



CS/HB 7095, Engrossed 2

2014

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

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

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



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53 providing that certain professional sports facilities  
54 are designated as shelter sites for the homeless  
55 during declared federal, state, or local emergencies;  
56 providing exceptions; authorizing the department to  
57 adopt emergency rules; providing an effective date.  
58

59 Be It Enacted by the Legislature of the State of Florida:  
60

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

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

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

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

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

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



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

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

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

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



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

112 6. Of the remaining proceeds:

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



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

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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

247 288.11625 Sports development.-

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

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

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

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



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

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

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



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

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

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

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

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

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

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



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

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

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

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

336 (4) APPLICATION AND APPROVAL PROCESS.—

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



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

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

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

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

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



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

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

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

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

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



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

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

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

410 (5) EVALUATION PROCESS.—

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

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



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

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

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

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

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



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

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

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

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

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



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



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495 contributions to the project.

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

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

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

505 (6) DISTRIBUTION.—

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

630 (9) REPORTS.—

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

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

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



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

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

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



677 distributions upon the occurrence of any of the following:

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

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

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

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

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

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



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

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

707 (2) CERTIFICATION PROCESS.—

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

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

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



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

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

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

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



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755 125.0104.

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

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

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

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

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



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781 this section or the agreement.

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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