

1 A bill to be entitled
2 An act relating to professional sports franchise
3 facilities; amending s. 125.0104, F.S.; authorizing
4 the use of certain local option tourist development
5 taxes to pay debt service on bonds and other specified
6 costs relating to financing the renovation of certain
7 professional sports franchise facilities; requiring
8 that the levy of an additional tax for such use must
9 be by a specified vote of the board of county
10 commissioners and after approval in a specified
11 referendum; providing for nonapplicability of a
12 prohibition on the levy of such tax in charter
13 counties that impose a convention development tax;
14 amending s. 212.20, F.S.; providing for monthly
15 distribution of a specified amount of sales tax
16 revenues to a facility certified by the Department of
17 Economic Opportunity as a professional sports
18 franchise renovation facility; conforming a cross-
19 reference; amending s. 288.1162, F.S.; authorizing the
20 department to screen and certify applicants for
21 funding as a professional sports franchise renovation
22 facility; defining the term "professional sports
23 franchise renovation facility"; authorizing a
24 previously certified new or retained professional
25 sports facility to be eligible for an additional
26 certification and funding as a professional sports
27 franchise renovation facility; requiring the
28 department to determine that specified requirements

29 | have been met before certifying an applicant as a
 30 | professional sports franchise renovation facility;
 31 | limiting the expenditure of certain revenues by a
 32 | certified professional sports franchise renovation
 33 | facility to specified purposes; amending ss. 218.64
 34 | and 288.11621, F.S.; conforming cross-references;
 35 | providing an effective date.

36 |

37 | Be It Enacted by the Legislature of the State of Florida:

38 |

39 | Section 1. Paragraph (n) of subsection (3) and paragraph
 40 | (a) of subsection (5) of section 125.0104, Florida Statutes, are
 41 | amended to read:

42 | 125.0104 Tourist development tax; procedure for levying;
 43 | authorized uses; referendum; enforcement.—

44 | (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

45 | (n) In addition to any other tax that is imposed under
 46 | this section, a county that has imposed the tax under paragraph
 47 | (l) may impose an additional tax that is no greater than 1
 48 | percent on the exercise of the privilege described in paragraph
 49 | (a) by a majority plus one vote of the membership of the board
 50 | of county commissioners, or as otherwise provided in this
 51 | paragraph, in order to:

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

53 | a. The construction, reconstruction, or renovation of a
 54 | facility either publicly owned and operated, or publicly owned
 55 | and operated by the owner of a professional sports franchise or
 56 | other lessee with sufficient expertise or financial capability

57 | to operate such facility, and to pay the planning and design
58 | costs incurred prior to the issuance of such bonds for a new
59 | professional sports franchise as defined in s. 288.1162.

60 | b. The acquisition, construction, reconstruction, or
61 | renovation of a facility either publicly owned and operated, or
62 | publicly owned and operated by the owner of a professional
63 | sports franchise or other lessee with sufficient expertise or
64 | financial capability to operate such facility, and to pay the
65 | planning and design costs incurred prior to the issuance of such
66 | bonds for a retained spring training franchise.

67 | 2. Pay the debt service on bonds issued to finance the
68 | renovation of a professional sports franchise facility that is
69 | publicly owned, or located on land that is publicly owned, and
70 | that is publicly operated or operated by the owner of a
71 | professional sports franchise or other lessee with sufficient
72 | expertise or financial capability to operate such facility, and
73 | to pay the planning and design costs incurred before the
74 | issuance of such bonds for the renovated professional sports
75 | facility. The cost to renovate the facility must be greater than
76 | \$300 million, including permitting, architectural, and
77 | engineering fees, of which more than 50 percent of the total
78 | construction cost, exclusive of in-kind contributions, must be
79 | paid for by the ownership group of the professional sports
80 | franchise or other private sources. Tax revenues available to
81 | pay debt service on bonds may be used to pay for operation and
82 | maintenance costs of the facility. A county levying the tax for
83 | the purposes described in this subparagraph may do so only by a
84 | majority plus one vote of the membership of the board of county

85 commissioners and after approval of the proposed use of the tax
 86 revenues by a majority vote of the electors voting in a
 87 referendum. Referendum approval of the proposed use of the tax
 88 revenues may be in an election held before or after the
 89 effective date of the law enacting this subparagraph. The
 90 referendum ballot must include a brief description of the
 91 proposed use of the tax revenues and the following question:

- 92 For the Proposed Use.
- 93 Against the Proposed Use.

94

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

101

102 A county that imposes the tax authorized in this paragraph may
 103 not expend any ad valorem tax revenues for the acquisition,
 104 construction, reconstruction, or renovation of a facility for
 105 which tax revenues are used pursuant to subparagraph 1. The
 106 provision of paragraph (b) which prohibits any county authorized
 107 to levy a convention development tax pursuant to s. 212.0305
 108 from levying more than the 2-percent tax authorized by this
 109 section shall not apply to the additional tax authorized by this
 110 paragraph in counties which levy convention development taxes
 111 pursuant to s. 212.0305(4) (a) or (b) ~~212.0305(4) (a)~~. Subsection
 112 (4) does not apply to the adoption of the additional tax

113 authorized in this paragraph. The effective date of the levy and
114 imposition of the tax authorized under this paragraph is the
115 first day of the second month following approval of the
116 ordinance by the board of county commissioners or the first day
117 of any subsequent month specified in the ordinance. A certified
118 copy of such ordinance shall be furnished by the county to the
119 Department of Revenue within 10 days after approval of the
120 ordinance.

121 (5) AUTHORIZED USES OF REVENUE.—

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

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

139 2. To promote and advertise tourism in the State of
140 Florida and nationally and internationally; however, if tax

141 revenues are expended for an activity, service, venue, or event,
 142 the activity, service, venue, or event shall have as one of its
 143 main purposes the attraction of tourists as evidenced by the
 144 promotion of the activity, service, venue, or event to tourists;

145 3. To fund convention bureaus, tourist bureaus, tourist
 146 information centers, and news bureaus as county agencies or by
 147 contract with the chambers of commerce or similar associations
 148 in the county, which may include any indirect administrative
 149 costs for services performed by the county on behalf of the
 150 promotion agency; ~~or~~

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

166 5. For other uses specifically allowed under subparagraph
 167 (3) (n) 2.

168 Section 2. Paragraph (d) of subsection (6) of section

169 212.20, Florida Statutes, is amended to read:

170 212.20 Funds collected, disposition; additional powers of
 171 department; operational expense; refund of taxes adjudicated
 172 unconstitutionally collected.—

173 (6) Distribution of all proceeds under this chapter and s.
 174 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

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

197 s. 218.65.

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

202 5. After the distributions under subparagraphs 1., 2., and
203 3., 1.3409 percent of the available proceeds shall be
204 transferred monthly to the Revenue Sharing Trust Fund for
205 Municipalities pursuant to s. 218.215. If the total revenue to
206 be distributed pursuant to this subparagraph is at least as
207 great as the amount due from the Revenue Sharing Trust Fund for
208 Municipalities and the former Municipal Financial Assistance
209 Trust Fund in state fiscal year 1999-2000, no municipality shall
210 receive less than the amount due from the Revenue Sharing Trust
211 Fund for Municipalities and the former Municipal Financial
212 Assistance Trust Fund in state fiscal year 1999-2000. If the
213 total proceeds to be distributed are less than the amount
214 received in combination from the Revenue Sharing Trust Fund for
215 Municipalities and the former Municipal Financial Assistance
216 Trust Fund in state fiscal year 1999-2000, each municipality
217 shall receive an amount proportionate to the amount it was due
218 in state fiscal year 1999-2000.

219 6. Of the remaining proceeds:

220 a. In each fiscal year, the sum of \$29,915,500 shall be
221 divided into as many equal parts as there are counties in the
222 state, and one part shall be distributed to each county. The
223 distribution among the several counties must begin each fiscal
224 year on or before January 5th and continue monthly for a total

225 of 4 months. If a local or special law required that any moneys
226 accruing to a county in fiscal year 1999-2000 under the then-
227 existing provisions of s. 550.135 be paid directly to the
228 district school board, special district, or a municipal
229 government, such payment must continue until the local or
230 special law is amended or repealed. The state covenants with
231 holders of bonds or other instruments of indebtedness issued by
232 local governments, special districts, or district school boards
233 before July 1, 2000, that it is not the intent of this
234 subparagraph to adversely affect the rights of those holders or
235 relieve local governments, special districts, or district school
236 boards of the duty to meet their obligations as a result of
237 previous pledges or assignments or trusts entered into which
238 obligated funds received from the distribution to county
239 governments under then-existing s. 550.135. This distribution
240 specifically is in lieu of funds distributed under s. 550.135
241 before July 1, 2000.

242 b. The department shall, pursuant to s. 288.1162,
243 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each
244 applicant certified as a facility for a new or retained
245 professional sports franchise and distribute \$250,000 monthly to
246 an applicant certified as a professional sports franchise
247 renovation facility ~~pursuant to s. 288.1162~~. Up to \$41,667 shall
248 be distributed monthly by the department to each certified
249 applicant as defined in s. 288.11621 for a facility for a spring
250 training franchise. However, not more than \$416,670 may be
251 distributed monthly in the aggregate to all certified applicants
252 for facilities for spring training franchises. Distributions

253 begin 60 days after such certification and continue for not more
 254 than 30 years, except as otherwise provided in s. 288.11621. A
 255 certified applicant identified in this sub-subparagraph may not
 256 receive more in distributions than expended by the applicant for
 257 the public purposes provided for in s. 288.1162(6) ~~288.1162(5)~~
 258 or s. 288.11621(3).

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

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

274 7. All other proceeds must remain in the General Revenue
 275 Fund.

276 Section 3. Section 288.1162, Florida Statutes, is amended
 277 to read:

278 288.1162 Professional sports franchises; duties.—

279 (1) The department shall serve as the state agency for
 280 screening applicants for state funding under s. 212.20 and for

281 certifying an applicant as a facility for a new or retained
282 professional sports franchise or a professional sports franchise
283 renovation facility.

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

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

287 (a) "New professional sports franchise" means a
288 professional sports franchise that was not based in this state
289 before April 1, 1987.

290 (b) "Retained professional sports franchise" means a
291 professional sports franchise that has had a league-authorized
292 location in this state on or before December 31, 1976, and has
293 continuously remained at that location, and has never been
294 located at a facility that has been previously certified under
295 any provision of this section.

296 (c) "Professional sports franchise renovation facility"
297 means a sports facility that has continuously been a league-
298 authorized location for a professional sports franchise for at
299 least 20 years and otherwise meets the requirements for
300 certification of the facility pursuant to this section.

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

304 (a) A "unit of local government" as defined in s. 218.369
305 is responsible for the construction, management, or operation of
306 the professional sports franchise facility or holds title to the
307 property on which the professional sports franchise facility is
308 located.

309 (b) The applicant has a verified copy of a signed
310 agreement with a new professional sports franchise for the use
311 of the facility for a term of at least 10 years, or in the case
312 of a retained professional sports franchise, an agreement for
313 use of the facility for a term of at least 20 years.

314 (c) The applicant has a verified copy of the approval from
315 the governing authority of the league in which the new
316 professional sports franchise exists authorizing the location of
317 the professional sports franchise in this state after April 1,
318 1987, or in the case of a retained professional sports
319 franchise, verified evidence that it has had a league-authorized
320 location in this state on or before December 31, 1976. As used
321 in this section, the term "league" means the National League or
322 the American League of Major League Baseball, the National
323 Basketball Association, the National Football League, or the
324 National Hockey League.

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

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

334 (f) The municipality in which the facility for a new or
335 retained professional sports franchise is located, or the county
336 if the facility for a new or retained professional sports

337 franchise is located in an unincorporated area, has certified by
338 resolution after a public hearing that the application serves a
339 public purpose.

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

344 (h) An applicant previously certified as a new or retained
345 professional sports facility under ~~any provision of~~ this section
346 who has received funding under such certification is not
347 eligible for an additional certification except as a
348 professional sports franchise renovation facility.

349 (5) Before certifying an applicant as a professional
350 sports franchise renovation facility, the department must
351 determine that the following requirements are met:

352 (a) A county, municipality, or other public entity is
353 responsible for the construction, management, or operation of
354 the professional sports franchise renovation facility or holds
355 title to the property on which the professional sports franchise
356 facility is located.

357 (b) The applicant has a verified copy of a signed
358 agreement with a professional sports franchise for use of the
359 facility for a term of at least the next 20 years.

360 (c) The applicant has an independent analysis or study,
361 verified by the department, which demonstrates that the amount
362 of the revenues generated by the taxes imposed under chapter 212
363 with respect to the use and operation of the renovated
364 professional sports franchise facility will equal or exceed \$3

365 million annually.

366 (d) The county or municipality in which the professional
367 sports franchise renovation facility is located has certified by
368 resolution after a public hearing that the application serves a
369 public purpose.

370 (e) The applicant has demonstrated that the cost to
371 renovate the facility will be greater than \$300 million,
372 including permitting, architectural, and engineering fees, of
373 which more than 50 percent of the total construction cost,
374 exclusive of in-kind contributions, will be paid for by the
375 ownership group of the professional sports franchise or other
376 private sources.

377 (f) The applicant has signed an agreement to pay to the
378 Department of Revenue for deposit into the General Revenue Fund
379 an amount equal to the proceeds from the sale of bonds generated
380 by pledging the funds distributed under s. 212.20 as debt
381 service. Payment shall be due within 1 year after the last
382 distribution is made, but may be made at any time before that
383 date.

384 (6)~~(5)~~ An applicant certified as a facility for a new or
385 retained professional sports franchise may use funds provided
386 under s. 212.20 only for the public purpose of paying for the
387 acquisition, construction, reconstruction, or renovation of a
388 facility for a new or retained professional sports franchise to
389 pay or pledge for the payment of debt service on, or to fund
390 debt service reserve funds, arbitrage rebate obligations, or
391 other amounts payable with respect to, bonds issued for the
392 acquisition, construction, reconstruction, or renovation of such

393 facility or for the reimbursement of such costs or the
 394 refinancing of bonds issued for such purposes. An applicant
 395 certified as a professional sports franchise renovation facility
 396 may use funds provided under s. 212.20 only for the public
 397 purpose of renovating the facility to pay or pledge for the debt
 398 service on, or to fund debt service reserve funds, arbitrage
 399 rebate obligations, or other amounts payable with respect to,
 400 bonds issued for the renovation of such facility or for the
 401 reimbursement of such costs or the refinancing of bonds issued
 402 for such purposes.

403 (7)~~(6)~~ The department shall notify the Department of
 404 Revenue of any facility certified as a facility qualified
 405 pursuant to this section ~~for a new or retained professional~~
 406 ~~sports franchise.~~ The department shall certify no more than
 407 eight facilities as facilities for a new professional sports
 408 franchise or as facilities for a retained professional sports
 409 franchise, including in the total any facilities certified by
 410 the former Department of Commerce before July 1, 1996. The
 411 department may not certify more than one facility as a
 412 professional sports franchise renovation ~~make no more than one~~
 413 ~~certification for any facility.~~

414 (8)~~(7)~~ The Auditor General may conduct audits as provided
 415 in s. 11.45 to verify that the distributions under this section
 416 are expended as required in this section. If the Auditor General
 417 determines that the distributions under this section are not
 418 expended as required by this section, the Auditor General shall
 419 notify the Department of Revenue, which may pursue recovery of
 420 the funds under the laws and rules governing the assessment of

421 taxes.

422 (9)~~(8)~~ For new or retained professional sport franchise
 423 facilities, an applicant is not qualified for certification
 424 under this section if the franchise formed the basis for a
 425 previous certification, unless the previous certification was
 426 withdrawn by the facility or invalidated by the department or
 427 the former Department of Commerce before any funds were
 428 distributed under s. 212.20. This subsection does not disqualify
 429 an applicant if the previous certification occurred between May
 430 23, 1993, and May 25, 1993; however, any funds to be distributed
 431 under s. 212.20 for the second certification shall be offset by
 432 the amount distributed to the previous certified facility.
 433 Distribution of funds for the second certification shall not be
 434 made until all amounts payable for the first certification are
 435 distributed.

436 Section 4. Paragraph (a) of subsection (3) of section
 437 218.64, Florida Statutes, is amended to read:

438 218.64 Local government half-cent sales tax; uses;
 439 limitations.—

440 (3) Subject to ordinances enacted by the majority of the
 441 members of the county governing authority and by the majority of
 442 the members of the governing authorities of municipalities
 443 representing at least 50 percent of the municipal population of
 444 such county, counties may use up to \$2 million annually of the
 445 local government half-cent sales tax allocated to that county
 446 for funding for any of the following applicants:

447 (a) A certified applicant as a facility for a new or
 448 retained professional sports franchise under s. 288.1162 or a

449 certified applicant as defined in s. 288.11621 for a facility
450 for a spring training franchise. It is the Legislature's intent
451 that the provisions of s. 288.1162, including, but not limited
452 to, the evaluation process by the Department of Economic
453 Opportunity except for the limitation on the number of certified
454 applicants or facilities as provided in that section and the
455 restrictions set forth in s. 288.1162(9) ~~288.1162(8)~~, shall
456 apply to an applicant's facility to be funded by local
457 government as provided in this subsection.

458 Section 5. Paragraph (c) of subsection (1) of section
459 288.11621, Florida Statutes, is amended to read:

460 288.11621 Spring training baseball franchises.—

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

462 (c) "Certified applicant" means a facility for a spring
463 training franchise that was certified before July 1, 2010, under
464 s. 288.1162(6) ~~288.1162(5)~~, Florida Statutes 2009, or a unit of
465 local government that is certified under this section.

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