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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 \$6 million in the 2014-
133 2015 fiscal year and 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 by a contract
144 pursuant to s. 288.11625(7), or for municipality-wide property
145 tax or municipal utility tax relief. All utility tax rate
146 reductions afforded by participation in the local government
147 half-cent sales tax shall be applied uniformly across all types
148 of taxed utility services.

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

156 (a) Funding a certified applicant as a facility for a new



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

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

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

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:



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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, the National Association of
209 Professional Baseball Leagues, Major League Soccer, the North
210 American Soccer League, the Professional Rodeo Cowboys
211 Association, the promoter or host of a signature event
212 administered by Breeders' Cup Limited, or the promoter of a
213 signature event sanctioned by the National Association for Stock
214 Car Auto Racing. A beneficiary may also be an applicant under



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215 this section.

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

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

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

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

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



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244 beneficiary or facility as determined by the Department of
245 Economic Opportunity.

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

250 (4) APPLICATION AND APPROVAL PROCESS.—

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

256 (b) The annual application period is from June 1 through
257 November 1.

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

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

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



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273 1. An application by a unit of local government which is
274 approved by the Legislature and subsequently certified by the
275 department remains certified for the duration of the
276 beneficiary's agreement with the applicant or for 30 years,
277 whichever is less, provided the certified applicant has an
278 agreement with a beneficiary at the time of initial
279 certification by the department.

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

288 3. An applicant that is previously certified pursuant to
289 this section does not need legislative approval each year to
290 receive state funding.

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

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

298 (h) An application submitted either by a first-time
299 applicant whose project exceeds \$300 million and commenced on
300 the facility's existing site before January 1, 2014, or by a
301 beneficiary that has completed the terms of a previous agreement



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302 for distributions under chapter 212 for an existing facility
303 shall be considered an application for a new facility for
304 purposes that include, but are not limited to, incremental and
305 baseline tax calculations.

306 (5) EVALUATION PROCESS.—

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

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

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

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

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

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



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331 subject of the application, unless the applicant demonstrates
332 that the franchise that applied for a distribution under s.
333 212.20 no longer plays at the facility that is the subject of
334 the application.

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

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

345 a. The beneficiary must reimburse the state for state funds
346 that have been distributed and will be distributed if the
347 beneficiary relocates before the agreement expires.

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

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

358 (b) The department shall competitively evaluate and rank
359 applicants that timely submit applications for state funding



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360 based on their ability to positively impact the state using the
361 following criteria:

362 1. The proposed use of state funds.

363 2. The length of time that a beneficiary has agreed to use
364 the facility.

365 3. The percentage of total project funds provided by the
366 applicant and the percentage of total project funds provided by
367 the beneficiary, with priority in the evaluation and ranking
368 given to applications with 50 percent or more of total project
369 funds provided by the applicant and beneficiary.

370 4. The number and type of signature events the facility is
371 likely to attract during the duration of the agreement with the
372 beneficiary.

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

375 6. The potential to attract out-of-state visitors to the
376 facility.

377 7. The length of time a beneficiary has been in this state
378 or partnered with the unit of local government. In order to
379 encourage new franchises to locate in this state, an application
380 for a new franchise shall be considered to have a significant
381 positive impact on the state and shall be given priority in the
382 evaluation and ranking by the department.

383 8. The multiuse capabilities of the facility.

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

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



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389 11. The amount of positive advertising or media coverage
390 the facility generates.

391 (6) DISTRIBUTION.—

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

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

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

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

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

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

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



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

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

424 (d) The Department of Revenue shall begin distributions
425 within 45 days after notification of initial certification from
426 the department.

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

432 (f) In any 12-month period when total distributions for all
433 certified applicants reach \$13 million, the department may not
434 certify new distributions for additional applicants. In the
435 2014-2015 fiscal year, the department may not certify total
436 distributions of more than \$6 million for all certified
437 applicants.

438 (7) CONTRACT.—An applicant approved by the Legislature and
439 certified by the department must enter into a contract with the
440 department which:

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

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

444 (c) Requires the applicant to submit the independent
445 analysis required under subsection (6) and an annual independent
446 analysis.



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447 1. The applicant must agree to submit to the department,
448 beginning 12 months after completion of a project or 12 months
449 after the first four annual distributions, whichever is earlier,
450 an annual analysis by an independent certified public accountant
451 demonstrating the actual amount of new incremental state sales
452 taxes generated by sales at the facility during the previous 12-
453 month period. The applicant shall certify to the department a
454 comparison of the actual amount of state sales taxes generated
455 by sales at the facility during the previous 12-month period to
456 the baseline under subparagraph (6) (b)1.

457 2. The applicant must submit the certification within 60
458 days after the end of the previous 12-month period. The
459 department shall verify the analysis.

460 (d) Specifies information that the certified applicant must
461 report to the department.

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

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

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



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476 for deposit into the General Revenue Fund.

477 (f) Includes any provisions deemed prudent by the
478 department.

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

481 (a) Constructing, reconstructing, renovating, or improving
482 a facility or reimbursing such costs.

483 (b) Paying or pledging for the payment of debt service on
484 bonds issued for the construction or renovation of such
485 facility.

486 (c) Funding debt service reserve funds, arbitrage rebate
487 obligations, or other amounts payable with respect thereto on
488 bonds issued for the construction or renovation of such
489 facility.

490 (d) Reimbursing the costs under paragraphs (b) and (c) or
491 the refinancing of bonds issued for the construction or
492 renovation of such facility.

493 (9) REPORTS.—

494 (a) On or before November 1 of each year, an applicant
495 certified under this section and approved to receive state funds
496 must submit to the department any information required by the
497 department. The department shall summarize this information for
498 inclusion in its annual report to the Legislature under
499 paragraph (4) (d).

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



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

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

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



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534 the conditions of this subsection may reapply during future
535 application periods.

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

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

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

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

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

556 (14) RULEMAKING.—The department may adopt rules to
557 implement this section.

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

561 288.11631 Retention of Major League Baseball spring
562 training baseball franchises.—



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563 (2) CERTIFICATION PROCESS.—
564 (a) Before certifying an applicant to receive state funding
565 for a facility for a spring training franchise, the department
566 must verify that:
567 1. The applicant is responsible for the construction or
568 renovation of the facility for a spring training franchise or
569 holds title to the property on which the facility for a spring
570 training franchise is located.
571 2. The applicant has a certified copy of a signed agreement
572 with a spring training franchise. The signed agreement with a
573 spring training franchise for the use of a facility must, at a
574 minimum, be equal to the length of the term of the bonds issued
575 for the public purpose of constructing or renovating a facility
576 for a spring training franchise. If no such bonds are issued for
577 the public purpose of constructing or renovating a facility for
578 a spring training franchise, the signed agreement with a spring
579 training franchise for the use of a facility must be for at
580 least 20 years. Any such agreement with a spring training
581 franchise for the use of a facility cannot be signed more than 4
582 years before the expiration of any existing agreement with a
583 spring training franchise for the use of a facility. However,
584 any such agreement may be signed at any time before the
585 expiration of any existing agreement with a spring training
586 franchise for use of a facility if the applicant has never
587 received state funding for the facility as a spring training
588 facility under this section or s. 288.11621 and the facility was
589 constructed before January 1, 2000. The agreement must also
590 require the franchise to reimburse the state for state funds
591 expended by an applicant under this section if the franchise



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592 relocates before the agreement expires; however, if bonds were
593 issued to construct or renovate a facility for a spring training
594 franchise, the required reimbursement must be equal to the total
595 amount of state distributions expected to be paid from the date
596 the franchise breaks its agreement with the applicant through
597 the final maturity of the bonds. The agreement may be contingent
598 on an award of funds under this section and other conditions
599 precedent.

600 3. The applicant has made a financial commitment to provide
601 50 percent or more of the funds required by an agreement for the
602 construction or renovation of the facility for a spring training
603 franchise. The commitment may be contingent upon an award of
604 funds under this section and other conditions precedent.

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

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

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

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



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

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

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

636 5. Specifies the information that the certified applicant
637 must report to the department.

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

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



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650 applicant under its original certification under this section.
651 Upon approval of an amended certification, the department shall
652 notify the Department of Revenue as provided in this section.

653 Section 6. Section 288.1166, Florida Statutes, is amended
654 to read:

655 288.1166 Professional sports facility; designation as
656 shelter site for the homeless; establishment of local programs.-

657 (1) A ~~Any~~ professional sports facility constructed with
658 financial assistance from the state ~~of Florida~~ shall be
659 designated as a shelter site for the homeless during the period
660 of a declared federal, state, or local emergency in accordance
661 with the criteria of locally existing homeless shelter programs
662 unless: ~~except when~~

663 (a) The facility is otherwise contractually obligated for a
664 specific event or activity;

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

667 (c) The county owning the facility also owns or operates
668 homeless assistance centers and the county determines there
669 exists sufficient capacity to meet the sheltering needs of
670 homeless persons within the county.

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

675 Section 7. (1) The executive director of the Department of
676 Economic Opportunity is authorized, and all conditions are
677 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)
678 and 120.54(4), Florida Statutes, for the purpose of implementing



679 this act.

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

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

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

686

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

688 And the title is amended as follows:

689 Delete everything before the enacting clause

690 and insert:

691 A bill to be entitled
692 An act relating to professional sports facilities;
693 amending s. 212.20, F.S.; revising the distribution of
694 moneys to certified applicants for a facility used by
695 a spring training franchise under s. 288.11631, F.S.;
696 authorizing a distribution for an applicant that has
697 been approved by the Legislature and certified by the
698 Department of Economic Opportunity under s. 288.11625,
699 F.S.; providing a limitation; amending s. 218.64,
700 F.S.; providing for municipalities and counties to
701 expend an increased portion of local government half-
702 cent sales tax revenues to reimburse the state as
703 required by a contract; amending s. 288.0001, F.S.;
704 providing for an evaluation; creating s. 288.11625,
705 F.S.; requiring the Department of Economic Opportunity
706 to screen applicants for state funding for sports
707 development; defining terms; providing a purpose to



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



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737 requirements for an applicant to be certified to
738 receive state funding for a facility for a spring
739 training franchise; authorizing a certified applicant
740 to submit an amendment to its original certification
741 for use of the facility by more than one spring
742 training franchise; amending s. 288.1166, F.S.;
743 providing that certain professional sports facilities
744 are designated as shelter sites for the homeless
745 during declared federal, state, or local emergencies;
746 providing exceptions; authorizing the department to
747 adopt emergency rules; providing an effective date.