or
624 renovation of the facility for a spring training franchise or
625 holds title to the property on which the facility for a spring
626 training franchise is located.

627 2. The applicant has a certified copy of a signed agreement
628 with a spring training franchise. The signed agreement with a
629 spring training franchise for the use of a facility must, at a
630 minimum, be equal to the length of the term of the bonds issued
631 for the public purpose of constructing or renovating a facility
632 for a spring training franchise. If no such bonds are issued for
633 the public purpose of constructing or renovating a facility for
634 a spring training franchise, the signed agreement with a spring
635 training franchise for the use of a facility must be for at
636 least 20 years. Any such agreement with a spring training
637 franchise for the use of a facility cannot be signed more than 4
638 years before the expiration of any existing agreement with a

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639 spring training franchise for the use of a facility. However,
640 any such agreement may be signed at any time before the
641 expiration of any existing agreement with a spring training
642 franchise for use of a facility if the applicant has never
643 received state funding for the facility as a spring training
644 facility under this section or s. 288.11621 and the facility was
645 constructed before January 1, 2000. The agreement must also
646 require the franchise to reimburse the state for state funds
647 expended by an applicant under this section if the franchise
648 relocates before the agreement expires; however, if bonds were
649 issued to construct or renovate a facility for a spring training
650 franchise, the required reimbursement must be equal to the total
651 amount of state distributions expected to be paid from the date
652 the franchise breaks its agreement with the applicant through
653 the final maturity of the bonds. The agreement may be contingent
654 on an award of funds under this section and other conditions
655 precedent.

656 3. The applicant has made a financial commitment to provide
657 50 percent or more of the funds required by an agreement for the
658 construction or renovation of the facility for a spring training
659 franchise. The commitment may be contingent upon an award of
660 funds under this section and other conditions precedent.

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

664 5. The facility for a spring training franchise is located
665 in a county that levies a tourist development tax under s.
666 125.0104.

667 (c) Each applicant certified on or after July 1, 2013,

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668 shall enter into an agreement with the department which:

669 1. Specifies the amount of the state incentive funding to
670 be distributed. The amount of state incentive funding per
671 certified applicant may not exceed \$20 million. However, if a
672 certified applicant's facility is used by more than one spring
673 training franchise, the maximum amount may not exceed \$50
674 million, and the Department of Revenue shall make distributions
675 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~
676 ~~than 37 years and 6 months.~~

677 2. States the criteria that the certified applicant must
678 meet in order to remain certified. These criteria must include a
679 provision stating that the spring training franchise must
680 reimburse the state for any funds received if the franchise does
681 not comply with the terms of the contract. If bonds were issued
682 to construct or renovate a facility for a spring training
683 franchise, the required reimbursement must be equal to the total
684 amount of state distributions expected to be paid from the date
685 the franchise violates the agreement with the applicant through
686 the final maturity of the bonds.

687 3. States that the certified applicant is subject to
688 decertification if the certified applicant fails to comply with
689 this section or the agreement.

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

692 5. Specifies the information that the certified applicant
693 must report to the department.

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

695 (d) If a certified applicant has been certified under this
696 program for use of its facility by one spring training

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697 franchise, the certified applicant may apply to amend its
698 certification for use of its facility by more than one spring
699 training franchise. The certified applicant must submit an
700 application to amend its original certification that meets the
701 requirements of this section. The maximum amount of state
702 incentive funding to be distributed may not exceed \$50 million
703 as provided in subparagraph (c)1. for a certified applicant with
704 a facility used by more than one spring training franchise,
705 including any distributions previously received by the certified
706 applicant under its original certification under this section.
707 Upon approval of an amended certification, the department shall
708 notify the Department of Revenue as provided in this section.

709 Section 6. Section 288.1166, Florida Statutes, is amended
710 to read:

711 288.1166 Professional sports facility; designation as
712 shelter site for the homeless; establishment of local programs.-

713 (1) A ~~Any~~ professional sports facility constructed with
714 financial assistance from the state ~~of Florida~~ shall be
715 designated as a shelter site for the homeless during the period
716 of a declared federal, state, or local emergency in accordance
717 with the criteria of locally existing homeless shelter programs
718 unless: ~~, except when~~

719 (a) The facility is otherwise contractually obligated for a
720 specific event or activity;

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

723 (c) The county owning the facility also owns or operates
724 homeless assistance centers and the county determines there
725 exists sufficient capacity to meet the sheltering needs of

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726 homeless persons within the county.

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

731 Section 7. (1) The executive director of the Department of
732 Economic Opportunity is authorized, and all conditions are
733 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)
734 and 120.54(4), Florida Statutes, for the purpose of implementing
735 this act.

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

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

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