

1 A bill to be entitled
 2 An act relating to professional sports franchises;
 3 amending s. 212.04, F.S.; exempting admissions to
 4 specified events from sales and use tax; amending s.
 5 288.1162, F.S.; adding Major League Soccer to the
 6 meaning of the term "league"; increasing the number of
 7 facilities that may be certified as a new or retained
 8 professional sports franchise facility; providing that
 9 a previously certified applicant is not eligible for
 10 an additional certification under certain
 11 circumstances; requiring the Department of Economic
 12 Opportunity to reserve one new facility certification
 13 for a new Major League Soccer franchise; providing an
 14 effective date.

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

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 18 Section 1. Paragraph (a) of subsection (2) of section
 19 212.04, Florida Statutes, is amended to read:

20 212.04 Admissions tax; rate, procedure, enforcement.—

21 (2)(a)1. No tax shall be levied on admissions to athletic
 22 or other events sponsored by elementary schools, junior high
 23 schools, middle schools, high schools, community colleges,
 24 public or private colleges and universities, deaf and blind
 25 schools, facilities of the youth services programs of the
 26 Department of Children and Family Services, and state
 27 correctional institutions when only student, faculty, or inmate
 28 talent is used. However, this exemption shall not apply to

29 admission to athletic events sponsored by a state university,
30 and the proceeds of the tax collected on such admissions shall
31 be retained and used by each institution to support women's
32 athletics as provided in s. 1006.71(2)(c).

33 2.a. No tax shall be levied on dues, membership fees, and
34 admission charges imposed by not-for-profit sponsoring
35 organizations. To receive this exemption, the sponsoring
36 organization must qualify as a not-for-profit entity under the
37 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,
38 as amended.

39 b. No tax shall be levied on admission charges to an event
40 sponsored by a governmental entity, sports authority, or sports
41 commission when held in a convention hall, exhibition hall,
42 auditorium, stadium, theater, arena, civic center, performing
43 arts center, or publicly owned recreational facility and when
44 100 percent of the risk of success or failure lies with the
45 sponsor of the event and 100 percent of the funds at risk for
46 the event belong to the sponsor, and student or faculty talent
47 is not exclusively used. As used in this sub-subparagraph, the
48 terms "sports authority" and "sports commission" mean a
49 nonprofit organization that is exempt from federal income tax
50 under s. 501(c)(3) of the Internal Revenue Code and that
51 contracts with a county or municipal government for the purpose
52 of promoting and attracting sports-tourism events to the
53 community with which it contracts.

54 3. No tax shall be levied on an admission paid by a
55 student, or on the student's behalf, to any required place of
56 sport or recreation if the student's participation in the sport

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57 | or recreational activity is required as a part of a program or
58 | activity sponsored by, and under the jurisdiction of, the
59 | student's educational institution, provided his or her
60 | attendance is as a participant and not as a spectator.

61 | 4. No tax shall be levied on admissions to the National
62 | Football League championship game or Pro Bowl; on admissions to
63 | any semifinal game or championship game of a national collegiate
64 | tournament; on admissions to a Major League Baseball, Major
65 | League Soccer, National Basketball Association, or National
66 | Hockey League all-star game; on admissions to the Major League
67 | Baseball Home Run Derby held before the Major League Baseball
68 | All-Star Game; or on admissions to ~~the~~ National Basketball
69 | Association All-Star week events that are produced by the
70 | National Basketball Association and held at an arena, convention
71 | center, or municipal facility ~~Rookie Challenge, Celebrity Game,~~
72 | ~~3-Point Shooting Contest, or Slam Dunk Challenge.~~

73 | 5. A participation fee or sponsorship fee imposed by a
74 | governmental entity as described in s. 212.08(6) for an athletic
75 | or recreational program is exempt when the governmental entity
76 | by itself, or in conjunction with an organization exempt under
77 | s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,
78 | sponsors, administers, plans, supervises, directs, and controls
79 | the athletic or recreational program.

80 | 6. Also exempt from the tax imposed by this section to the
81 | extent provided in this subparagraph are admissions to live
82 | theater, live opera, or live ballet productions in this state
83 | which are sponsored by an organization that has received a
84 | determination from the Internal Revenue Service that the

85 organization is exempt from federal income tax under s.
86 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
87 the organization actively participates in planning and
88 conducting the event, is responsible for the safety and success
89 of the event, is organized for the purpose of sponsoring live
90 theater, live opera, or live ballet productions in this state,
91 has more than 10,000 subscribing members and has among the
92 stated purposes in its charter the promotion of arts education
93 in the communities which it serves, and will receive at least 20
94 percent of the net profits, if any, of the events which the
95 organization sponsors and will bear the risk of at least 20
96 percent of the losses, if any, from the events which it sponsors
97 if the organization employs other persons as agents to provide
98 services in connection with a sponsored event. Prior to March 1
99 of each year, such organization may apply to the department for
100 a certificate of exemption for admissions to such events
101 sponsored in this state by the organization during the
102 immediately following state fiscal year. The application shall
103 state the total dollar amount of admissions receipts collected
104 by the organization or its agents from such events in this state
105 sponsored by the organization or its agents in the year
106 immediately preceding the year in which the organization applies
107 for the exemption. Such organization shall receive the exemption
108 only to the extent of \$1.5 million multiplied by the ratio that
109 such receipts bear to the total of such receipts of all
110 organizations applying for the exemption in such year; however,
111 in no event shall such exemption granted to any organization
112 exceed 6 percent of such admissions receipts collected by the

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113 organization or its agents in the year immediately preceding the
114 year in which the organization applies for the exemption. Each
115 organization receiving the exemption shall report each month to
116 the department the total admissions receipts collected from such
117 events sponsored by the organization during the preceding month
118 and shall remit to the department an amount equal to 6 percent
119 of such receipts reduced by any amount remaining under the
120 exemption. Tickets for such events sold by such organizations
121 shall not reflect the tax otherwise imposed under this section.

122 7. Also exempt from the tax imposed by this section are
123 entry fees for participation in freshwater fishing tournaments.

124 8. Also exempt from the tax imposed by this section are
125 participation or entry fees charged to participants in a game,
126 race, or other sport or recreational event if spectators are
127 charged a taxable admission to such event.

128 9. No tax shall be levied on admissions to any postseason
129 collegiate football game sanctioned by the National Collegiate
130 Athletic Association.

131 Section 2. Paragraphs (c) and (h) of subsection (4) and
132 subsection (6) of section 288.1162, Florida Statutes, are
133 amended to read:

134 288.1162 Professional sports franchises; duties.—

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

138 (c) The applicant has a verified copy of the approval from
139 the governing authority of the league in which the new
140 professional sports franchise exists authorizing the location of

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141 the professional sports franchise in this state after April 1,
142 1987, or in the case of a retained professional sports
143 franchise, verified evidence that it has had a league-authorized
144 location in this state on or before December 31, 1976. As used
145 in this section, the term "league" means the National League or
146 the American League of Major League Baseball, the National
147 Basketball Association, the National Football League, Major
148 League Soccer, or the National Hockey League.

149 (h) An applicant previously certified under any provision
150 of this section who has received funding under such
151 certification is not eligible for an additional certification
152 for a franchise or facility that has already served as the basis
153 for a previous certification.

154 (6) The department shall notify the Department of Revenue
155 of any facility certified as a facility for a new or retained
156 professional sports franchise. The department shall certify no
157 more than nine ~~eight~~ facilities as facilities for a new
158 professional sports franchise or as facilities for a retained
159 professional sports franchise, including in the total any
160 facilities certified by the former Department of Commerce before
161 July 1, 1996. The department shall reserve one facility
162 certification for a new professional sports franchise in Major
163 League Soccer. The department may make no more than one
164 certification for any facility.

165 Section 3. This act shall take effect July 1, 2013.