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LEGISLATIVE ACTION

Senate

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House

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Senator Latvala moved 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.
202.18(1)(b) and (2)(b) shall be as follows:



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

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

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

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

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

39 5. After the distributions under subparagraphs 1., 2., and
40 3., 1.3409 percent of the available proceeds shall be



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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
69 local governments, special districts, or district school boards



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



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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
127 applicant has been approved by the Legislature and certified by



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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 \$7 million in the 2014-
133 2015 fiscal year or more than \$13 million annually thereafter
134 under this sub-subparagraph.

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

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

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

141 (2) Municipalities shall expend their portions of the local
142 government half-cent sales tax only for municipality-wide
143 programs, for reimbursing the state as required pursuant to s.
144 288.11625, or for municipality-wide property tax or municipal
145 utility tax relief. All utility tax rate reductions afforded by
146 participation in the local government half-cent sales tax shall
147 be applied uniformly across all types 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
156 or retained professional sports franchise under s. 288.1162 or a



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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 under s. 288.11625.

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

174 288.0001 Economic Development Programs Evaluation.—The
175 Office of Economic and Demographic Research and the Office of
176 Program Policy Analysis and Government Accountability (OPPAGA)
177 shall develop and present to the Governor, the President of the
178 Senate, the Speaker of the House of Representatives, and the
179 chairs of the legislative appropriations committees the Economic
180 Development Programs Evaluation.

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

184 (d) Beginning January 1, 2018, and every 3 years
185 thereafter, an analysis of the Sports Development Program



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186 established under s. 288.11625.

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

189 288.11625 Sports development.—

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

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

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

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

203 (c) "Beneficiary" means a professional sports franchise of
204 the National Football League, the National Hockey League, the
205 National Basketball Association, the National League or American
206 League of Major League Baseball, Minor League Baseball, Major
207 League Soccer, the North American Soccer League, the
208 Professional Rodeo Cowboys Association, the promoter or host of
209 a signature event administered by Breeders' Cup Limited, or the
210 promoter of a signature event sanctioned by the National
211 Association for Stock Car Auto Racing. A beneficiary may also be
212 an applicant under this section. However, a professional sports
213 franchise of the National League or the American League of Major
214 League Baseball or Minor League Baseball may not be a



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215 beneficiary unless, before filing an application under
216 subsection (3):

217 1. Major League Baseball verifies to the Attorney General
218 that any Cuban refugee 17 years of age or older who has been
219 present in the United States for less than 1 year and who was
220 not present before the most recent Major League Baseball Rule 4
221 Draft of amateur players may contract as a free agent under
222 rules no less favorable than the most favorable rules applicable
223 to players who are residents of any country or territory other
224 than the United States, Puerto Rico, or Canada; and

225 2. The Attorney General verifies that Major League Baseball
226 has agreed to report to the Attorney General the identity of,
227 and a description of the activity giving rise to the
228 identification of, any resident of this state or other person
229 operating in this state who Major League Baseball has reason to
230 believe has engaged in:

231 a. Human smuggling, human trafficking, or the movement of
232 individuals across national boundaries for purposes of evading
233 Major League Baseball rules applicable to residents of the
234 United States; or

235 b. Contracting with nondrafted players for an interest in a
236 player's professional baseball compensation or other
237 consideration in exchange for human trafficking, assistance in
238 human smuggling, or avoidance of Major League Baseball rules.

239 (d) "Commence" or "commenced" means the occurrence of a
240 physical activity on the project site which is related to the
241 construction, reconstruction, renovation, or improvement of the
242 project site.

243 (e) "Facility" means a structure, and its adjoining parcels



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244 of local-government-owned land, primarily used to host games or
245 events held by a beneficiary and does not include any portion
246 used to provide transient lodging.

247 (f) "Project" means a proposed construction,
248 reconstruction, renovation, or improvement of a facility or the
249 proposed acquisition of land to construct a new facility and
250 construction of improvements to state-owned land necessary for
251 the efficient use of the facility.

252 (g) "Signature event" means a professional sports event
253 with significant export factor potential. For purposes of this
254 paragraph, the term "export factor" means the attraction of
255 economic activity or growth into the state which otherwise would
256 not have occurred. Examples of signature events may include, but
257 are not limited to:

- 258 1. National Football League Super Bowls.
259 2. Professional sports All-Star games.
260 3. International sporting events and tournaments.
261 4. Professional motorsports events.
262 5. The establishment of a new professional sports franchise
263 in this state.

264 (h) "State sales taxes generated by sales at the facility"
265 means state sales taxes imposed under chapter 212 and generated
266 by admissions to the facility; parking on property owned or
267 controlled by the beneficiary or the applicant; team operations
268 and necessary leases; sales by the beneficiary; sales by other
269 vendors at the facility; and ancillary uses, including, but not
270 limited to, team stores, museums, restaurants, retail, lodging,
271 and commercial uses from economic development generated by the
272 beneficiary or facility as determined by the Department of



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273 Economic Opportunity.

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

278 (4) APPLICATION AND APPROVAL PROCESS.—

279 (a) The department shall establish the procedures and
280 application forms deemed necessary pursuant to the requirements
281 of this section. The department may notify an applicant of any
282 additional required or incomplete information necessary to
283 evaluate an application.

284 (b) The annual application period is from June 1 through
285 November 1.

286 (c) Within 60 days after receipt of a completed
287 application, the department shall complete its evaluation of the
288 application as provided under subsection (5) and notify the
289 applicant in writing of the department's decision to recommend
290 approval of the applicant by the Legislature or to deny the
291 application.

292 (d) By each February 1, the department shall rank the
293 applicants and provide to the Legislature the list of the
294 recommended applicants in ranked order of projects most likely
295 to positively impact the state based on criteria established
296 under this section. The list must include the department's
297 evaluation of the applicant.

298 (e) A recommended applicant's request for funding must be
299 approved by the Legislature in the General Appropriations Act or
300 a conforming bill for the General Appropriations Act. After
301 enactment, the department must certify an applicant and its



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302 approved request for funding. The approved request for funding
303 must be certified as an annual distribution amount and the
304 department must notify the Department of Revenue of the initial
305 certification and the distribution amount.

306 1. An application by a unit of local government which is
307 approved by the Legislature and subsequently certified by the
308 department remains certified for the duration of the
309 beneficiary's agreement with the applicant or for 30 years,
310 whichever is less, provided the certified applicant has an
311 agreement with a beneficiary at the time of initial
312 certification by the department.

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

321 3. An applicant that is previously certified pursuant to
322 this section does not need legislative approval each year to
323 receive state funding.

324 (f) An applicant that is recommended by the department but
325 not approved by the Legislature may reapply and shall update any
326 information in the original application as required by the
327 department.

328 (g) The department may recommend no more than one
329 distribution under this section for any applicant, facility, or
330 beneficiary at a time. A facility or beneficiary may not be the



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331 subject of more than one distribution under s. 212.20 at any
332 time for any state-administered sports-related program,
333 including s. 288.1162, s. 288.11621, s. 288.11631, or this
334 section. This limitation does not apply if the applicant
335 demonstrates that the beneficiary that is the subject of the
336 distribution under s. 212.20 no longer plays at the facility
337 that is the subject of the application under this section.

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

346 (i) An application may be submitted to the department for
347 evaluation and recommendation if the existing beneficiary has
348 completed or will complete the terms of an existing distribution
349 under chapter 212 for an existing facility before a distribution
350 can be made.

351 (5) EVALUATION PROCESS.—

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

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

358 2. If the applicant is not a unit of local government, a
359 unit of local government holds title to the property on which



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360 the facility and project are, or will be, located.

361 3. If the applicant is a unit of local government in whose
362 jurisdiction the facility is, or will be, located, the unit of
363 local government has an exclusive intent agreement to negotiate
364 in this state with the beneficiary.

365 4. A unit of local government in whose jurisdiction the
366 facility is, or will be, located supports the application for
367 state funds. Such support must be verified by the adoption of a
368 resolution, after a public hearing, that the project serves a
369 public purpose.

370 5. The applicant or beneficiary has not previously
371 defaulted or failed to meet any statutory requirements of a
372 previous state-administered sports-related program under s.
373 288.1162, s. 288.11621, s. 288.11631, or this section.
374 Additionally, the applicant or beneficiary is not currently
375 receiving state distributions under s. 212.20 for the facility
376 that is the subject of the application, unless the applicant
377 demonstrates that the franchise that applied for a distribution
378 under s. 212.20 no longer plays at the facility that is the
379 subject of the application.

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

384 7. If the applicant is a unit of local government, the
385 applicant has a certified copy of a signed agreement with a
386 beneficiary for the use of the facility. If the applicant is a
387 beneficiary, the beneficiary must enter into an agreement with
388 the department. The applicant's or beneficiary's agreement must



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389 also require the following:

390 a. The beneficiary must reimburse the state for state funds
391 that will be distributed if the beneficiary relocates or no
392 longer occupies or uses the facility as the facility's primary
393 tenant before the agreement expires. Reimbursements must be sent
394 to the Department of Revenue for deposit into the General
395 Revenue Fund.

396 b. The beneficiary must pay for signage or advertising
397 within the facility. The signage or advertising must be placed
398 in a prominent location as close to the field of play or
399 competition as is practicable, must be displayed consistent with
400 signage or advertising in the same location and of like value,
401 and must feature Florida advertising approved by the Florida
402 Tourism Industry Marketing Corporation.

403 8. The project will commence within 12 months after
404 receiving state funds or did not commence before January 1,
405 2013.

406 (b) The department shall competitively evaluate and rank
407 applicants that timely submit applications for state funding
408 based on their ability to positively impact the state using the
409 following criteria:

410 1. The proposed use of state funds.

411 2. The length of time that a beneficiary has agreed to use
412 the facility.

413 3. The percentage of total project funds provided by the
414 applicant and the percentage of total project funds provided by
415 the beneficiary, with priority in the evaluation and ranking
416 given to applications with 50 percent or more of total project
417 funds provided by the applicant and beneficiary.



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418 4. The number and type of signature events the facility is
419 likely to attract during the duration of the agreement with the
420 beneficiary.

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

423 6. The potential to attract out-of-state visitors to the
424 facility.

425 7. The length of time a beneficiary has been in this state
426 or partnered with the unit of local government. In order to
427 encourage new franchises to locate in this state, an application
428 for a new franchise shall be considered to have a significant
429 positive impact on the state and shall be given priority in the
430 evaluation and ranking by the department.

431 8. The multiuse capabilities of the facility.

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

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

437 11. The amount of positive advertising or media coverage
438 the facility generates.

439 12. The expected amount of average annual new incremental
440 state sales taxes generated by sales at the facility above the
441 baseline that will be generated as a result of the project, as
442 required under subparagraph (6) (b) 2.

443 13. The size and scope of the project and number of
444 temporary and permanent jobs that will be created as a direct
445 result of the facility improvement.

446 (6) DISTRIBUTION.-



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447 (a) The department shall determine the annual distribution
448 amount an applicant may receive based on 75 percent of the
449 average annual new incremental state sales taxes generated by
450 sales at the facility, as provided under subparagraph (b)2., and
451 such annual distribution shall be limited by the following:

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

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

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

459 4. Notwithstanding paragraph (4) (g) and subparagraph
460 (5) (a)5., an applicant certified under s. 288.1162 which is
461 currently receiving state distributions under s. 212.20 for the
462 facility or beneficiary that is the subject of the application
463 under this section may be eligible for an annual distribution
464 amount of up to \$1 million. The total project cost must be at
465 least \$100 million. This subparagraph does not apply to an
466 applicant that demonstrates that the beneficiary that is the
467 subject of the distribution under s. 212.20 no longer plays at
468 the facility that is the subject of the application under this
469 section.

470 (b) At the time of initial evaluation and review by the
471 department pursuant to subsection (5), the applicant must
472 provide an analysis by an independent certified public
473 accountant which demonstrates:

474 1. The average annual amount of state sales taxes generated
475 by sales at the facility during the 36-month period immediately



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476 before the beginning of the application period. This amount is
477 the baseline.

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

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

485
486 For an application for a new facility, the baseline is zero.
487 Notwithstanding any other provision of this section, for
488 projects with a total cost of more than \$300 million which are
489 at least 90 percent funded by private sources, the baseline is
490 zero for purposes of this section. The baseline for an applicant
491 under subparagraph (a)4. is \$2 million.

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

494 (d) The Department of Revenue shall begin distributions
495 within 45 days after notification of initial certification from
496 the department or upon a date requested by the approved
497 applicant, whichever is later.

498 (e) The department shall consult with the Department of
499 Revenue and the Office of Economic and Demographic Research to
500 develop a standard calculation for estimating the average annual
501 new incremental state sales taxes generated by sales at the
502 facility.

503 (f) The department may not certify an applicant if, as a
504 result of the certification, the total amount distributed will



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505 exceed \$13 million in any fiscal year. In the 2014-2015 fiscal
506 year, the department may not certify total annual distributions
507 of more than \$7 million for all certified applicants.

508 (7) CONTRACT.—An applicant approved by the Legislature and
509 certified by the department must enter into a contract with the
510 department which:

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

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

514 (c) Requires the applicant to submit the independent
515 analysis required under subsection (6) and an annual independent
516 analysis.

517 1. The applicant must agree to submit to the department,
518 beginning 12 months after completion of a project or 12 months
519 after the first four annual distributions, whichever is earlier,
520 an annual analysis by an independent certified public accountant
521 demonstrating the actual amount of new incremental state sales
522 taxes generated by sales at the facility during the previous 12-
523 month period. The applicant shall certify to the department a
524 comparison of the actual amount of state sales taxes generated
525 by sales at the facility during the previous 12-month period to
526 the baseline under paragraph (6) (b).

527 2. The applicant must submit the certification within 90
528 days after the end of the previous 12-month period. The
529 department shall verify the analysis.

530 (d) Specifies information that the certified applicant must
531 report to the department.

532 (e) Requires the applicant to reimburse the state, after
533 all distributions have been made, any amount by which the total



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534 distributions made under s. 212.20(6)(d)6.f. exceed actual new
535 incremental state sales taxes generated by sales at the facility
536 during the contract. If any reimbursement is due to the state,
537 such reimbursement must be made within 90 days after the last
538 distribution under the contract has been made. If the applicant
539 is unable or unwilling to reimburse the state for such amount,
540 the department may place a lien on the applicant's facility.

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

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

546 (f) Includes any provisions deemed prudent by the
547 department.

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

550 (a) Constructing, reconstructing, renovating, or improving
551 a facility or reimbursing such costs.

552 (b) Paying or pledging for the payment of debt service on
553 bonds issued for the construction or renovation of such
554 facility.

555 (c) Funding debt service reserve funds, arbitrage rebate
556 obligations, or other amounts payable with respect thereto on
557 bonds issued for the construction or renovation of such
558 facility.

559 (d) Reimbursing the costs under paragraphs (b) and (c) or
560 the refinancing of bonds issued for the construction or
561 renovation of such facility.

562 (9) REPORTS.—



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563 (a) On or before November 1 of each year, an applicant
564 certified under this section and approved to receive state funds
565 must submit to the department any information required by the
566 department. The department shall summarize this information for
567 inclusion in its annual report to the Legislature under
568 paragraph (4) (d).

569 (b) Every 5 years after an applicant receives its first
570 monthly distribution, the department must verify that the
571 applicant is meeting the program requirements. If the applicant
572 fails to meet these requirements, the department shall notify
573 the Governor and the Legislature in its next annual report under
574 paragraph (4) (d) that the requirements are not being met and
575 recommend future action. The department shall take into
576 consideration extenuating circumstances that may have prevented
577 the applicant from meeting the program requirements, such as
578 force majeure events or a significant economic downturn.

579 (10) AUDITS.—The Auditor General may conduct audits
580 pursuant to s. 11.45 to verify the independent analysis required
581 under paragraphs (6) (b) and (7) (c) and to verify that the
582 distributions are expended as required. The Auditor General
583 shall report the findings to the department. If the Auditor
584 General determines that the distribution payments are not
585 expended as required, the Auditor General must notify the
586 Department of Revenue, which may pursue recovery of
587 distributions under the laws and rules that govern the
588 assessment of taxes.

589 (11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS
590 COMMENCED BEFORE JULY 1, 2014.—Notwithstanding paragraph (4) (e),
591 the Legislative Budget Commission may approve an application for



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592 state funds by an applicant for a new facility or a project
593 commenced between March 1, 2013, and July 1, 2014. Such an
594 application may be submitted after May 1, 2014. The department
595 must review the application and recommend approval to the
596 Legislature or deny the application. The Legislative Budget
597 Commission may approve applications on or after January 1, 2015.
598 The department must certify the applicant within 45 days of
599 approval by the Legislative Budget Commission. State funds may
600 not be distributed until the department notifies the Department
601 of Revenue that the applicant was approved by the Legislative
602 Budget Commission and certified by the department. An applicant
603 certified under this subsection is subject to the provisions and
604 requirements of this section. An applicant that fails to meet
605 the conditions of this subsection may reapply during future
606 application periods.

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

610 (a) An applicant's beneficiary has broken the terms of its
611 agreement with the applicant and relocated from the facility or
612 no longer occupies or uses the facility as the facility's
613 primary tenant. The beneficiary must reimburse the state for
614 state funds that will be distributed, plus a 5 percent penalty
615 on that amount, if the beneficiary relocates before the
616 agreement expires.

617 (b) A determination by the department that an applicant has
618 submitted information or made a representation that is
619 determined to be false, misleading, deceptive, or otherwise
620 untrue. The applicant must reimburse the state for state funds



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621 that have been and will be distributed, plus a 5 percent penalty
622 on that amount, if such determination is made. If the applicant
623 is a municipality or county, it may reimburse the state from its
624 half-cent sales tax allocation, as provided in s. 218.64(3).

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

627 (13) HALTING OF PAYMENTS.—The applicant may request in
628 writing at least 20 days before the next monthly distribution
629 that the department halt future payments. The department shall
630 immediately notify the Department of Revenue to halt future
631 payments.

632 (14) RULEMAKING.—The department may adopt rules to
633 implement this section.

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

637 288.11631 Retention of Major League Baseball spring
638 training baseball franchises.—

639 (2) CERTIFICATION PROCESS.—

640 (a) Before certifying an applicant to receive state funding
641 for a facility for a spring training franchise, the department
642 must verify that:

643 1. The applicant is responsible for the construction or
644 renovation of the facility for a spring training franchise or
645 holds title to the property on which the facility for a spring
646 training franchise is located.

647 2. The applicant has a certified copy of a signed agreement
648 with a spring training franchise. The signed agreement with a
649 spring training franchise for the use of a facility must, at a



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650 minimum, be equal to the length of the term of the bonds issued
651 for the public purpose of constructing or renovating a facility
652 for a spring training franchise. If no such bonds are issued for
653 the public purpose of constructing or renovating a facility for
654 a spring training franchise, the signed agreement with a spring
655 training franchise for the use of a facility must be for at
656 least 20 years. Any such agreement with a spring training
657 franchise for the use of a facility cannot be signed more than 4
658 years before the expiration of any existing agreement with a
659 spring training franchise for the use of a facility. However,
660 any such agreement may be signed at any time before the
661 expiration of any existing agreement with a spring training
662 franchise for use of a facility if the applicant has never
663 received state funding for the facility as a spring training
664 facility under this section or s. 288.11621 and the facility was
665 constructed before January 1, 2000. The agreement must also
666 require the franchise to reimburse the state for state funds
667 expended by an applicant under this section if the franchise
668 relocates before the agreement expires; however, if bonds were
669 issued to construct or renovate a facility for a spring training
670 franchise, the required reimbursement must be equal to the total
671 amount of state distributions expected to be paid from the date
672 the franchise breaks its agreement with the applicant through
673 the final maturity of the bonds. The agreement may be contingent
674 on an award of funds under this section and other conditions
675 precedent.

676 3. The applicant has made a financial commitment to provide
677 50 percent or more of the funds required by an agreement for the
678 construction or renovation of the facility for a spring training



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679 franchise. The commitment may be contingent upon an award of
680 funds under this section and other conditions precedent.

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

684 5. The facility for a spring training franchise is located
685 in a county that levies a tourist development tax under s.
686 125.0104.

687 6. The applicant is not currently certified to receive
688 state funding for the facility as a spring training franchise
689 under this section.

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

692 1. Specifies the amount of the state incentive funding to
693 be distributed. The amount of state incentive funding per
694 certified applicant may not exceed \$20 million. However, if a
695 certified applicant's facility is used by more than one spring
696 training franchise, the maximum amount may not exceed \$50
697 million, and the Department of Revenue shall make distributions
698 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~
699 ~~than 37 years and 6 months.~~

700 2. States the criteria that the certified applicant must
701 meet in order to remain certified. These criteria must include a
702 provision stating that the spring training franchise must
703 reimburse the state for any funds received if the franchise does
704 not comply with the terms of the contract. If bonds were issued
705 to construct or renovate a facility for a spring training
706 franchise, the required reimbursement must be equal to the total
707 amount of state distributions expected to be paid from the date



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708 the franchise violates the agreement with the applicant through
709 the final maturity of the bonds.

710 3. States that the certified applicant is subject to
711 decertification if the certified applicant fails to comply with
712 this section or the agreement.

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

715 5. Specifies the information that the certified applicant
716 must report to the department.

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

718 (d) If a certified applicant has been certified under this
719 program for use of its facility by one spring training
720 franchise, the certified applicant may apply to amend its
721 certification for use of its facility by more than one spring
722 training franchise. The certified applicant must submit an
723 application to amend its original certification that meets the
724 requirements of this section. The maximum amount of state
725 incentive funding to be distributed may not exceed \$50 million
726 as provided in subparagraph (c)1. for a certified applicant with
727 a facility used by more than one spring training franchise,
728 including any distributions previously received by the certified
729 applicant under its original certification under this section.
730 Upon approval of an amended certification, the department shall
731 notify the Department of Revenue as provided in this section.

732 Section 6. Section 288.1166, Florida Statutes, is amended
733 to read:

734 288.1166 Professional sports facility; designation as
735 shelter site for the homeless; establishment of local programs.-

736 (1) A ~~Any~~ professional sports facility constructed with



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737 financial assistance from the state ~~of Florida~~ shall be
738 designated as a shelter site for the homeless during the period
739 of a declared federal, state, or local emergency in accordance
740 with the criteria of locally existing homeless shelter programs
741 unless: ~~except when~~

742 (a) The facility is otherwise contractually obligated for a
743 specific event or activity;

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

746 (c) The county owning the facility also owns or operates
747 homeless assistance centers and the county determines there
748 exists sufficient capacity to meet the sheltering needs of
749 homeless persons within the county.

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

754 Section 7. (1) The executive director of the Department of
755 Economic Opportunity is authorized, and all conditions are
756 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)
757 and 120.54(4), Florida Statutes, for the purpose of implementing
758 this act.

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

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

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

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

767 And the title is amended as follows:

768 Delete everything before the enacting clause

769 and insert:

770 A bill to be entitled

771 An act relating to professional sports facilities;
772 amending s. 212.20, F.S.; revising the distribution of
773 moneys to certified applicants for a facility used by
774 a spring training franchise under s. 288.11631, F.S.;
775 authorizing a distribution for an applicant that has
776 been approved by the Legislature and certified by the
777 Department of Economic Opportunity under s. 288.11625,
778 F.S.; providing a limitation; amending s. 218.64,
779 F.S.; providing for municipalities and counties to
780 expend an increased portion of local government half-
781 cent sales tax revenues to reimburse the state as
782 required by a contract; amending s. 288.0001, F.S.;
783 providing for an evaluation; creating s. 288.11625,
784 F.S.; requiring the Department of Economic Opportunity
785 to screen applicants for state funding for sports
786 development; defining terms; providing a purpose to
787 provide funding for applicants for constructing,
788 reconstructing, renovating, or improving a facility;
789 providing an application and approval process;
790 providing for an annual application period; providing
791 for the department to submit recommendations to the
792 Legislature by a certain date; requiring legislative
793 approval for state funding; providing evaluation
794 criteria for an applicant to receive state funding;



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795 providing for evaluation and ranking of applicants
796 under certain criteria; requiring the department to
797 determine the annual distribution amount an applicant
798 may receive; requiring the applicant to provide an
799 analysis by a certified public accountant to the
800 department; requiring the Department of Revenue to
801 distribute funds within a certain timeframe after
802 notification by the department; requiring the
803 department to develop a calculation to estimate
804 certain taxes; limiting annual distributions to a
805 specified amount; providing for a contract between the
806 department and the applicant; limiting use of funds;
807 requiring an applicant to submit information to the
808 department annually; requiring a 5-year review;
809 authorizing the Auditor General to conduct audits;
810 authorizing the Legislative Budget Commission to
811 approve an application; providing for reimbursement of
812 the state funding under certain circumstances;
813 providing for discontinuation of distributions upon an
814 applicant's request; authorizing the department to
815 adopt rules; amending s. 288.11631, F.S.; revising the
816 requirements for an applicant to be certified to
817 receive state funding for a facility for a spring
818 training franchise; authorizing a certified applicant
819 to submit an amendment to its original certification
820 for use of the facility by more than one spring
821 training franchise; amending s. 288.1166, F.S.;
822 providing that certain professional sports facilities
823 are designated as shelter sites for the homeless



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824 during declared federal, state, or local emergencies;
825 providing exceptions; authorizing the department to
826 adopt emergency rules; providing an effective date.