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CS/HB 7095, Engrossed 2

2014 Legislature

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

58

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

60

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

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

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

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

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

77 2. After the distribution under subparagraph 1., 8.814
78 percent of the amount remitted by a sales tax dealer located



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

87 | 3. After the distribution under subparagraphs 1. and 2.,
88 | 0.095 percent shall be transferred to the Local Government Half-
89 | cent Sales Tax Clearing Trust Fund and distributed pursuant to
90 | s. 218.65.

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

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



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105 Assistance Trust Fund in state fiscal year 1999-2000. If the
106 total proceeds to be distributed are less than the amount
107 received in combination from the Revenue Sharing Trust Fund for
108 Municipalities and the former Municipal Financial Assistance
109 Trust Fund in state fiscal year 1999-2000, each municipality
110 shall receive an amount proportionate to the amount it was due
111 in state fiscal year 1999-2000.

112 6. Of the remaining proceeds:

113 a. In each fiscal year, the sum of \$29,915,500 shall be
114 divided into as many equal parts as there are counties in the
115 state, and one part shall be distributed to each county. The
116 distribution among the several counties must begin each fiscal
117 year on or before January 5th and continue monthly for a total
118 of 4 months. If a local or special law required that any moneys
119 accruing to a county in fiscal year 1999-2000 under the then-
120 existing provisions of s. 550.135 be paid directly to the
121 district school board, special district, or a municipal
122 government, such payment must continue until the local or
123 special law is amended or repealed. The state covenants with
124 holders of bonds or other instruments of indebtedness issued by
125 local governments, special districts, or district school boards
126 before July 1, 2000, that it is not the intent of this
127 subparagraph to adversely affect the rights of those holders or
128 relieve local governments, special districts, or district school
129 boards of the duty to meet their obligations as a result of
130 previous pledges or assignments or trusts entered into which



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131 obligated funds received from the distribution to county
132 governments under then-existing s. 550.135. This distribution
133 specifically is in lieu of funds distributed under s. 550.135
134 before July 1, 2000.

135 b. The department shall distribute \$166,667 monthly
136 pursuant to s. 288.1162 to each applicant certified as a
137 facility for a new or retained professional sports franchise
138 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
139 monthly by the department to each certified applicant as defined
140 in s. 288.11621 for a facility for a spring training franchise.
141 However, not more than \$416,670 may be distributed monthly in
142 the aggregate to all certified applicants for facilities for
143 spring training franchises. Distributions begin 60 days after
144 such certification and continue for not more than 30 years,
145 except as otherwise provided in s. 288.11621. A certified
146 applicant identified in this sub-subparagraph may not receive
147 more in distributions than expended by the applicant for the
148 public purposes provided for in s. 288.1162(5) or s.
149 288.11621(3).

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

156 d. Beginning 30 days after notice by the Department of



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

165 e. The department shall distribute up to \$83,333 ~~\$55,555~~
166 monthly to each certified applicant as defined in s. 288.11631
167 for a facility used by a single spring training franchise, or up
168 to \$166,667 ~~\$111,110~~ monthly to each certified applicant as
169 defined in s. 288.11631 for a facility used by more than one
170 spring training franchise. Monthly distributions begin 60 days
171 after such certification or July 1, 2016, whichever is later,
172 and continue for not more than 20 ~~30~~ years to each certified
173 applicant as defined in s. 288.11631 for a facility used by a
174 single spring training franchise or not more than 25 years to
175 each certified applicant as defined in s. 288.11631 for a
176 facility used by more than one spring training franchise, ~~except~~
177 ~~as otherwise provided in s. 288.11631~~. A certified applicant
178 identified in this sub-subparagraph may not receive more in
179 distributions than expended by the applicant for the public
180 purposes provided in s. 288.11631(3).

181 f. Beginning 45 days after notice by the Department of
182 Economic Opportunity to the Department of Revenue that an



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183 applicant has been approved by the Legislature and certified by
184 the Department of Economic Opportunity under s. 288.11625 or
185 upon a date specified by the Department of Economic Opportunity
186 as provided under s. 288.11625(6)(d), the department shall
187 distribute each month an amount equal to one-twelfth of the
188 annual distribution amount certified by the Department of
189 Economic Opportunity for the applicant. The department may not
190 distribute more than \$7 million in the 2014-2015 fiscal year or
191 more than \$13 million annually thereafter under this sub-
192 subparagraph.

193 7. All other proceeds must remain in the General Revenue
194 Fund.

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

197 218.64 Local government half-cent sales tax; uses;
198 limitations.—

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

206 (3) Subject to ordinances enacted by the majority of the
207 members of the county governing authority and by the majority of
208 the members of the governing authorities of municipalities



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209 representing at least 50 percent of the municipal population of
210 such county, counties may use up to \$3 ~~\$2~~ million annually of
211 the local government half-cent sales tax allocated to that
212 county for ~~funding for~~ any of the following purposes applicants:

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

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

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

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

232 288.0001 Economic Development Programs Evaluation.—The
233 Office of Economic and Demographic Research and the Office of
234 Program Policy Analysis and Government Accountability (OPPAGA)



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235 shall develop and present to the Governor, the President of the
236 Senate, the Speaker of the House of Representatives, and the
237 chairs of the legislative appropriations committees the Economic
238 Development Programs Evaluation.

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

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

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

247 288.11625 Sports development.-

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

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

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

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



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261 (c) "Beneficiary" means a professional sports franchise of
262 the National Football League, the National Hockey League, the
263 National Basketball Association, the National League or American
264 League of Major League Baseball, Minor League Baseball, Major
265 League Soccer, the North American Soccer League, the
266 Professional Rodeo Cowboys Association, the promoter or host of
267 a signature event administered by Breeders' Cup Limited, or the
268 promoter of a signature event sanctioned by the National
269 Association for Stock Car Auto Racing. A beneficiary may also be
270 an applicant under this section. However, a professional sports
271 franchise of the National League or the American League of Major
272 League Baseball or Minor League Baseball may not be a
273 beneficiary unless, before filing an application under
274 subsection (3):

275 1. Major League Baseball verifies to the Attorney General
276 that any Cuban refugee 17 years of age or older who has been
277 present in the United States for less than 1 year and who was
278 not present before the most recent Major League Baseball Rule 4
279 Draft of amateur players may contract as a free agent under
280 rules no less favorable than the most favorable rules applicable
281 to players who are residents of any country or territory other
282 than the United States, Puerto Rico, or Canada; and

283 2. The Attorney General verifies that Major League
284 Baseball has agreed to report to the Attorney General the
285 identity of, and a description of the activity giving rise to
286 the identification of, any resident of this state or other



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287 person operating in this state who Major League Baseball has
288 reason to believe has engaged in:

289 a. Human smuggling, human trafficking, or the movement of
290 individuals across national boundaries for purposes of evading
291 Major League Baseball rules applicable to residents of the
292 United States; or

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

297 (d) "Commence" or "commenced" means the occurrence of a
298 physical activity on the project site which is related to the
299 construction, reconstruction, renovation, or improvement of the
300 project site.

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

305 (f) "Project" means a proposed construction,
306 reconstruction, renovation, or improvement of a facility or the
307 proposed acquisition of land to construct a new facility and
308 construction of improvements to state-owned land necessary for
309 the efficient use of the facility.

310 (g) "Signature event" means a professional sports event
311 with significant export factor potential. For purposes of this
312 paragraph, the term "export factor" means the attraction of



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313 economic activity or growth into the state which otherwise would
314 not have occurred. Examples of signature events may include, but
315 are not limited to:

- 316 1. National Football League Super Bowls.
- 317 2. Professional sports All-Star games.
- 318 3. International sporting events and tournaments.
- 319 4. Professional motorsports events.
- 320 5. The establishment of a new professional sports
321 franchise in this state.

322 (h) "State sales taxes generated by sales at the facility"
323 means state sales taxes imposed under chapter 212 and generated
324 by admissions to the facility; parking on property owned or
325 controlled by the beneficiary or the applicant; team operations
326 and necessary leases; sales by the beneficiary; sales by other
327 vendors at the facility; and ancillary uses within 1,000 feet,
328 including, but not limited to, team stores, museums,
329 restaurants, retail, lodging, and commercial uses from economic
330 development generated by the beneficiary or facility as
331 determined by the Department of Economic Opportunity.

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

336 (4) APPLICATION AND APPROVAL PROCESS.—

337 (a) The department shall establish the procedures and
338 application forms deemed necessary pursuant to the requirements



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339 of this section. The department may notify an applicant of any
340 additional required or incomplete information necessary to
341 evaluate an application.

342 (b) The annual application period is from June 1 through
343 November 1.

344 (c) Within 60 days after receipt of a completed
345 application, the department shall complete its evaluation of the
346 application as provided under subsection (5) and notify the
347 applicant in writing of the department's decision to recommend
348 approval of the applicant by the Legislature or to deny the
349 application.

350 (d) By each February 1, the department shall rank the
351 applicants and provide to the Legislature the list of the
352 recommended applicants in ranked order of projects most likely
353 to positively impact the state based on criteria established
354 under this section. The list must include the department's
355 evaluation of the applicant.

356 (e) A recommended applicant's request for funding must be
357 approved by the Legislature, enacted by a general law or
358 conforming bill approved by the Governor in the manner provided
359 in s. 8, Art. III of the State Constitution. After enactment,
360 the department must certify an applicant and its approved
361 request for funding. The approved request for funding must be
362 certified as an annual distribution amount and the department
363 must notify the Department of Revenue of the initial
364 certification and the distribution amount.



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365 1. An application by a unit of local government which is
366 approved by the Legislature and subsequently certified by the
367 department remains certified for the duration of the
368 beneficiary's agreement with the applicant or for 30 years,
369 whichever is less, provided the certified applicant has an
370 agreement with a beneficiary at the time of initial
371 certification by the department.

372 2. An application by a beneficiary or other applicant
373 which is approved by the Legislature and subsequently certified
374 by the department remains certified for the duration of the
375 beneficiary's agreement with the unit of local government that
376 owns the underlying property or for 30 years, whichever is less,
377 provided the certified applicant has an agreement with the unit
378 of local government at the time of initial certification by the
379 department.

380 3. An applicant that is previously certified pursuant to
381 this section does not need legislative approval each year to
382 receive state funding.

383 (f) An applicant that is recommended by the department but
384 not approved by the Legislature may reapply and shall update any
385 information in the original application as required by the
386 department.

387 (g) The department may recommend no more than one
388 distribution under this section for any applicant, facility, or
389 beneficiary at a time. A facility or beneficiary may not be the
390 subject of more than one distribution under s. 212.20 at any



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391 time for any state-administered sports-related program,
392 including s. 288.1162, s. 288.11621, s. 288.11631, or this
393 section. This limitation does not apply if the applicant
394 demonstrates that the beneficiary that is the subject of the
395 distribution under s. 212.20 no longer plays at the facility
396 that is the subject of the application under this section.

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

405 (i) An application may be submitted to the department for
406 evaluation and recommendation if the existing beneficiary has
407 completed or will complete the terms of an existing distribution
408 under chapter 212 for an existing facility before a distribution
409 can be made.

410 (5) EVALUATION PROCESS.—

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

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



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

420 3. If the applicant is a unit of local government in whose
421 jurisdiction the facility is, or will be, located, the unit of
422 local government has an exclusive intent agreement to negotiate
423 in this state with the beneficiary.

424 4. A unit of local government in whose jurisdiction the
425 facility is, or will be, located supports the application for
426 state funds. Such support must be verified by the adoption of a
427 resolution, after a public hearing, that the project serves a
428 public purpose.

429 5. The applicant or beneficiary has not previously
430 defaulted or failed to meet any statutory requirements of a
431 previous state-administered sports-related program under s.
432 288.1162, s. 288.11621, s. 288.11631, or this section.
433 Additionally, the applicant or beneficiary is not currently
434 receiving state distributions under s. 212.20 for the facility
435 that is the subject of the application, unless the applicant
436 demonstrates that the franchise that applied for a distribution
437 under s. 212.20 no longer plays at the facility that is the
438 subject of the application.

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



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443 7. If the applicant is a unit of local government, the
444 applicant has a certified copy of a signed agreement with a
445 beneficiary for the use of the facility. If the applicant is a
446 beneficiary, the beneficiary must enter into an agreement with
447 the department. The applicant's or beneficiary's agreement must
448 also require the following:

449 a. The beneficiary must reimburse the state for state
450 funds that will be distributed if the beneficiary relocates or
451 no longer occupies or uses the facility as the facility's
452 primary tenant before the agreement expires. Reimbursements must
453 be sent to the Department of Revenue for deposit into the
454 General Revenue Fund.

455 b. The beneficiary must pay for signage or advertising
456 within the facility. The signage or advertising must be placed
457 in a prominent location as close to the field of play or
458 competition as is practicable, must be displayed consistent with
459 signage or advertising in the same location and of like value,
460 and must feature Florida advertising approved by the Florida
461 Tourism Industry Marketing Corporation.

462 8. The project will commence within 12 months after
463 receiving state funds or did not commence before January 1,
464 2013.

465 (b) The department shall competitively evaluate and rank
466 applicants that timely submit applications for state funding
467 based on their ability to positively impact the state using the
468 following criteria:



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- 469 1. The proposed use of state funds.
- 470 2. The length of time that a beneficiary has agreed to use
471 the facility.
- 472 3. The percentage of total project funds provided by the
473 applicant and the percentage of total project funds provided by
474 the beneficiary, with priority in the evaluation and ranking
475 given to applications with 50 percent or more of total project
476 funds provided by the applicant and beneficiary.
- 477 4. The number and type of signature events the facility is
478 likely to attract during the duration of the agreement with the
479 beneficiary.
- 480 5. The anticipated increase in average annual ticket sales
481 and attendance at the facility due to the project.
- 482 6. The potential to attract out-of-state visitors to the
483 facility.
- 484 7. The length of time a beneficiary has been in this state
485 or partnered with the unit of local government. In order to
486 encourage new franchises to locate in this state, an application
487 for a new franchise shall be considered to have a significant
488 positive impact on the state and shall be given priority in the
489 evaluation and ranking by the department.
- 490 8. The multiuse capabilities of the facility.
- 491 9. The facility's projected employment of residents of
492 this state, contracts with Florida-based firms, and purchases of
493 locally available building materials.
- 494 10. The amount of private and local financial or in-kind



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495 contributions to the project.

496 11. The amount of positive advertising or media coverage
497 the facility generates.

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

502 13. The size and scope of the project and number of
503 temporary and permanent jobs that will be created as a direct
504 result of the facility improvement.

505 (6) DISTRIBUTION.—

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

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

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

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

519 4. Notwithstanding paragraph (4) (g) and subparagraph
520 (5) (a) 5., an applicant certified under s. 288.1162 which is



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521 currently receiving state distributions under s. 212.20 for the
522 facility or beneficiary that is the subject of the application
523 under this section may be eligible for an annual distribution
524 amount of up to \$1 million. The total project cost must be at
525 least \$100 million. This subparagraph does not apply to an
526 applicant that demonstrates that the beneficiary that is the
527 subject of the distribution under s. 212.20 no longer plays at
528 the facility that is the subject of the application under this
529 section.

530 (b) At the time of initial evaluation and review by the
531 department pursuant to subsection (5), the applicant must
532 provide an analysis by an independent certified public
533 accountant which demonstrates:

534 1. The average annual amount of state sales taxes
535 generated by sales at the facility during the 36-month period
536 immediately before the beginning of the application period. This
537 amount is the baseline.

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

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

545
546 For an application for a new facility, the baseline is zero.



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547 Notwithstanding any other provision of this section, for
548 projects with a total cost of more than \$300 million which are
549 at least 90 percent funded by private sources, the baseline is
550 zero for purposes of this section. The baseline for an applicant
551 under subparagraph (a)4. is \$2 million.

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

554 (d) The department shall notify the Department of Revenue
555 of the applicant's initial certification and the Department of
556 Revenue shall begin distributions within 45 days after such
557 notification or upon a date specified by the department as
558 requested by the approved applicant, whichever is later.

559 (e) The department shall consult with the Department of
560 Revenue and the Office of Economic and Demographic Research to
561 develop a standard calculation for estimating the average annual
562 new incremental state sales taxes generated by sales at the
563 facility.

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

569 (7) CONTRACT.—An applicant approved by the Legislature and
570 certified by the department must enter into a contract with the
571 department which:

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



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

575 (c) Requires the applicant to submit the independent
576 analysis required under subsection (6) and an annual independent
577 analysis.

578 1. The applicant must agree to submit to the department,
579 beginning 12 months after completion of a project or 12 months
580 after the first four annual distributions, whichever is earlier,
581 an annual analysis by an independent certified public accountant
582 demonstrating the actual amount of new incremental state sales
583 taxes generated by sales at the facility during the previous 12-
584 month period. The applicant shall certify to the department a
585 comparison of the actual amount of state sales taxes generated
586 by sales at the facility during the previous 12-month period to
587 the baseline under paragraph (6) (b).

588 2. The applicant must submit the certification within 90
589 days after the end of the previous 12-month period. The
590 department shall verify the analysis.

591 (d) Specifies information that the certified applicant
592 must report to the department.

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

595 1. After all distributions have been made, reimburse at
596 the end of the contract term any amount by which the total
597 distributions made under s. 212.20(6)(d)6.f. exceed actual new
598 incremental state sales taxes generated by sales at the facility



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599 during the contract, plus a 5 percent penalty on that amount.

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

605
606 Any reimbursement due to the state must be made within 90 days
607 after the applicable distribution under this paragraph. If the
608 applicant is unable or unwilling to reimburse the state for such
609 amount, the department may place a lien on the applicant's
610 facility. If the applicant is a municipality or county, it may
611 reimburse the state from its half-cent sales tax allocation, as
612 provided in s. 218.64(3). Reimbursements must be sent to the
613 Department of Revenue for deposit into the General Revenue Fund.

614 (f) Includes any provisions deemed prudent by the
615 department.

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

618 (a) Constructing, reconstructing, renovating, or improving
619 a facility or reimbursing such costs.

620 (b) Paying or pledging for the payment of debt service on
621 bonds issued for the construction or renovation of such
622 facility.

623 (c) Funding debt service reserve funds, arbitrage rebate
624 obligations, or other amounts payable with respect thereto on



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625 bonds issued for the construction or renovation of such
626 facility.

627 (d) Reimbursing the costs under paragraphs (b) and (c) or
628 the refinancing of bonds issued for the construction or
629 renovation of such facility.

630 (9) REPORTS.—

631 (a) On or before November 1 of each year, an applicant
632 certified under this section and approved to receive state funds
633 must submit to the department any information required by the
634 department. The department shall summarize this information for
635 inclusion in its annual report to the Legislature under
636 paragraph (4) (d).

637 (b) Every 5 years after an applicant receives its first
638 monthly distribution, the department must verify that the
639 applicant is meeting the program requirements. If the applicant
640 fails to meet these requirements, the department shall notify
641 the Governor and the Legislature in its next annual report under
642 paragraph (4) (d) that the requirements are not being met and
643 recommend future action. The department shall take into
644 consideration extenuating circumstances that may have prevented
645 the applicant from meeting the program requirements, such as
646 force majeure events or a significant economic downturn.

647 (10) AUDITS.—The Auditor General may conduct audits
648 pursuant to s. 11.45 to verify the independent analysis required
649 under paragraphs (6) (b) and (7) (c) and to verify that the
650 distributions are expended as required. The Auditor General



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651 shall report the findings to the department. If the Auditor
652 General determines that the distribution payments are not
653 expended as required, the Auditor General must notify the
654 Department of Revenue, which may pursue recovery of
655 distributions under the laws and rules that govern the
656 assessment of taxes.

657 (11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS
658 COMMENCED BEFORE JULY 1, 2014.—Notwithstanding paragraph (4) (e),
659 the Legislative Budget Commission may approve an application for
660 state funds by an applicant for a new facility or a project
661 commenced between March 1, 2013, and July 1, 2014. Such an
662 application may be submitted after May 1, 2014. The department
663 must review the application and recommend approval to the
664 Legislature or deny the application. The Legislative Budget
665 Commission may approve applications on or after January 1, 2015.
666 The department must certify the applicant within 45 days of
667 approval by the Legislative Budget Commission. State funds may
668 not be distributed until the department notifies the Department
669 of Revenue that the applicant was approved by the Legislative
670 Budget Commission and certified by the department. An applicant
671 certified under this subsection is subject to the provisions and
672 requirements of this section. An applicant that fails to meet
673 the conditions of this subsection may reapply during future
674 application periods.

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



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677 distributions upon the occurrence of any of the following:

678 (a) An applicant's beneficiary has broken the terms of its
679 agreement with the applicant and relocated from the facility or
680 no longer occupies or uses the facility as the facility's
681 primary tenant. The beneficiary must reimburse the state for
682 state funds that will be distributed, plus a 5 percent penalty
683 on that amount, if the beneficiary relocates before the
684 agreement expires.

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

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

695 (13) HALTING OF PAYMENTS.—The applicant may request in
696 writing at least 20 days before the next monthly distribution
697 that the department halt future payments. The department shall
698 immediately notify the Department of Revenue to halt future
699 payments.

700 (14) RULEMAKING.—The department may adopt rules to
701 implement this section.

702 Section 5. Paragraphs (a) and (c) of subsection (2) of



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703 section 288.11631, Florida Statutes, are amended, and paragraph
704 (d) is added to that subsection, to read:

705 288.11631 Retention of Major League Baseball spring
706 training baseball franchises.—

707 (2) CERTIFICATION PROCESS.—

708 (a) Before certifying an applicant to receive state
709 funding for a facility for a spring training franchise, the
710 department must verify that:

711 1. The applicant is responsible for the construction or
712 renovation of the facility for a spring training franchise or
713 holds title to the property on which the facility for a spring
714 training franchise is located.

715 2. The applicant has a certified copy of a signed
716 agreement with a spring training franchise. The signed agreement
717 with a spring training franchise for the use of a facility must,
718 at a minimum, be equal to the length of the term of the bonds
719 issued for the public purpose of constructing or renovating a
720 facility for a spring training franchise. If no such bonds are
721 issued for the public purpose of constructing or renovating a
722 facility for a spring training franchise, the signed agreement
723 with a spring training franchise for the use of a facility must
724 be for at least 20 years. Any such agreement with a spring
725 training franchise for the use of a facility cannot be signed
726 more than 4 years before the expiration of any existing
727 agreement with a spring training franchise for the use of a
728 facility. However, any such agreement may be signed at any time



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729 before the expiration of any existing agreement with a spring
730 training franchise for use of a facility if the applicant has
731 never received state funding for the facility as a spring
732 training facility under this section or s. 288.11621 and the
733 facility was constructed before January 1, 2000. The agreement
734 must also require the franchise to reimburse the state for state
735 funds expended by an applicant under this section if the
736 franchise relocates before the agreement expires; however, if
737 bonds were issued to construct or renovate a facility for a
738 spring training franchise, the required reimbursement must be
739 equal to the total amount of state distributions expected to be
740 paid from the date the franchise breaks its agreement with the
741 applicant through the final maturity of the bonds. The agreement
742 may be contingent on an award of funds under this section and
743 other conditions precedent.

744 3. The applicant has made a financial commitment to
745 provide 50 percent or more of the funds required by an agreement
746 for the construction or renovation of the facility for a spring
747 training franchise. The commitment may be contingent upon an
748 award of funds under this section and other conditions
749 precedent.

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

753 5. The facility for a spring training franchise is located
754 in a county that levies a tourist development tax under s.



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755 125.0104.

756 6. The applicant is not currently certified to receive
757 state funding for the facility as a spring training franchise
758 under this section.

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

761 1. Specifies the amount of the state incentive funding to
762 be distributed. The amount of state incentive funding per
763 certified applicant may not exceed \$20 million. However, if a
764 certified applicant's facility is used by more than one spring
765 training franchise, the maximum amount may not exceed \$50
766 million, and the Department of Revenue shall make distributions
767 to the applicant pursuant to s. 212.20(6)(d)6.e. ~~for not more~~
768 ~~than 37 years and 6 months.~~

769 2. States the criteria that the certified applicant must
770 meet in order to remain certified. These criteria must include a
771 provision stating that the spring training franchise must
772 reimburse the state for any funds received if the franchise does
773 not comply with the terms of the contract. If bonds were issued
774 to construct or renovate a facility for a spring training
775 franchise, the required reimbursement must be equal to the total
776 amount of state distributions expected to be paid from the date
777 the franchise violates the agreement with the applicant through
778 the final maturity of the bonds.

779 3. States that the certified applicant is subject to
780 decertification if the certified applicant fails to comply with



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781 | this section or the agreement.

782 | 4. States that the department may recover state incentive
783 | funds if the certified applicant is decertified.

784 | 5. Specifies the information that the certified applicant
785 | must report to the department.

786 | 6. Includes any provision deemed prudent by the
787 | department.

788 | (d) If a certified applicant has been certified under this
789 | program for use of its facility by one spring training
790 | franchise, the certified applicant may apply to amend its
791 | certification for use of its facility by more than one spring
792 | training franchise. The certified applicant must submit an
793 | application to amend its original certification that meets the
794 | requirements of this section. The maximum amount of state
795 | incentive funding to be distributed may not exceed \$50 million
796 | as provided in subparagraph (c)1. for a certified applicant with
797 | a facility used by more than one spring training franchise,
798 | including any distributions previously received by the certified
799 | applicant under its original certification under this section.
800 | Upon approval of an amended certification, the department shall
801 | notify the Department of Revenue as provided in this section.

802 | Section 6. Section 288.1166, Florida Statutes, is amended
803 | to read:

804 | 288.1166 Professional sports facility; designation as
805 | shelter site for the homeless; establishment of local programs.—

806 | (1) A ~~Any~~ professional sports facility constructed with



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807 financial assistance from the state ~~of Florida~~ shall be
808 designated as a shelter site for the homeless during the period
809 of a declared federal, state, or local emergency in accordance
810 with the criteria of locally existing homeless shelter programs
811 unless: ~~except when~~

812 (a) The facility is otherwise contractually obligated for
813 a specific event or activity;

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

816 (c) The county owning the facility also owns or operates
817 homeless assistance centers and the county determines there
818 exists sufficient capacity to meet the sheltering needs of
819 homeless persons within the county.

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

824 Section 7. (1) The executive director of the Department
825 of Economic Opportunity is authorized, and all conditions are
826 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)
827 and 120.54(4), Florida Statutes, for the purpose of implementing
828 this act.

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



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833 | (3) This section expires July 1, 2015.

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