

By Senator Braynon

36-00140C-13

2013306__

1 A bill to be entitled
2 An act relating to professional sports facilities;
3 amending s. 125.0104, F.S.; providing that tourist
4 development tax revenues may also be used to pay the
5 debt service on bonds that finance the renovation of a
6 professional sports facility that is publicly owned,
7 or that is on land publicly owned, which is publicly
8 operated or operated by the owner of a professional
9 sports franchise or other lessee; requiring that the
10 renovation costs exceed a specified amount; allowing
11 certain fees and costs to be included in the cost for
12 renovation; requiring private contributions to the
13 professional sports facility as a condition for the
14 use of tourist development taxes; authorizing the use
15 of certain tax revenues to pay for operation and
16 maintenance costs of the renovated facility; providing
17 for nonapplication of the prohibition against levying
18 such tax in certain cities and towns under certain
19 conditions; restricting certain counties from levying
20 the tax; providing for controlling application
21 notwithstanding conflicting provisions; authorizing
22 the use of tourist development tax revenues for
23 financing the renovation of a professional sports
24 franchise facility; amending s. 212.20, F.S.;
25 authorizing a tax rebate for a renovated professional
26 sports facility; conforming a cross-reference;
27 amending s. 218.64, F.S.; conforming a cross-
28 reference; amending s. 288.1162, F.S.; authorizing a
29 professional sports franchise renovation facility to

36-00140C-13

2013306__

30 apply for certain state funds; defining the term
31 "professional sports franchise renovation facility";
32 authorizing a professional sports franchise renovation
33 facility to receive additional funding; requiring the
34 Department of Economic Opportunity to make a
35 determination that certain criteria are met before
36 certifying a professional sports franchise renovation
37 facility; limiting the use of certain funds by a
38 professional sports franchise renovation facility;
39 prohibiting the department from certifying more than
40 one professional sports franchise renovation facility;
41 clarifying that the limitations for certification
42 apply to new or retained professional sports franchise
43 facilities; amending s. 288.11621, F.S.; conforming a
44 cross-reference; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Paragraph (n) of subsection (3) and paragraph
49 (a) of subsection (5) of section 125.0104, Florida Statutes, are
50 amended to read:

51 125.0104 Tourist development tax; procedure for levying;
52 authorized uses; referendum; enforcement.—

53 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

54 (n) In addition to any other tax that is imposed under this
55 section, a county that has imposed the tax under paragraph (l)
56 may impose an additional tax that is no greater than 1 percent
57 on the exercise of the privilege described in paragraph (a) by a
58 majority plus one vote of the membership of the board of county

36-00140C-13

2013306

59 commissioners in order to:

60 1. Pay the debt service on bonds issued to finance:

61 a. The construction, reconstruction, or renovation of a
62 facility that is either publicly owned and operated, ~~or is~~
63 publicly owned and operated by the owner of a professional
64 sports franchise or other lessee with sufficient expertise or
65 financial capability to operate such facility, and to pay the
66 planning and design costs incurred before ~~prior to~~ the issuance
67 of such bonds for a new professional sports franchise as defined
68 in s. 288.1162.

69 b. The acquisition, construction, reconstruction, or
70 renovation of a facility ~~either~~ publicly owned and operated, or
71 publicly owned and operated by the owner of a professional
72 sports franchise or other lessee with sufficient expertise or
73 financial capability to operate such facility, and to pay the
74 planning and design costs incurred before ~~prior to~~ the issuance
75 of such bonds for a retained spring training franchise.

76 2. Pay the debt service on bonds issued to finance the
77 renovation of a professional sports franchise facility that is
78 publicly owned or located on land that is publicly owned and
79 that is publicly operated or operated by the owner of a
80 professional sports franchise or other lessee who has sufficient
81 expertise or financial capability to operate the facility, and
82 to pay the planning and design costs incurred before the
83 issuance of such bonds for the renovated professional sports
84 facility. The cost to renovate the facility must be more than
85 \$250 million, including permitting, architectural, and
86 engineering fees, and at least a majority of the total
87 construction cost, exclusive of in-kind contributions, must be

36-00140C-13

2013306

88 paid for by the ownership group of the professional sports
89 franchise or other private sources. Tax revenues available to
90 pay debt service on bonds may be used to pay for operation and
91 maintenance costs of a facility funded pursuant to this
92 subparagraph.

93 3.2. Promote and advertise tourism in this ~~the~~ state ~~of~~
94 ~~Florida~~ and nationally and internationally; however, if tax
95 revenues are expended for an activity, service, venue, or event,
96 the activity, service, venue, or event must ~~shall~~ have as one of
97 its main purposes the attraction of tourists as evidenced by the
98 promotion of the activity, service, venue, or event to tourists.

99
100 A county that imposes the tax authorized in this paragraph may
101 not expend any ad valorem tax revenues for the acquisition,
102 expansion, construction, reconstruction, or renovation of a
103 facility for which tax revenues are used pursuant to
104 subparagraph 1. The provision of paragraph (b) which prohibits
105 any county authorized to levy a convention development tax
106 pursuant to s. 212.0305 from levying more than the 2 percent ~~2-~~
107 percent tax authorized by this section does ~~shall~~ not apply to
108 the additional tax authorized by this paragraph in counties that
109 ~~which~~ levy convention development taxes pursuant to s.
110 212.0305(4) (a) or (b). Subsection (4) does not apply to the
111 adoption of the additional tax authorized in this paragraph. The
112 effective date of the levy and imposition of the tax authorized
113 under this paragraph is the first day of the second month
114 following approval of the ordinance by the board of county
115 commissioners or the first day of any subsequent month specified
116 in the ordinance. A certified copy of such ordinance must ~~shall~~

36-00140C-13

2013306

117 be furnished by the county to the Department of Revenue within
118 10 days after approval of the ordinance.

119 (5) AUTHORIZED USES OF REVENUE.—

120 (a) All tax revenues received pursuant to this section by a
121 county imposing the tourist development tax must ~~shall~~ be used
122 by that county for the following purposes only:

123 1. To acquire, construct, extend, enlarge, remodel, repair,
124 improve, maintain, operate, or promote one or more publicly
125 owned and operated convention centers, sports stadiums, sports
126 arenas, coliseums, auditoriums, aquariums, or museums that are
127 publicly owned and operated or owned and operated by not-for-
128 profit organizations and open to the public, within the
129 boundaries of the county or subcounty special taxing district in
130 which the tax is levied. Tax revenues received pursuant to this
131 section may also be used for promotion of zoological parks that
132 are publicly owned and operated or owned and operated by not-
133 for-profit organizations and open to the public. However, these
134 purposes may be implemented through service contracts and leases
135 with lessees with sufficient expertise or financial capability
136 to operate such facilities;

137 2. To promote and advertise tourism in this ~~the~~ state ~~of~~
138 ~~Florida~~ and nationally and internationally; however, if tax
139 revenues are expended for an activity, service, venue, or event,
140 the activity, service, venue, or event must ~~shall~~ have as one of
141 its main purposes the attraction of tourists as evidenced by the
142 promotion of the activity, service, venue, or event to tourists;

143 3. To fund convention bureaus, tourist bureaus, tourist
144 information centers, and news bureaus as county agencies or by
145 contract with the chambers of commerce or similar associations

36-00140C-13

2013306

146 in the county, which may include any indirect administrative
147 costs for services performed by the county on behalf of the
148 promotion agency; ~~or~~

149 4. To finance beach park facilities or beach improvement,
150 maintenance, renourishment, restoration, and erosion control,
151 including shoreline protection, enhancement, cleanup, or
152 restoration of inland lakes and rivers to which there is public
153 access as those uses relate to the physical preservation of the
154 beach, shoreline, or inland lake or river. However, any funds
155 identified by a county as the local matching source for beach
156 renourishment, restoration, or erosion control projects included
157 in the long-range budget plan of the state's Beach Management
158 Plan, pursuant to s. 161.091, or funds contractually obligated
159 by a county in the financial plan for a federally authorized
160 shore protection project may not be used or loaned for any other
161 purpose. In counties of less than 100,000 population, no more
162 than 10 percent of the revenues from the tourist development tax
163 may be used for beach park facilities; or-

164 5. For other uses specifically allowed under subsection
165 (3).

166 Section 2. Paragraph (d) of subsection (6) of section
167 212.20, Florida Statutes, is amended to read:

168 212.20 Funds collected, disposition; additional powers of
169 department; operational expense; refund of taxes adjudicated
170 unconstitutionally collected.-

171 (6) Distribution of all proceeds under this chapter and s.
172 202.18(1)(b) and (2)(b) shall be as follows:

173 (d) The proceeds of all other taxes and fees imposed
174 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)

36-00140C-13

2013306

175 and (2) (b) must ~~shall~~ be distributed as follows:

176 1. In any fiscal year, the greater of \$500 million, minus
177 an amount equal to 4.6 percent of the proceeds of the taxes
178 collected pursuant to chapter 201, or 5.2 percent of all other
179 taxes and fees imposed pursuant to this chapter or remitted
180 pursuant to s. 202.18(1) (b) and (2) (b) must ~~shall~~ be deposited
181 in monthly installments into the General Revenue Fund.

182 2. After the distribution under subparagraph 1., 8.814
183 percent of the amount remitted by a sales tax dealer located
184 within a participating county pursuant to s. 218.61 must ~~shall~~
185 be transferred into the Local Government Half-cent Sales Tax
186 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
187 transferred must ~~shall~~ be reduced by 0.1 percent, and the
188 department shall distribute this amount to the Public Employees
189 Relations Commission Trust Fund less \$5,000 each month, which
190 must ~~shall~~ be added to the amount calculated in subparagraph 3.
191 and distributed accordingly.

192 3. After the distribution under subparagraphs 1. and 2.,
193 0.095 percent must ~~shall~~ be transferred to the Local Government
194 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
195 to s. 218.65.

196 4. After the distributions under subparagraphs 1., 2., and
197 3., 2.0440 percent of the available proceeds must ~~shall~~ be
198 transferred monthly to the Revenue Sharing Trust Fund for
199 Counties pursuant to s. 218.215.

200 5. After the distributions under subparagraphs 1., 2., and
201 3., 1.3409 percent of the available proceeds must ~~shall~~ be
202 transferred monthly to the Revenue Sharing Trust Fund for
203 Municipalities pursuant to s. 218.215. If the total revenue to

36-00140C-13

2013306__

204 be distributed pursuant to this subparagraph is at least as
205 great as the amount due from the Revenue Sharing Trust Fund for
206 Municipalities and the former Municipal Financial Assistance
207 Trust Fund in state fiscal year 1999-2000, a ~~no~~ municipality may
208 not shall receive less than the amount due from the Revenue
209 Sharing Trust Fund for Municipalities and the former Municipal
210 Financial Assistance Trust Fund in state fiscal year 1999-2000.
211 If the total proceeds to be distributed are less than the amount
212 received in combination from the Revenue Sharing Trust Fund for
213 Municipalities and the former Municipal Financial Assistance
214 Trust Fund in state fiscal year 1999-2000, each municipality
215 shall receive an amount proportionate to the amount it was due
216 in state fiscal year 1999-2000.

217 6. Of the remaining proceeds:

218 a. In each fiscal year, the sum of \$29,915,500 must shall
219 be divided into as many equal parts as there are counties in the
220 state, and one part must shall be distributed to each county.
221 The distribution among the several counties must begin each
222 fiscal year on or before January 5th and continue monthly for a
223 total of 4 months. If a local or special law required that any
224 moneys accruing to a county in fiscal year 1999-2000 under the
225 then-existing provisions of s. 550.135 be paid directly to the
226 district school board, special district, or a municipal
227 government, such payment must continue until the local or
228 special law is amended or repealed. The state covenants with
229 holders of bonds or other instruments of indebtedness issued by
230 local governments, special districts, or district school boards
231 before July 1, 2000, that it is not the intent of this
232 subparagraph to adversely affect the rights of those holders or

36-00140C-13

2013306__

233 relieve local governments, special districts, or district school
234 boards of the duty to meet their obligations as a result of
235 previous pledges or assignments or trusts entered into which
236 obligated funds received from the distribution to county
237 governments under then-existing s. 550.135. This distribution
238 specifically is in lieu of funds distributed under s. 550.135
239 before July 1, 2000.

240 b. The department shall, pursuant to s. 288.1162,
241 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each
242 applicant certified as a facility for a new or retained
243 professional sports franchise and distribute \$250,000 monthly to
244 an applicant certified as a professional sports franchise
245 renovation facility ~~pursuant to s. 288.1162~~. Up to \$41,667 must
246 ~~shall~~ be distributed monthly by the department to each certified
247 applicant as defined in s. 288.11621 for a facility for a spring
248 training franchise. However, not more than \$416,670 may be
249 distributed monthly in the aggregate to all certified applicants
250 for facilities for spring training franchises. Distributions
251 begin 60 days after such certification and continue for not more
252 than 30 years, except as otherwise provided in s. 288.11621. A
253 certified applicant identified in this sub-subparagraph may not
254 receive more in distributions than expended by the applicant for
255 the public purposes provided for in s. 288.1162 ~~288.1162(5)~~ or
256 s. 288.11621(3).

257 c. Beginning 30 days after notice by the Department of
258 Economic Opportunity to the Department of Revenue that an
259 applicant has been certified as the professional golf hall of
260 fame pursuant to s. 288.1168 and is open to the public, \$166,667
261 must ~~shall~~ be distributed monthly, for up to 300 months, to the

36-00140C-13

2013306__

262 applicant.

263 d. Beginning 30 days after notice by the Department of
264 Economic Opportunity to the Department of Revenue that the
265 applicant has been certified as the International Game Fish
266 Association World Center facility pursuant to s. 288.1169, and
267 the facility is open to the public, \$83,333 must ~~shall~~ be
268 distributed monthly, for up to 168 months, to the applicant.
269 This distribution is subject to reduction pursuant to s.
270 288.1169. A lump sum payment of \$999,996 must ~~shall~~ be made,
271 after certification and before July 1, 2000.

272 7. All other proceeds must remain in the General Revenue
273 Fund.

274 Section 3. Paragraph (a) of subsection (3) of section
275 218.64, Florida Statutes, is amended to read:

276 218.64 Local government half-cent sales tax; uses;
277 limitations.—

278 (3) Subject to ordinances enacted by the majority of the
279 members of the county governing authority and by the majority of
280 the members of the governing authorities of municipalities
281 representing at least 50 percent of the municipal population of
282 such county, counties may use up to \$2 million annually of the
283 local government half-cent sales tax allocated to that county
284 for funding for any of the following applicants:

285 (a) A certified applicant as a facility for a new or
286 retained professional sports franchise under s. 288.1162 or a
287 certified applicant as defined in s. 288.11621 for a facility
288 for a spring training franchise. It is the Legislature's intent
289 that the provisions of s. 288.1162, including, but not limited
290 to, the evaluation process by the Department of Economic

36-00140C-13

2013306__

291 Opportunity except for the limitation on the number of certified
292 applicants or facilities as provided in that section and the
293 restrictions set forth in s. 288.1162(9) ~~288.1162(8)~~, shall
294 apply to an applicant's facility to be funded by local
295 government as provided in this subsection.

296 Section 4. Section 288.1162, Florida Statutes, is amended
297 to read:

298 288.1162 Professional sports franchises; duties.—

299 (1) The department shall serve as the state agency for
300 screening applicants for state funding under s. 212.20 and for
301 certifying an applicant as a facility for a new or retained
302 professional sports franchise or a professional sports franchise
303 renovation facility.

304 (2) The department shall develop rules for the receipt and
305 processing of applications for funding under s. 212.20.

306 (3) As used in this section, the term:

307 (a) "New professional sports franchise" means a
308 professional sports franchise that was not based in this state
309 before April 1, 1987.

310 (b) "Professional sports franchise renovation facility"
311 means a sports facility that has continuously been a league-
312 authorized location for a professional sports franchise for 20
313 years or more and that otherwise meets the requirements for
314 certification of such a facility pursuant to this section.

315 ~~(c)~~ (b) "Retained professional sports franchise" means a
316 professional sports franchise that has had a league-authorized
317 location in this state on or before December 31, 1976, and has
318 continuously remained at that location, and has never been
319 located at a facility that has been previously certified under

36-00140C-13

2013306__

320 any provision of this section.

321 (4) Before certifying an applicant as a facility for a new
322 or retained professional sports franchise, the department must
323 determine that:

324 (a) A "unit of local government" as defined in s. 218.369
325 is responsible for the construction, management, or operation of
326 the professional sports franchise facility or holds title to the
327 property on which the professional sports franchise facility is
328 located.

329 (b) The applicant has a verified copy of a signed agreement
330 with a new professional sports franchise for the use of the
331 facility for a term of at least 10 years, or in the case of a
332 retained professional sports franchise, an agreement for use of
333 the facility for a term of at least 20 years.

334 (c) The applicant has a verified copy of the approval from
335 the governing authority of the league in which the new
336 professional sports franchise exists authorizing the location of
337 the professional sports franchise in this state after April 1,
338 1987, or in the case of a retained professional sports
339 franchise, verified evidence that it has had a league-authorized
340 location in this state on or before December 31, 1976. As used
341 in this section, the term "league" means the National League or
342 the American League of Major League Baseball, the National
343 Basketball Association, the National Football League, or the
344 National Hockey League.

345 (d) The applicant has projections, verified by the
346 department, which demonstrate that the new or retained
347 professional sports franchise will attract a paid attendance of
348 more than 300,000 annually.

36-00140C-13

2013306__

349 (e) The applicant has an independent analysis or study,
350 verified by the department, which demonstrates that the amount
351 of the revenues generated by the taxes imposed under chapter 212
352 with respect to the use and operation of the professional sports
353 franchise facility will equal or exceed \$2 million annually.

354 (f) The municipality in which the facility for a new or
355 retained professional sports franchise is located, or the county
356 if the facility for a new or retained professional sports
357 franchise is located in an unincorporated area, has certified by
358 resolution after a public hearing that the application serves a
359 public purpose.

360 (g) The applicant has demonstrated that it has provided, is
361 capable of providing, or has financial or other commitments to
362 provide more than one-half of the costs incurred or related to
363 the improvement and development of the facility.

364 (h) An applicant previously certified as a new or retained
365 professional sports facility under ~~any provision of~~ this section
366 who has received funding under such certification is not
367 eligible for an additional certification except as a
368 professional sports franchise renovation facility.

369 (5) Before certifying an applicant as a professional sports
370 franchise renovation facility, the department shall determine
371 that the following requirements are met:

372 (a) A county, municipality, or other public entity is
373 responsible for the construction, management, or operation of
374 the professional sports franchise facility or holds title to the
375 property on which the professional sports franchise facility is
376 located.

377 (b) The applicant has a verified copy of a signed agreement

36-00140C-13

2013306__

378 with a professional sports franchise for the use of the facility
379 for a term of at least the next 20 years.

380 (c) The applicant has an independent analysis or study,
381 verified by the department, which demonstrates that the amount
382 of the revenues generated by the taxes imposed under chapter 212
383 with respect to the use and operation of the renovated
384 professional sports franchise facility will equal or exceed \$3
385 million annually.

386 (d) The county or municipality in which the professional
387 sports franchise renovation facility is located has certified by
388 resolution after a public hearing that the application serves a
389 public purpose.

390 (e) The applicant has demonstrated that the cost to
391 renovate the facility will be more than \$250 million, including
392 permitting, architectural, and engineering fees, and that at
393 least a majority of the total construction cost, exclusive of
394 in-kind contributions, will be paid for by the ownership group
395 of the professional sports franchise or other private sources.

396 (6)~~(5)~~ An applicant certified as a facility for a new or
397 retained professional sports franchise may use funds provided
398 under s. 212.20 only for the public purpose of paying for the
399 acquisition, construction, reconstruction, or renovation of a
400 facility for a new or retained professional sports franchise to
401 pay or pledge for the payment of debt service on, or to fund
402 debt service reserve funds, arbitrage rebate obligations, or
403 other amounts payable with respect to, bonds issued for the
404 acquisition, construction, reconstruction, or renovation of such
405 facility or for the reimbursement of such costs or the
406 refinancing of bonds issued for such purposes. An applicant

36-00140C-13

2013306__

407 certified as a professional sports franchise renovation facility
408 may use funds provided under s. 212.20 for the public purpose of
409 renovating the facility only to pay or pledge for the debt
410 service on, or to fund debt service reserve funds, arbitrage
411 rebate obligations, or other amounts payable with respect to
412 bonds issued for the renovation of the facility or for the
413 reimbursement of the costs or the refinancing of bonds issued
414 for that purpose.

415 (7)~~(6)~~ The department shall notify the Department of
416 Revenue of any facility certified as a facility qualified
417 pursuant to this section ~~for a new or retained professional~~
418 ~~sports franchise~~. The department shall certify no more than
419 eight facilities as facilities for a new professional sports
420 franchise or as facilities for a retained professional sports
421 franchise, including in the total any facilities certified by
422 the former Department of Commerce before July 1, 1996. The
423 department may not certify more than one facility as a
424 professional sports franchise renovation ~~may make no more than~~
425 ~~one certification for any facility.~~

426 (8)~~(7)~~ The Auditor General may conduct audits as provided
427 in s. 11.45 to verify that the distributions under this section
428 are expended as required in this section. If the Auditor General
429 determines that the distributions under this section are not
430 expended as required by this section, the Auditor General shall
431 notify the Department of Revenue, which may pursue recovery of
432 the funds under the laws and rules governing the assessment of
433 taxes.

434 (9)~~(8)~~ For new or retained professional sport franchise
435 facilities, an applicant is not qualified for certification

36-00140C-13

2013306__

436 under this section if the franchise formed the basis for a
437 previous certification, unless the previous certification was
438 withdrawn by the facility or invalidated by the department or
439 the former Department of Commerce before any funds were
440 distributed under s. 212.20. This subsection does not disqualify
441 an applicant if the previous certification occurred between May
442 23, 1993, and May 25, 1993; however, any funds to be distributed
443 under s. 212.20 for the second certification must ~~shall~~ be
444 offset by the amount distributed to the previous certified
445 facility. Distribution of funds for the second certification may
446 ~~shall~~ not be made until all amounts payable for the first
447 certification are distributed.

448 Section 5. Paragraph (c) of subsection (1) of section
449 288.11621, Florida Statutes, is amended to read:

450 288.11621 Spring training baseball franchises.—

451 (1) DEFINITIONS.—As used in this section, the term:

452 (c) "Certified applicant" means a facility for a spring
453 training franchise that was certified before July 1, 2010, under
454 s. 288.1162 ~~288.1162(5)~~, Florida Statutes 2009, or a unit of
455 local government that is certified under this section.

456 Section 6. This act shall take effect July 1, 2013.