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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: SEN1/C
05/02/2014 10:40 AM	.	05/02/2014 01:12 PM
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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:



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



727844

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



727844

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



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



128 the Department of Economic Opportunity under s. 288.11625 or  
129 upon a date specified by the Department of Economic Opportunity  
130 as provided under s. 288.11625(6) (d), the department shall  
131 distribute each month an amount equal to one-twelfth of the  
132 annual distribution amount certified by the Department of  
133 Economic Opportunity for the applicant. The department may not  
134 distribute more than \$7 million in the 2014-2015 fiscal year or  
135 more than \$13 million annually thereafter under this sub-  
136 subparagraph.

137         7. All other proceeds must remain in the General Revenue  
138 Fund.

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

141         218.64 Local government half-cent sales tax; uses;  
142 limitations.-

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

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



727844

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

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

173           (c) Reimbursing the state as required under s. 288.11625.

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

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

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



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

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

191 288.11625 Sports development.—

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

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

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

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

205 (c) "Beneficiary" means a professional sports franchise of  
206 the National Football League, the National Hockey League, the  
207 National Basketball Association, the National League or American  
208 League of Major League Baseball, Minor League Baseball, Major  
209 League Soccer, the North American Soccer League, the  
210 Professional Rodeo Cowboys Association, the promoter or host of  
211 a signature event administered by Breeders' Cup Limited, or the  
212 promoter of a signature event sanctioned by the National  
213 Association for Stock Car Auto Racing. A beneficiary may also be  
214 an applicant under this section. However, a professional sports





727844

215 franchise of the National League or the American League of Major  
216 League Baseball or Minor League Baseball may not be a  
217 beneficiary unless, before filing an application under  
218 subsection (3):

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

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

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

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

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



244 project site.

245 (e) "Facility" means a structure, and its adjoining parcels  
246 of local-government-owned land, primarily used to host games or  
247 events held by a beneficiary and does not include any portion  
248 used to provide transient lodging.

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

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

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

266 (h) "State sales taxes generated by sales at the facility"  
267 means state sales taxes imposed under chapter 212 and generated  
268 by admissions to the facility; parking on property owned or  
269 controlled by the beneficiary or the applicant; team operations  
270 and necessary leases; sales by the beneficiary; sales by other  
271 vendors at the facility; and ancillary uses within 1,000 feet,  
272 including, but not limited to, team stores, museums,



273 restaurants, retail, lodging, and commercial uses from economic  
274 development generated by the beneficiary or facility as  
275 determined by the Department of Economic Opportunity.

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

280 (4) APPLICATION AND APPROVAL PROCESS.—

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

286 (b) The annual application period is from June 1 through  
287 November 1.

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

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

300 (e) A recommended applicant's request for funding must be  
301 approved by the Legislature, enacted by a general law or



302 conforming bill approved by the Governor in the manner provided  
303 in s. 8, Art. III of the State Constitution. After enactment,  
304 the department must certify an applicant and its approved  
305 request for funding. The approved request for funding must be  
306 certified as an annual distribution amount and the department  
307 must notify the Department of Revenue of the initial  
308 certification and the distribution amount.

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

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

324 3. An applicant that is previously certified pursuant to  
325 this section does not need legislative approval each year to  
326 receive state funding.

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



727844

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

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

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

354       (5) EVALUATION PROCESS.—

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

358       1. The applicant or beneficiary is responsible for the  
359 construction, reconstruction, renovation, or improvement of a



360 facility and obtained at least three bids for the project.

361 2. If the applicant is not a unit of local government, a  
362 unit of local government holds title to the property on which  
363 the facility and project are, or will be, located.

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

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

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

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

387 7. If the applicant is a unit of local government, the  
388 applicant has a certified copy of a signed agreement with a



389 beneficiary for the use of the facility. If the applicant is a  
390 beneficiary, the beneficiary must enter into an agreement with  
391 the department. The applicant's or beneficiary's agreement must  
392 also require the following:

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

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

406 8. The project will commence within 12 months after  
407 receiving state funds or did not commence before January 1,  
408 2013.

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

413 1. The proposed use of state funds.

414 2. The length of time that a beneficiary has agreed to use  
415 the facility.

416 3. The percentage of total project funds provided by the  
417 applicant and the percentage of total project funds provided by



727844

418 the beneficiary, with priority in the evaluation and ranking  
419 given to applications with 50 percent or more of total project  
420 funds provided by the applicant and beneficiary.

421 4. The number and type of signature events the facility is  
422 likely to attract during the duration of the agreement with the  
423 beneficiary.

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

426 6. The potential to attract out-of-state visitors to the  
427 facility.

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

434 8. The multiuse capabilities of the facility.

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

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

440 11. The amount of positive advertising or media coverage  
441 the facility generates.

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

446 13. The size and scope of the project and number of





447 temporary and permanent jobs that will be created as a direct  
448 result of the facility improvement.

449 (6) DISTRIBUTION.—

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

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

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

460 3. If the total project cost is less than \$100 million and  
461 more than \$30 million, the annual distribution amount may be up  
462 to \$1 million.

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

474 (b) At the time of initial evaluation and review by the  
475 department pursuant to subsection (5), the applicant must



476 provide an analysis by an independent certified public  
477 accountant which demonstrates:

478 1. The average annual amount of state sales taxes generated  
479 by sales at the facility during the 36-month period immediately  
480 before the beginning of the application period. This amount is  
481 the baseline.

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

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

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

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

498 (d) The department shall notify the Department of Revenue  
499 of the applicant's initial certification and the Department of  
500 Revenue shall begin distributions within 45 days after such  
501 notification or upon a date specified by the department as  
502 requested by the approved applicant, whichever is later.

503 (e) The department shall consult with the Department of  
504 Revenue and the Office of Economic and Demographic Research to



727844

505 develop a standard calculation for estimating the average annual  
506 new incremental state sales taxes generated by sales at the  
507 facility.

508 (f) The department may not certify an applicant if, as a  
509 result of the certification, the total amount distributed will  
510 exceed \$13 million in any fiscal year. In the 2014-2015 fiscal  
511 year, the department may not certify total annual distributions  
512 of more than \$7 million for all certified applicants.

513 (7) CONTRACT.—An applicant approved by the Legislature and  
514 certified by the department must enter into a contract with the  
515 department which:

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

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

519 (c) Requires the applicant to submit the independent  
520 analysis required under subsection (6) and an annual independent  
521 analysis.

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

532 2. The applicant must submit the certification within 90  
533 days after the end of the previous 12-month period. The



534 department shall verify the analysis.

535 (d) Specifies information that the certified applicant must  
536 report to the department.

537 (e) Requires the applicant to reimburse the state by  
538 electing to do one of the following:

539 1. After all distributions have been made, reimburse at the  
540 end of the contract term any amount by which the total  
541 distributions made under s. 212.20(6)(d)6.f. exceed actual new  
542 incremental state sales taxes generated by sales at the facility  
543 during the contract, plus a 5 percent penalty on that amount.

544 2. After the applicant begins to submit the independent  
545 analysis under paragraph (c), reimburse each year any amount by  
546 which the previous year's annual distribution exceeds 75 percent  
547 of the actual new incremental state sales taxes generated by  
548 sales at the facility.

549  
550 Any reimbursement due to the state must be made within 90 days  
551 after the applicable distribution under this paragraph. If the  
552 applicant is unable or unwilling to reimburse the state for such  
553 amount, the department may place a lien on the applicant's  
554 facility. If the applicant is a municipality or county, it may  
555 reimburse the state from its half-cent sales tax allocation, as  
556 provided in s. 218.64(3). Reimbursements must be sent to the  
557 Department of Revenue for deposit into the General Revenue Fund.

558 (f) Includes any provisions deemed prudent by the  
559 department.

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

562 (a) Constructing, reconstructing, renovating, or improving



563 a facility or reimbursing such costs.

564 (b) Paying or pledging for the payment of debt service on  
565 bonds issued for the construction or renovation of such  
566 facility.

567 (c) Funding debt service reserve funds, arbitrage rebate  
568 obligations, or other amounts payable with respect thereto on  
569 bonds issued for the construction or renovation of such  
570 facility.

571 (d) Reimbursing the costs under paragraphs (b) and (c) or  
572 the refinancing of bonds issued for the construction or  
573 renovation of such facility.

574 (9) REPORTS.-

575 (a) On or before November 1 of each year, an applicant  
576 certified under this section and approved to receive state funds  
577 must submit to the department any information required by the  
578 department. The department shall summarize this information for  
579 inclusion in its annual report to the Legislature under  
580 paragraph (4) (d).

581 (b) Every 5 years after an applicant receives its first  
582 monthly distribution, the department must verify that the  
583 applicant is meeting the program requirements. If the applicant  
584 fails to meet these requirements, the department shall notify  
585 the Governor and the Legislature in its next annual report under  
586 paragraph (4) (d) that the requirements are not being met and  
587 recommend future action. The department shall take into  
588 consideration extenuating circumstances that may have prevented  
589 the applicant from meeting the program requirements, such as  
590 force majeure events or a significant economic downturn.

591 (10) AUDITS.-The Auditor General may conduct audits



592 pursuant to s. 11.45 to verify the independent analysis required  
593 under paragraphs (6)(b) and (7)(c) and to verify that the  
594 distributions are expended as required. The Auditor General  
595 shall report the findings to the department. If the Auditor  
596 General determines that the distribution payments are not  
597 expended as required, the Auditor General must notify the  
598 Department of Revenue, which may pursue recovery of  
599 distributions under the laws and rules that govern the  
600 assessment of taxes.

601 (11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS  
602 COMMENCED BEFORE JULY 1, 2014.—Notwithstanding paragraph (4)(e),  
603 the Legislative Budget Commission may approve an application for  
604 state funds by an applicant for a new facility or a project  
605 commenced between March 1, 2013, and July 1, 2014. Such an  
606 application may be submitted after May 1, 2014. The department  
607 must review the application and recommend approval to the  
608 Legislature or deny the application. The Legislative Budget  
609 Commission may approve applications on or after January 1, 2015.  
610 The department must certify the applicant within 45 days of  
611 approval by the Legislative Budget Commission. State funds may  
612 not be distributed until the department notifies the Department  
613 of Revenue that the applicant was approved by the Legislative  
614 Budget Commission and certified by the department. An applicant  
615 certified under this subsection is subject to the provisions and  
616 requirements of this section. An applicant that fails to meet  
617 the conditions of this subsection may reapply during future  
618 application periods.

619 (12) REPAYMENT OF DISTRIBUTIONS.—An applicant that is  
620 certified under this section may be subject to repayment of



727844

621 distributions upon the occurrence of any of the following:

622 (a) An applicant's beneficiary has broken the terms of its  
623 agreement with the applicant and relocated from the facility or  
624 no longer occupies or uses the facility as the facility's  
625 primary tenant. The beneficiary must reimburse the state for  
626 state funds that will be distributed, plus a 5 percent penalty  
627 on that amount, if the beneficiary relocates before the  
628 agreement expires.

629 (b) A determination by the department that an applicant has  
630 submitted information or made a representation that is  
631 determined to be false, misleading, deceptive, or otherwise  
632 untrue. The applicant must reimburse the state for state funds  
633 that have been and will be distributed, plus a 5 percent penalty  
634 on that amount, if such determination is made. If the applicant  
635 is a municipality or county, it may reimburse the state from its  
636 half-cent sales tax allocation, as provided in s. 218.64(3).

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

639 (13) HALTING OF PAYMENTS.—The applicant may request in  
640 writing at least 20 days before the next monthly distribution  
641 that the department halt future payments. The department shall  
642 immediately notify the Department of Revenue to halt future  
643 payments.

644 (14) RULEMAKING.—The department may adopt rules to  
645 implement this section.

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

649 288.11631 Retention of Major League Baseball spring



727844

650 training baseball franchises.-

651 (2) CERTIFICATION PROCESS.-

652 (a) Before certifying an applicant to receive state funding  
653 for a facility for a spring training franchise, the department  
654 must verify that:

655 1. The applicant is responsible for the construction or  
656 renovation of the facility for a spring training franchise or  
657 holds title to the property on which the facility for a spring  
658 training franchise is located.

659 2. The applicant has a certified copy of a signed agreement  
660 with a spring training franchise. The signed agreement with a  
661 spring training franchise for the use of a facility must, at a  
662 minimum, be equal to the length of the term of the bonds issued  
663 for the public purpose of constructing or renovating a facility  
664 for a spring training franchise. If no such bonds are issued for  
665 the public purpose of constructing or renovating a facility for  
666 a spring training franchise, the signed agreement with a spring  
667 training franchise for the use of a facility must be for at  
668 least 20 years. Any such agreement with a spring training  
669 franchise for the use of a facility cannot be signed more than 4  
670 years before the expiration of any existing agreement with a  
671 spring training franchise for the use of a facility. However,  
672 any such agreement may be signed at any time before the  
673 expiration of any existing agreement with a spring training  
674 franchise for use of a facility if the applicant has never  
675 received state funding for the facility as a spring training  
676 facility under this section or s. 288.11621 and the facility was  
677 constructed before January 1, 2000. The agreement must also  
678 require the franchise to reimburse the state for state funds





727844

679 expended by an applicant under this section if the franchise  
680 relocates before the agreement expires; however, if bonds were  
681 issued to construct or renovate a facility for a spring training  
682 franchise, the required reimbursement must be equal to the total  
683 amount of state distributions expected to be paid from the date  
684 the franchise breaks its agreement with the applicant through  
685 the final maturity of the bonds. The agreement may be contingent  
686 on an award of funds under this section and other conditions  
687 precedent.

688 3. The applicant has made a financial commitment to provide  
689 50 percent or more of the funds required by an agreement for the  
690 construction or renovation of the facility for a spring training  
691 franchise. The commitment may be contingent upon an award of  
692 funds under this section and other conditions precedent.

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

696 5. The facility for a spring training franchise is located  
697 in a county that levies a tourist development tax under s.  
698 125.0104.

699 6. The applicant is not currently certified to receive  
700 state funding for the facility as a spring training franchise  
701 under this section.

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

704 1. Specifies the amount of the state incentive funding to  
705 be distributed. The amount of state incentive funding per  
706 certified applicant may not exceed \$20 million. However, if a  
707 certified applicant's facility is used by more than one spring



727844

708 training franchise, the maximum amount may not exceed \$50  
709 million, and the Department of Revenue shall make distributions  
710 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~  
711 ~~than 37 years and 6 months.~~

712 2. States the criteria that the certified applicant must  
713 meet in order to remain certified. These criteria must include a  
714 provision stating that the spring training franchise must  
715 reimburse the state for any funds received if the franchise does  
716 not comply with the terms of the contract. If bonds were issued  
717 to construct or renovate a facility for a spring training  
718 franchise, the required reimbursement must be equal to the total  
719 amount of state distributions expected to be paid from the date  
720 the franchise violates the agreement with the applicant through  
721 the final maturity of the bonds.

722 3. States that the certified applicant is subject to  
723 decertification if the certified applicant fails to comply with  
724 this section or the agreement.

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

727 5. Specifies the information that the certified applicant  
728 must report to the department.

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

730 (d) If a certified applicant has been certified under this  
731 program for use of its facility by one spring training  
732 franchise, the certified applicant may apply to amend its  
733 certification for use of its facility by more than one spring  
734 training franchise. The certified applicant must submit an  
735 application to amend its original certification that meets the  
736 requirements of this section. The maximum amount of state



727844

737 incentive funding to be distributed may not exceed \$50 million  
738 as provided in subparagraph (c)1. for a certified applicant with  
739 a facility used by more than one spring training franchise,  
740 including any distributions previously received by the certified  
741 applicant under its original certification under this section.  
742 Upon approval of an amended certification, the department shall  
743 notify the Department of Revenue as provided in this section.

744 Section 6. Section 288.1166, Florida Statutes, is amended  
745 to read:

746 288.1166 Professional sports facility; designation as  
747 shelter site for the homeless; establishment of local programs.-

748 (1) A ~~Any~~ professional sports facility constructed with  
749 financial assistance from the state ~~of Florida~~ shall be  
750 designated as a shelter site for the homeless during the period  
751 of a declared federal, state, or local emergency in accordance  
752 with the criteria of locally existing homeless shelter programs  
753 unless: ~~except when~~

754 (a) The facility is otherwise contractually obligated for a  
755 specific event or activity;

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

758 (c) The county owning the facility also owns or operates  
759 homeless assistance centers and the county determines there  
760 exists sufficient capacity to meet the sheltering needs of  
761 homeless persons within the county.

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



766           Section 7. (1) The executive director of the Department of  
767 Economic Opportunity is authorized, and all conditions are  
768 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)  
769 and 120.54(4), Florida Statutes, for the purpose of implementing  
770 this act.

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

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

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

777  
778 ===== T I T L E   A M E N D M E N T =====

779 And the title is amended as follows:

780           Delete everything before the enacting clause  
781 and insert:

782                           A bill to be entitled  
783           An act relating to professional sports facilities;  
784           amending s. 212.20, F.S.; revising the distribution of  
785           moneys to certified applicants for a facility used by  
786           a spring training franchise under s. 288.11631, F.S.;  
787           authorizing a distribution for an applicant that has  
788           been approved by the Legislature and certified by the  
789           Department of Economic Opportunity under s. 288.11625,  
790           F.S.; providing a limitation; amending s. 218.64,  
791           F.S.; providing for municipalities and counties to  
792           expend an increased portion of local government half-  
793           cent sales tax revenues to reimburse the state as  
794           required by a contract; amending s. 288.0001, F.S.;



727844

795 providing for an evaluation; creating s. 288.11625,  
796 F.S.; requiring the Department of Economic Opportunity  
797 to screen applicants for state funding for sports  
798 development; defining terms; providing a purpose to  
799 provide funding for applicants for constructing,  
800 reconstructing, renovating, or improving a facility;  
801 providing an application and approval process;  
802 providing for an annual application period; providing  
803 for the department to submit recommendations to the  
804 Legislature by a certain date; requiring legislative  
805 approval for state funding; providing evaluation  
806 criteria for an applicant to receive state funding;  
807 providing for evaluation and ranking of applicants  
808 under certain criteria; requiring the department to  
809 determine the annual distribution amount an applicant  
810 may receive; requiring the applicant to provide an  
811 analysis by a certified public accountant to the  
812 department; requiring the Department of Revenue to  
813 distribute funds within a certain timeframe after  
814 notification by the department; requiring the  
815 department to develop a calculation to estimate  
816 certain taxes; limiting annual distributions to a  
817 specified amount; providing for a contract between the  
818 department and the applicant; limiting use of funds;  
819 requiring an applicant to submit information to the  
820 department annually; requiring a 5-year review;  
821 authorizing the Auditor General to conduct audits;  
822 authorizing the Legislative Budget Commission to  
823 approve an application; providing for reimbursement of



727844

824 the state funding under certain circumstances;  
825 providing for discontinuation of distributions upon an  
826 applicant's request; authorizing the department to  
827 adopt rules; amending s. 288.11631, F.S.; revising the  
828 requirements for an applicant to be certified to  
829 receive state funding for a facility for a spring  
830 training franchise; authorizing a certified applicant  
831 to submit an amendment to its original certification  
832 for use of the facility by more than one spring  
833 training franchise; amending s. 288.1166, F.S.;  
834 providing that certain professional sports facilities  
835 are designated as shelter sites for the homeless  
836 during declared federal, state, or local emergencies;  
837 providing exceptions; authorizing the department to  
838 adopt emergency rules; providing an effective date.