

By the Committee on Tourism and Representative  
Dawson-White

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

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

5  
6 Section 1. Section 288.1162, Florida Statutes, 1996  
7 Supplement, is amended to read:

8 288.1162 Professional sports franchises; spring  
9 training franchises; duties.--

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

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

21 (3) As used in this section:

22 (a) "New professional sports franchise" means a  
23 professional sports franchise that is not based in this state  
24 prior to April 1, 1987.

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

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

5           (a) A "unit of local government" as defined in s.  
6 218.369 is responsible for the construction, management, or  
7 operation of the professional sports franchise facility or  
8 holds title to the property on which the professional sports  
9 franchise facility is located.

10           (b) The applicant has a verified copy of a signed  
11 agreement with a new professional sports franchise for the use  
12 of the facility for a term of at least 10 years, or in the  
13 case of a retained professional sports franchise, an agreement  
14 for use of the facility for a term of at least 20 years.

15           (c) The applicant has a verified copy of the approval  
16 from the governing authority of the league in which the new  
17 professional sports franchise exists authorizing the location  
18 of the professional sports franchise in this state after April  
19 1, 1987, or in the case of a retained professional sports  
20 franchise, verified evidence that it has had a  
21 league-authorized location in this state on or before December  
22 31, 1976. The term "league" means the National League or the  
23 American League of Major League Baseball, the National  
24 Basketball Association, the National Football League, the  
25 Major League Soccer, or the National Hockey League.

26           (d) The applicant has projections, verified by the  
27 Office of Tourism, Trade, and Economic Development, which  
28 demonstrate that the new or retained professional sports  
29 franchise will attract a paid attendance of more than 300,000  
30 annually.

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

8           (f) The municipality in which the facility for a new  
9 or retained professional sports franchise is located, or the  
10 county if the facility for a new or retained professional  
11 sports franchise is located in an unincorporated area, has  
12 certified by resolution after a public hearing that the  
13 application serves a public purpose.

14           (g) The applicant has demonstrated that it has  
15 provided, is capable of providing, or has financial or other  
16 commitments to provide more than one-half of the costs  
17 incurred or related to the improvement and development of the  
18 facility.

19           (h) No applicant previously certified under any  
20 provision of this section who has received funding under such  
21 certification shall be eligible for an additional  
22 certification.

23           (5) As used in this section:<sup>7</sup>

24           (a) "New spring training franchise" means a spring  
25 training franchise that is not based in this state prior to  
26 July 1, 1990.

27           (b) "Retained spring training franchise" means a  
28 spring training franchise that located in this state in 1955,  
29 that replaced a spring training franchise which had been  
30 located continuously at the same publicly owned stadium for 33  
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1 years, and that does not play its regular major league  
2 baseball season games in the same city in which it trains.

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

6 (a) A "unit of local government" as defined in s.  
7 218.369 is responsible for the construction, management, or  
8 operation of the new spring training franchise facility or  
9 holds title to the property on which the new spring training  
10 franchise facility is located.

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

14 (c) The applicant has a financial commitment to  
15 provide 50 percent or more of the funds required by an  
16 agreement for the use of the facility by the new spring  
17 training franchise.

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

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

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

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

4           1. A unit of local government, as defined in s.  
5 218.369, is responsible for the construction, management, or  
6 operation of the retained spring training franchise facility  
7 or holds title to the property on which the retained spring  
8 training franchise facility is located.

9           2. The retained spring training franchise will conduct  
10 additional training activities at a different site within the  
11 county in which the retained spring training franchise  
12 facility is located.

13           3. The applicant has projections, verified by the  
14 Office of Tourism, Trade, and Economic Development, which  
15 demonstrate that the amount of the revenues generated by the  
16 taxes imposed under chapter 212 with respect to the use and  
17 operation of the retained spring training franchise facility  
18 will equal or exceed \$1.2 million annually.

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

23           (b) The Office of Tourism, Trade, and Economic  
24 Development shall consider the value of the land and the  
25 existing stadium towards any required contribution by the  
26 applicant for costs incurred or related to the improvement and  
27 development of the facility.

28           (8)(7) An applicant certified as a facility for a new  
29 professional sports franchise or a facility for a retained  
30 professional sports franchise or as a new spring training  
31 franchise facility or a retained spring training franchise

1 facility may use funds provided pursuant to s. 212.20 only for  
2 the public purpose of paying for the construction,  
3 reconstruction, or renovation of a facility for a new  
4 professional sports franchise, a facility for a retained  
5 professional sports franchise, ~~or~~ a new spring training  
6 franchise facility, or a retained spring training franchise  
7 facility or to pay or pledge for the payment of debt service  
8 on, or to fund debt service reserve funds, arbitrage rebate  
9 obligations, or other amounts payable with respect to, bonds  
10 issued for the construction, reconstruction, or renovation of  
11 such facility or for the reimbursement of such costs or the  
12 refinancing of bonds issued for such purposes.

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

29 (10)~~(9)~~ The Department of Revenue may audit as  
30 provided in s. 213.34 to verify that the distributions  
31 pursuant to this section have been expended as required in

1 this section. Such information is subject to the  
2 confidentiality requirements of chapter 213. If the Department  
3 of Revenue determines that the distributions pursuant to this  
4 section have not been expended as required by this section, it  
5 may pursue recovery of such funds pursuant to the laws and  
6 rules governing the assessment of taxes.

7 ~~(11)(10)~~ An applicant shall not be qualified for  
8 certification under this section if the franchise formed the  
9 basis for a previous certification, unless the previous  
10 certification was withdrawn by the facility or invalidated by  
11 the Office of Tourism, Trade, and Economic Development or the  
12 Department of Commerce before any funds were distributed  
13 pursuant to s. 212.20. This subsection does not disqualify an  
14 applicant if the previous certification occurred between May  
15 23, 1993, and May 25, 1993; however, any funds to be  
16 distributed pursuant to s. 212.20 for the second certification  
17 shall be offset by the amount distributed to the previous  
18 certified facility. Distribution of funds for the second  
19 certification shall not be made until all amounts payable for  
20 the first certification have been distributed.

21 (12) An applicant certified by this section after July  
22 1, 1997, shall fund the creation and maintenance of fields for  
23 amateur sports activities as recommended by the county in  
24 which the applicant's certified facility is located. These  
25 amateur sports fields shall include, but not be limited to,  
26 those used for soccer, baseball, softball, basketball, or  
27 football. These fields shall be open to the public without  
28 charge and may be publicly owned and operated.

29 (13) The Office of Tourism, Trade, and Economic  
30 Development shall, in addition to any other requirements of  
31 this section, determine that an applicant which has been



1 certified under this section as a retained spring training  
2 franchise facility has entered into a contract with the  
3 Department of Labor and Employment Security in which the  
4 applicant agrees to register with the Work and Gain Economic  
5 Self-Sufficiency (WAGES) Program Business Registry established  
6 by the local WAGES coalition for the area in which the  
7 applicant is located. Such contract shall further provide  
8 that the applicant shall hire WAGES program participants to  
9 the maximum extent possible and shall provide for appropriate  
10 monitoring and training of such employees. The applicant  
11 shall agree to employ a specified number of WAGES participants  
12 in each year that it receives a distribution under s. 212.20.  
13 The number of WAGES participants to be employed by the  
14 applicant shall be based upon the applicant's good faith  
15 efforts, workforce availability, suitable jobs, and in keeping  
16 with the facility's minimum standards of employment as  
17 provided in the contract with the department. The applicant  
18 may renegotiate the contract and employ fewer program  
19 participants if the applicant demonstrates to the satisfaction  
20 of the department that due to economic conditions or the  
21 nature of its business in a given year the requirement to hire  
22 the specified number of employees is unattainable. Each  
23 applicant subject to the requirements of this subsection shall  
24 report to the Governor, the Speaker of the House of  
25 Representatives, and the President of the Senate by December  
26 31 of each year in which the applicant receives a distribution  
27 under s. 212.20 on the extent to which its employees are WAGES  
28 participants.

29           Section 2. Paragraph (f) of subsection (6) of section  
30 212.20, Florida Statutes, 1996 Supplement, is amended to read:  
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1           212.20 Funds collected, disposition; additional powers  
2 of department; operational expense; refund of taxes  
3 adjudicated unconstitutionally collected.--

4           (6) Distribution of all proceeds under this part shall  
5 be as follows:

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

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

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

16           3. After the distribution under subparagraphs 1. and  
17 2., 9.653 percent of the amount remitted by a sales tax dealer  
18 located within a participating county pursuant to s. 218.61  
19 shall be transferred into the Local Government Half-cent Sales  
20 Tax Clearing Trust Fund.

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

25           5. Of the remaining proceeds:

26           a. ~~Beginning July 1, 1992,~~\$166,667 shall be  
27 distributed monthly by the department to each applicant that  
28 has been certified as a "facility for a new professional  
29 sports franchise" or a "facility for a retained professional  
30 sports franchise" pursuant to s. 288.1162, \$102,202 shall be  
31 distributed monthly by the department to each applicant that

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

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

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

28         6. All other proceeds shall remain with the General  
29 Revenue Fund.

30         Section 3. This act shall take effect July 1, 1997.

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