

By Representative Dawson-White

1 A bill to be entitled
 2 An act relating to spring training franchises;
 3 amending s. 288.1162, F.S.; defining "retained
 4 spring training franchise"; providing for
 5 certification of a retained spring training
 6 franchise facility by the Office of Tourism,
 7 Trade, and Economic Development, upon
 8 determination that certain requirements have
 9 been met; providing the uses that such facility
 10 may make of funds provided pursuant to s.
 11 212.20, F.S.; amending s. 212.20, F.S.;
 12 providing for a monthly distribution of a
 13 portion of the revenues of the tax on sales,
 14 use, and other transactions to a certified
 15 facility for a specified period; providing an
 16 effective date.

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

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 20 Section 1. Section 288.1162, Florida Statutes, 1996
 21 Supplement, is amended to read:

22 288.1162 Professional sports franchises; spring
 23 training franchises; duties.--

24 (1) The Office of Tourism, Trade, and Economic
 25 Development shall serve as the state agency for screening
 26 applicants for state funding pursuant to s. 212.20 and for
 27 certifying an applicant as a "facility for a new professional
 28 sports franchise," a "facility for a retained professional
 29 sports franchise," ~~or~~ a "new spring training franchise
 30 facility," or a "retained spring training franchise
 31 facility."

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

4 (3) As used in this section:

5 (a) "New professional sports franchise" means a
6 professional sports franchise that is not based in this state
7 prior to April 1, 1987.

8 (b) "Retained professional sports franchise" means a
9 professional sports franchise that has had a league-authorized
10 location in this state on or before December 31, 1976, and has
11 continuously remained at that location, and has never been
12 located at a facility that has been previously certified under
13 any provision of this section.

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

18 (a) A "unit of local government" as defined in s.
19 218.369 is responsible for the construction, management, or
20 operation of the professional sports franchise facility or
21 holds title to the property on which the professional sports
22 franchise facility is located.

23 (b) The applicant has a verified copy of a signed
24 agreement with a new professional sports franchise for the use
25 of the facility for a term of at least 10 years, or in the
26 case of a retained professional sports franchise, an agreement
27 for use of the facility for a term of at least 20 years.

28 (c) The applicant has a verified copy of the approval
29 from the governing authority of the league in which the new
30 professional sports franchise exists authorizing the location
31 of the professional sports franchise in this state after April

1 1, 1987, or in the case of a retained professional sports
2 franchise, verified evidence that it has had a
3 league-authorized location in this state on or before December
4 31, 1976. The term "league" means the National League or the
5 American League of Major League Baseball, the National
6 Basketball Association, the National Football League, or the
7 National Hockey League.

8 (d) The applicant has projections, verified by the
9 Office of Tourism, Trade, and Economic Development, which
10 demonstrate that the new or retained professional sports
11 franchise will attract a paid attendance of more than 300,000
12 annually.

13 (e) The applicant has an independent analysis or
14 study, verified by the Office of Tourism, Trade, and Economic
15 Development, which demonstrates that the amount of the
16 revenues generated by the taxes imposed under part I of
17 chapter 212 with respect to the use and operation of the
18 professional sports franchise facility will equal or exceed \$2
19 million annually.

20 (f) The municipality in which the facility for a new
21 or retained professional sports franchise is located, or the
22 county if the facility for a new or retained professional
23 sports franchise is located in an unincorporated area, has
24 certified by resolution after a public hearing that the
25 application serves a public purpose.

26 (g) The applicant has demonstrated that it has
27 provided, is capable of providing, or has financial or other
28 commitments to provide more than one-half of the costs
29 incurred or related to the improvement and development of the
30 facility.

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1 (h) No applicant previously certified under any
2 provision of this section who has received funding under such
3 certification shall be eligible for an additional
4 certification.

5 (5) As used in this section:7

6 (a) "New spring training franchise" means a spring
7 training franchise that is not based in this state prior to
8 July 1, 1990.

9 (b) "Retained spring training franchise" means a
10 spring training franchise that located in this state in 1955,
11 that replaced a spring training franchise which had been
12 located continuously at the same publicly owned stadium for 33
13 years, and that does not play its regular major league
14 baseball season games in the same city in which it trains.

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

18 (a) A "unit of local government" as defined in s.
19 218.369 is responsible for the construction, management, or
20 operation of the new spring training franchise facility or
21 holds title to the property on which the new spring training
22 franchise facility is located.

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

26 (c) The applicant has a financial commitment to
27 provide 50 percent or more of the funds required by an
28 agreement for the use of the facility by the new spring
29 training franchise.

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

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

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

14 (7)(a) Prior to certifying an applicant as a "retained
15 spring training franchise facility," the Office of Tourism,
16 Trade, and Economic Development must determine that:

17 1. A unit of local government, as defined in s.
18 218.369, is responsible for the construction, management, or
19 operation of the retained spring training franchise facility
20 or holds title to the property on which the retained spring
21 training franchise facility is located.

22 2. The retained spring training franchise will conduct
23 additional training activities at a different site within the
24 county in which the retained spring training franchise
25 facility is located.

26 3. The applicant has projections, verified by the
27 Office of Tourism, Trade, and Economic Development, which
28 demonstrate that the amount of the revenues generated by the
29 taxes imposed under chapter 212 with respect to the use and
30 operation of the retained spring training franchise facility
31 will equal or exceed \$1.4 million annually.

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

5 (b) The Office of Tourism, Trade, and Economic
6 Development shall consider the value of the land and the
7 existing stadium towards any required contribution by the
8 applicant for costs incurred or related to the improvement and
9 development of the facility.

10 (8)(7) An applicant certified as a facility for a new
11 professional sports franchise or a facility for a retained
12 professional sports franchise or as a new spring training
13 franchise facility or a retained spring training franchise
14 facility may use funds provided pursuant to s. 212.20 only for
15 the public purpose of paying for the construction,
16 reconstruction, or renovation of a facility for a new
17 professional sports franchise, a facility for a retained
18 professional sports franchise, ~~or~~ a new spring training
19 franchise facility, or a retained spring training franchise
20 facility or to pay or pledge for the payment of debt service
21 on, or to fund debt service reserve funds, arbitrage rebate
22 obligations, or other amounts payable with respect to, bonds
23 issued for the construction, reconstruction, or renovation of
24 such facility or for the reimbursement of such costs or the
25 refinancing of bonds issued for such purposes.

26 (9)(8) The Office of Tourism, Trade, and Economic
27 Development shall notify the Department of Revenue of any
28 facility certified as a facility for a new professional sports
29 franchise or a facility for a retained professional sports
30 franchise or as a new spring training franchise facility or a
31 retained spring training franchise facility. The Office of

1 Tourism, Trade, and Economic Development may certify no more
2 than nine ~~eight~~ facilities as facilities for a new
3 professional sports franchise, as facilities for a retained
4 professional sports franchise, ~~or~~ as new spring training
5 franchise facilities, or as retained spring training franchise
6 facilities, including in such total any facilities certified
7 by the Department of Commerce before July 1, 1996. The office
8 may make no more than one certification for any facility, and
9 shall make no more than one certification for a retained
10 spring training franchise facility.

11 (10)~~(9)~~ The Department of Revenue may audit as
12 provided in s. 213.34 to verify that the distributions
13 pursuant to this section have been expended as required in
14 this section. Such information is subject to the
15 confidentiality requirements of chapter 213. If the Department
16 of Revenue determines that the distributions pursuant to this
17 section have not been expended as required by this section, it
18 may pursue recovery of such funds pursuant to the laws and
19 rules governing the assessment of taxes.

20 (11)~~(10)~~ An applicant shall not be qualified for
21 certification under this section if the franchise formed the
22 basis for a previous certification, unless the previous
23 certification was withdrawn by the facility or invalidated by
24 the Office of Tourism, Trade, and Economic Development or the
25 Department of Commerce before any funds were distributed
26 pursuant to s. 212.20. This subsection does not disqualify an
27 applicant if the previous certification occurred between May
28 23, 1993, and May 25, 1993; however, any funds to be
29 distributed pursuant to s. 212.20 for the second certification
30 shall be offset by the amount distributed to the previous
31 certified facility. Distribution of funds for the second

1 certification shall not be made until all amounts payable for
2 the first certification have been distributed.

3 Section 2. Paragraph (f) of subsection (6) of section
4 212.20, Florida Statutes, 1996 Supplement, is amended to read:

5 212.20 Funds collected, disposition; additional powers
6 of department; operational expense; refund of taxes
7 adjudicated unconstitutionally collected.--

8 (6) Distribution of all proceeds under this part shall
9 be as follows:

10 (f) The proceeds of all other taxes and fees imposed
11 pursuant to this part shall be distributed as follows:

12 1. In any fiscal year, the greater of \$500 million,
13 minus an amount equal to 4.6 percent of the proceeds of the
14 taxes collected pursuant to chapter 201, or 5 percent of all
15 other taxes and fees imposed pursuant to this part shall be
16 deposited in monthly installments into the General Revenue
17 Fund.

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

20 3. After the distribution under subparagraphs 1. and
21 2., 9.653 percent of the amount remitted by a sales tax dealer
22 located within a participating county pursuant to s. 218.61
23 shall be transferred into the Local Government Half-cent Sales
24 Tax Clearing Trust Fund.

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

29 5. Of the remaining proceeds:

30 a. ~~Beginning July 1, 1992,~~\$166,667 shall be
31 distributed monthly by the department to each applicant that

1 has been certified as a "facility for a new professional
2 sports franchise" or a "facility for a retained professional
3 sports franchise" pursuant to s. 288.1162, \$116,667 shall be
4 distributed monthly by the department to each applicant that
5 has been certified as a "facility for a retained spring
6 training franchise" pursuant to s. 288.1162, and \$41,667 shall
7 be distributed monthly by the department to each applicant
8 that has been certified as a "new spring training franchise
9 facility" pursuant to s. 288.1162. Distributions shall begin
10 60 days following such certification and shall continue for 30
11 years. Nothing contained herein shall be construed to allow an
12 applicant certified pursuant to s. 288.1162 to receive more in
13 distributions than actually expended by the applicant for the
14 public purposes provided for in s. 288.1162~~(8)(7)~~. However, a
15 certified applicant shall receive distributions up to the
16 maximum amount allowable and undistributed under this section
17 for additional renovations and improvements to the facility
18 for the franchise without additional certification.

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

25 c. Beginning 30 days after notice by the Department of
26 Commerce to the Department of Revenue that the applicant has
27 been certified as the International Game Fish Association
28 World Center facility pursuant to s. 288.1169, and the
29 facility is open to the public, \$83,333 shall be distributed
30 monthly, for up to 180 months, to the applicant. This
31 distribution is subject to reduction pursuant to s. 288.1169.

1 6. All other proceeds shall remain with the General
2 Revenue Fund.

3 Section 3. This act shall take effect July 1, 1997.
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6 HOUSE SUMMARY

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8 Defines "retained spring training franchise" and provides
9 for certification of a retained spring training franchise
10 facility by the Office of Tourism, Trade, and Economic
11 Development, upon determination that certain requirements
12 have been met. Provides for a monthly distribution of a
13 portion of the revenues of the tax on sales, use, and
14 other transactions to a certified facility for 30 years
15 and specifies the uses that such facility may make of
16 those funds.
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