

By Senator Meadows

30-673-98

See CS/HB 943

1 A bill to be entitled
2 An act relating to professional sports
3 franchises; amending s. 288.1162, F.S.;
4 providing for certification of a retained
5 spring training franchise facility by the
6 Office of Tourism, Trade, and Economic
7 Development, upon determination that certain
8 requirements have been met; providing the uses
9 that such facility may make of funds provided
10 pursuant to s. 212.20, F.S.; increasing the
11 number of facilities that may be certified
12 under that section; providing for the creation
13 and maintenance of amateur sports fields by
14 certified applicants; providing that an
15 applicant certified as a retained spring
16 training franchise facility is required to have
17 a contract with the Department of Labor and
18 Employment Security for the hiring of WAGES
19 participants; providing contract requirements;
20 providing for an annual report on the extent of
21 WAGES hiring by the applicant; amending s.
22 212.20, F.S.; providing for a monthly
23 distribution of a portion of the revenues of
24 the tax on sales, use, and other transactions
25 to a certified retained spring training
26 franchise facility for a specified period;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 288.1162, Florida Statutes, is
2 amended to read:

3 288.1162 Professional sports franchises; spring
4 training franchises; duties.--

5 (1) The Office of Tourism, Trade, and Economic
6 Development shall serve as the state agency for screening
7 applicants for state funding pursuant to s. 212.20 and for
8 certifying an applicant as a "facility for a new professional
9 sports franchise," a "facility for a retained professional
10 sports franchise," ~~or~~ a "new spring training franchise
11 facility;" or a "retained spring training franchise
12 facility."

13 (2) The Office of Tourism, Trade, and Economic
14 Development shall develop rules for the receipt and processing
15 of applications for funding pursuant to s. 212.20.

16 (3) As used in this section:

17 (a) "New professional sports franchise" means a
18 professional sports franchise that is not based in this state
19 prior to April 1, 1987.

20 (b) "Retained professional sports franchise" means a
21 professional sports franchise that has had a league-authorized
22 location in this state on or before December 31, 1976, and has
23 continuously remained at that location, and has never been
24 located at a facility that has been previously certified under
25 any provision of this section.

26 (4) Prior to certifying an applicant as a "facility
27 for a new professional sports franchise" or a "facility for a
28 retained professional sports franchise," the Office of
29 Tourism, Trade, and Economic Development must determine that:

30 (a) A "unit of local government" as defined in s.
31 218.369 is responsible for the construction, management, or

1 operation of the professional sports franchise facility or
2 holds title to the property on which the professional sports
3 franchise facility is located.

4 (b) The applicant has a verified copy of a signed
5 agreement with a new professional sports franchise for the use
6 of the facility for a term of at least 10 years, or in the
7 case of a retained professional sports franchise, an agreement
8 for use of the facility for a term of at least 20 years.

9 (c) The applicant has a verified copy of the approval
10 from the governing authority of the league in which the new
11 professional sports franchise exists authorizing the location
12 of the professional sports franchise in this state after April
13 1, 1987, or in the case of a retained professional sports
14 franchise, verified evidence that it has had a
15 league-authorized location in this state on or before December
16 31, 1976. The term "league" means the National League or the
17 American League of Major League Baseball, the National
18 Basketball Association, the National Football League, or the
19 National Hockey League.

20 (d) The applicant has projections, verified by the
21 Office of Tourism, Trade, and Economic Development, which
22 demonstrate that the new or retained professional sports
23 franchise will attract a paid attendance of more than 300,000
24 annually.

25 (e) The applicant has an independent analysis or
26 study, verified by the Office of Tourism, Trade, and Economic
27 Development, which demonstrates that the amount of the
28 revenues generated by the taxes imposed under chapter 212 with
29 respect to the use and operation of the professional sports
30 franchise facility will equal or exceed \$2 million annually.

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1 (f) The municipality in which the facility for a new
2 or retained professional sports franchise is located, or the
3 county if the facility for a new or retained professional
4 sports franchise is located in an unincorporated area, has
5 certified by resolution after a public hearing that the
6 application serves a public purpose.

7 (g) The applicant has demonstrated that it has
8 provided, is capable of providing, or has financial or other
9 commitments to provide more than one-half of the costs
10 incurred or related to the improvement and development of the
11 facility.

12 (h) No applicant previously certified under any
13 provision of this section who has received funding under such
14 certification shall be eligible for an additional
15 certification.

16 (5) As used in this section, the term:

17 (a) "New spring training franchise" means a spring
18 training franchise that is not based in this state prior to
19 July 1, 1990.

20 (b) "Retained spring training franchise" means a
21 spring training franchise that located in this state in 1955,
22 that replaced a spring training franchise that had been
23 located continuously at the same publicly owned stadium for 33
24 years, and that does not play its regular major league
25 baseball games in the same city in which it trains.

26 (6) Prior to certifying an applicant as a "new spring
27 training franchise facility," the Office of Tourism, Trade,
28 and Economic Development must determine that:

29 (a) A "unit of local government" as defined in s.
30 218.369 is responsible for the construction, management, or
31 operation of the new spring training franchise facility or

1 holds title to the property on which the new spring training
2 franchise facility is located.

3 (b) The applicant has a verified copy of a signed
4 agreement with a new spring training franchise for the use of
5 the facility for a term of at least 15 years.

6 (c) The applicant has a financial commitment to
7 provide 50 percent or more of the funds required by an
8 agreement for the use of the facility by the new spring
9 training franchise.

10 (d) The proposed facility for the new spring training
11 franchise is located within 20 miles of an interstate or other
12 limited-access highway system.

13 (e) The applicant has projections, verified by the
14 Office of Tourism, Trade, and Economic Development, which
15 demonstrate that the new spring training franchise facility
16 will attract a paid attendance of at least 50,000 annually.

17 (f) The new spring training franchise facility is
18 located in a county that is levying a tourist development tax
19 pursuant to s. 125.0104(3)(b), (c), (d), and (l), at the rate
20 of 4 percent by March 1, 1992, and, 87.5 percent of the
21 proceeds from such tax are dedicated for the construction of a
22 spring training complex.

23 (7)(a) Before certifying an applicant as a "retained
24 spring training franchise facility," the Office of Tourism,
25 Trade, and Economic Development must determine that:

26 1. A unit of local government, as defined in s.
27 218.369, is responsible for the construction, management, or
28 operation of the retained spring training franchise facility
29 or holds title to the property on which the retained spring
30 training franchise facility is located.

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1 2. The retained spring training franchise will conduct
2 additional training activities at a different site within the
3 county in which the retained spring training franchise
4 facility is located.

5 3. The applicant has projections, verified by the
6 Office of Tourism, Trade, and Economic Development, which
7 demonstrate that the amount of the revenues generated by the
8 taxes imposed under chapter 212 with respect to the use and
9 operation of the retained spring training franchise facility
10 will equal or exceed \$1.2 million annually.

11 4. The retained spring training franchise will sign a
12 lease agreement for a period of no less than 15 years with the
13 applicant at the completion of its existing short-term
14 agreement.

15 (b) The Office of Tourism, Trade, and Economic
16 Development shall consider the value of the land and the
17 existing stadium toward any required contribution by the
18 applicant for costs incurred or related to the improvement and
19 development of the facility.

20 (8)(7) An applicant certified as a facility for a new
21 professional sports franchise or a facility for a retained
22 professional sports franchise or as a new spring training
23 franchise facility or a retained spring training franchise
24 facility may use funds provided pursuant to s. 212.20 only for
25 the public purpose of paying for the construction,
26 reconstruction, or renovation of a facility for a new
27 professional sports franchise, a facility for a retained
28 professional sports franchise, ~~or~~ a new spring training
29 franchise facility, or a retained spring training franchise
30 facility or to pay or pledge for the payment of debt service
31 on, or to fund debt service reserve funds, arbitrage rebate

1 obligations, or other amounts payable with respect to, bonds
2 issued for the construction, reconstruction, or renovation of
3 such facility or for the reimbursement of such costs or the
4 refinancing of bonds issued for such purposes.

5 (9)~~(8)~~ The Office of Tourism, Trade, and Economic
6 Development shall notify the Department of Revenue of any
7 facility certified as a facility for a new professional sports
8 franchise or a facility for a retained professional sports
9 franchise or as a new spring training franchise facility or a
10 retained spring training franchise facility. The Office of
11 Tourism, Trade, and Economic Development may certify no more
12 than 10 ~~eight~~ facilities as facilities for a new professional
13 sports franchise, as facilities for a retained professional
14 sports franchise, ~~or~~ as new spring training franchise
15 facilities, or as retained spring training franchise
16 facilities, including in such total any facilities certified
17 by the Department of Commerce before July 1, 1996. The office
18 may make no more than one certification for any facility, and
19 shall make no more than one certification for a retained
20 spring training franchise facility.

21 (10)~~(9)~~ The Department of Revenue may audit as
22 provided in s. 213.34 to verify that the distributions
23 pursuant to this section have been expended as required in
24 this section. Such information is subject to the
25 confidentiality requirements of chapter 213. If the Department
26 of Revenue determines that the distributions pursuant to this
27 section have not been expended as required by this section, it
28 may pursue recovery of such funds pursuant to the laws and
29 rules governing the assessment of taxes.

30 (11)~~(10)~~ An applicant shall not be qualified for
31 certification under this section if the franchise formed the

1 basis for a previous certification, unless the previous
2 certification was withdrawn by the facility or invalidated by
3 the Office of Tourism, Trade, and Economic Development or the
4 Department of Commerce before any funds were distributed
5 pursuant to s. 212.20. This subsection does not disqualify an
6 applicant if the previous certification occurred between May
7 23, 1993, and May 25, 1993; however, any funds to be
8 distributed pursuant to s. 212.20 for the second certification
9 shall be offset by the amount distributed to the previous
10 certified facility. Distribution of funds for the second
11 certification shall not be made until all amounts payable for
12 the first certification have been distributed.

13 (12) An applicant certified by this section after July
14 1, 1998, shall fund the creation and maintenance of fields for
15 amateur sports activities as recommended by the county in
16 which the applicant's certified facility is located. These
17 amateur sports fields shall include, but not be limited to,
18 those used for baseball, softball, basketball, or football.
19 These fields shall be open to the public without charge and
20 may be publicly owned and operated.

21 (13) The Office of Tourism, Trade, and Economic
22 Development shall, in addition to any other requirements of
23 this section, determine that an applicant that has been
24 certified under this section as a retained spring training
25 franchise facility has entered into a contract with the
26 Department of Labor and Employment Security in which the
27 applicant agrees to register with the Work and Gain Economic
28 Self-Sufficiency (WAGES) Program Business Registry established
29 by the local WAGES coalition for the area in which the
30 applicant is located. Such contract shall further provide
31 that the applicant shall hire WAGES program participants to

1 the maximum extent possible and shall provide for appropriate
2 monitoring and training of such employees. The applicant
3 shall agree to employ a specified number of WAGES participants
4 in each year that it receives a distribution under s. 212.20.
5 The number of WAGES participants to be employed by the
6 applicant shall be based upon the applicant's good faith
7 efforts, workforce availability, suitable jobs, and in keeping
8 with the facility's minimum standards of employment as
9 provided in the contract with the department. The applicant
10 may renegotiate the contract and employ fewer program
11 participants if the applicant demonstrates to the satisfaction
12 of the department that due to economic conditions or the
13 nature of its business in a given year the requirement to hire
14 the specified number of employees is unattainable. Each
15 applicant subject to the requirements of this subsection shall
16 report to the Governor, the Speaker of the House of
17 Representatives, and the President of the Senate by December
18 31 of each year in which the applicant receives a distribution
19 under s. 212.20 on the extent to which its employees are WAGES
20 participants.

21 Section 2. Paragraph (f) of subsection (6) of section
22 212.20, Florida Statutes, is amended to read:

23 212.20 Funds collected, disposition; additional powers
24 of department; operational expense; refund of taxes
25 adjudicated unconstitutionally collected.--

26 (6) Distribution of all proceeds under this chapter
27 shall be as follows:

28 (f) The proceeds of all other taxes and fees imposed
29 pursuant to this chapter shall be distributed as follows:

30 1. In any fiscal year, the greater of \$500 million,
31 minus an amount equal to 4.6 percent of the proceeds of the

1 taxes collected pursuant to chapter 201, or 5 percent of all
2 other taxes and fees imposed pursuant to this chapter shall be
3 deposited in monthly installments into the General Revenue
4 Fund.

5 2. Two-tenths of one percent shall be transferred to
6 the Solid Waste Management Trust Fund.

7 3. After the distribution under subparagraphs 1. and
8 2., 9.653 percent of the amount remitted by a sales tax dealer
9 located within a participating county pursuant to s. 218.61
10 shall be transferred into the Local Government Half-cent Sales
11 Tax Clearing Trust Fund.

12 4. After the distribution under subparagraphs 1., 2.,
13 and 3., 0.054 percent shall be transferred to the Local
14 Government Half-cent Sales Tax Clearing Trust Fund and
15 distributed pursuant to s. 218.65.

16 5. Of the remaining proceeds:

17 a. One hundred sixty-six thousand six hundred and
18 sixty-seven dollars ~~Beginning July 1, 1992, \$166,667~~ shall be
19 distributed monthly by the department to each applicant that
20 has been certified as a "facility for a new professional
21 sports franchise" or a "facility for a retained professional
22 sports franchise" pursuant to s. 288.1162, \$102,202 shall be
23 distributed monthly by the department to each applicant that
24 has been certified as a "facility for a retained spring
25 training franchise" pursuant to s. 288.1162, and \$41,667 shall
26 be distributed monthly by the department to each applicant
27 that has been certified as a "new spring training franchise
28 facility" pursuant to s. 288.1162. Distributions shall begin
29 60 days following such certification and shall continue for 30
30 years. Nothing contained herein shall be construed to allow an
31 applicant certified pursuant to s. 288.1162 to receive more in

1 distributions than actually expended by the applicant for the
2 public purposes provided for in s. 288.1162(8)~~s. 288.1162(7)~~.

3 However, a certified applicant shall receive distributions up
4 to the maximum amount allowable and undistributed under this
5 section for additional renovations and improvements to the
6 facility for the franchise without additional certification.

7 b. Beginning 30 days after notice by the Office of
8 Tourism, Trade, and Economic Development to the Department of
9 Revenue that an applicant has been certified as the
10 professional golf hall of fame pursuant to s. 288.1168 and is
11 open to the public, \$166,667 shall be distributed monthly, for
12 up to 300 months, to the applicant.

13 c. Beginning 30 days after notice by the Department of
14 Commerce to the Department of Revenue that the applicant has
15 been certified as the International Game Fish Association
16 World Center facility pursuant to s. 288.1169, and the
17 facility is open to the public, \$83,333 shall be distributed
18 monthly, for up to 180 months, to the applicant. This
19 distribution is subject to reduction pursuant to s. 288.1169.

20 6. All other proceeds shall remain with the General
21 Revenue Fund.

22 Section 3. This act shall take effect July 1, 1998.

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25 SENATE SUMMARY

26 Provides for the distribution of sales tax revenues to
27 applicants that are certified as facilities for "retained
28 spring training franchises," as defined in the act.
29 Provides criteria for the Office of Tourism, Trade, and
30 Economic Development to use in making the certification.
31 Increases the limit on the number of facilities that may
be certified. Requires applicants for new certification
to create and maintain fields for amateur sports
activities. Requires new applicants for certification to
employ WAGES participants and to report on their
compliance with this requirement.