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LEGISLATIVE ACTION

Senate

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House

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05/02/2014 10:40 AM

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

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

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

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

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

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



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

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

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

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

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

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



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



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

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

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

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

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

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



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244 project site.

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

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

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

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

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



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

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

280 (4) APPLICATION AND APPROVAL PROCESS.—

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

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

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

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

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



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

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

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

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

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



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

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

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

354 (5) EVALUATION PROCESS.—

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

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



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

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

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

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

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

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

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



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

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

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

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

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

413 1. The proposed use of state funds.

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

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



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

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

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

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

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

434 8. The multiuse capabilities of the facility.

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

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

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

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

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



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

449 (6) DISTRIBUTION.—

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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534 department shall verify the analysis.

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

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

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

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

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

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

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

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



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563 a facility or reimbursing such costs.

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

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

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

574 (9) REPORTS.—

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

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

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



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

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

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



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621 distributions upon the occurrence of any of the following:

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

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

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

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

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

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

649 288.11631 Retention of Major League Baseball spring



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650 training baseball franchises.-

651 (2) CERTIFICATION PROCESS.-

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

779 And the title is amended as follows:

780 Delete everything before the enacting clause
781 and insert:

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



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



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