

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Kurth

316-1874-99

1                                   A bill to be entitled  
2           An act relating to spring training franchise  
3           facilities; amending s. 125.0104, F.S.;  
4           defining the term "retained spring training  
5           franchise"; providing that the additional local  
6           option tourist development taxes presently  
7           authorized to finance the construction or  
8           renovation of a professional sports franchise  
9           facility may also be used to finance the  
10          acquisition, construction, or renovation of a  
11          retained spring training franchise facility;  
12          correcting a reference; providing for an  
13          appropriation under certain conditions;  
14          providing an 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 (b) of subsection (2), paragraphs  
19 (1) and (n) of subsection (3), and paragraph (d) of subsection  
20 (5) of section 125.0104, Florida Statutes, 1998 Supplement,  
21 are amended to read:

22           125.0104 Tourist development tax; procedure for  
23 levying; authorized uses; referendum; enforcement.--

24           (2) APPLICATION; DEFINITIONS.--

25           (b) Definitions.--For purposes of this section:

26           1. "Promotion" means marketing or advertising designed  
27 to increase tourist-related business activities.

28           2. "Tourist" means a person who participates in trade  
29 or recreation activities outside the county of his or her  
30 permanent residence or who rents or leases transient  
31 accommodations as described in paragraph (3)(a).

1           3. "Retained spring training franchise" means a spring  
2 training franchise that had a location in this state on or  
3 before December 31, 1998, and that has continuously remained  
4 at that location for at least the 10 years preceding that  
5 date.

6           (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

7           (1) In addition to any other tax which is imposed  
8 pursuant to this section, a county may impose up to an  
9 additional 1-percent tax on the exercise of the privilege  
10 described in paragraph (a) by majority vote of the governing  
11 board of the county in order to:

12           1. Pay the debt service on bonds issued to finance the  
13 construction, reconstruction, or renovation of a professional  
14 sports franchise facility, or the acquisition, construction,  
15 reconstruction, or renovation of a retained spring training  
16 franchise facility, either publicly owned and operated, or  
17 publicly owned and operated by the owner of a professional  
18 sports franchise or other lessee with sufficient expertise or  
19 financial capability to operate such facility, and to pay the  
20 planning and design costs incurred prior to the issuance of  
21 such bonds.

22           2. Pay the debt service on bonds issued to finance the  
23 construction, reconstruction, or renovation of a convention  
24 center, and to pay the planning and design costs incurred  
25 prior to the issuance of such bonds.

26           3. Pay the operation and maintenance costs of a  
27 convention center for a period of up to 10 years. Only  
28 counties that have elected to levy the tax for the purposes  
29 authorized in subparagraph 2. may use the tax for the purposes  
30 enumerated in this subparagraph.

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1 The provision of paragraph (b) which prohibits any county  
2 authorized to levy a convention development tax pursuant to s.  
3 212.0305 from levying more than the 2-percent tax authorized  
4 by this section, and the provisions of paragraphs (4)(a)  
5 through (d), shall not apply to the additional tax authorized  
6 in this paragraph. The effective date of the levy and  
7 imposition of the tax authorized under this paragraph shall be  
8 the first day of the second month following approval of the  
9 ordinance by the governing board or the first day of any  
10 subsequent month as may be specified in the ordinance. A  
11 certified copy of such ordinance shall be furnished by the  
12 county to the Department of Revenue within 10 days after  
13 approval of such ordinance.

14 (n) In addition to any other tax that is imposed under  
15 this section, a county that has imposed the tax under  
16 paragraph (1) may impose an additional tax that is no greater  
17 than 1 percent on the exercise of the privilege described in  
18 paragraph (a) by a majority plus one vote of the membership of  
19 the board of county commissioners in order to pay the debt  
20 service on bonds issued to finance:

21 1. The construction, reconstruction, or renovation of  
22 a facility either publicly owned and operated, or publicly  
23 owned and operated by the owner of a professional sports  
24 franchise or other lessee with sufficient expertise or  
25 financial capability to operate such facility, and to pay the  
26 planning and design costs incurred prior to the issuance of  
27 such bonds for a new professional sports franchise as defined  
28 in s. 288.1162.

29 2. The acquisition, construction, reconstruction, or  
30 renovation of a facility either publicly owned and operated,  
31 or publicly owned and operated by the owner of a professional

1 sports franchise or other lessee with sufficient expertise or  
2 financial capability to operate such facility, and to pay the  
3 planning and design costs incurred prior to the issuance of  
4 such bonds for a retained spring training franchise.

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6 A county that imposes the tax authorized in this paragraph may  
7 not expend any ad valorem tax revenues for the acquisition,  
8 construction, reconstruction, or renovation of that facility.  
9 The provision of paragraph (b) which prohibits any county  
10 authorized to levy a convention development tax pursuant to s.  
11 212.0305 from levying more than the 2-percent tax authorized  
12 by this section shall not apply to the additional tax  
13 authorized by this paragraph in counties which levy convention  
14 development taxes pursuant to s. 212.0305(4)(a). Subsection  
15 (4) does not apply to the adoption of the additional tax  
16 authorized in this paragraph. The effective date of the levy  
17 and imposition of the tax authorized under this paragraph is  
18 the first day of the second month following approval of the  
19 ordinance by the board of county commissioners or the first  
20 day of any subsequent month specified in the ordinance. A  
21 certified copy of such ordinance shall be furnished by the  
22 county to the Department of Revenue within 10 days after  
23 approval of the ordinance.

24 (5) AUTHORIZED USES OF REVENUE.--

25 (d) Any use of the local option tourist development  
26 tax revenues collected pursuant to this section for a purpose  
27 not expressly authorized by paragraph (3)(l) or paragraph  
28 (3)(~~n~~)(~~o~~) or paragraph (a), paragraph (b), or paragraph (c) of  
29 this subsection is expressly prohibited.

30 Section 2. There is appropriated to any county from  
31 the General Revenue Fund \$7.5 million to be used for the

1 acquisition, construction, reconstruction, or renovation of  
2 any privately owned spring training franchise facility, with  
3 half of the funds in fiscal year 1999-2000 and the remaining  
4 half in fiscal year 2000-2001. No funds shall be released  
5 until the Office of Tourism, Trade, and Economic Development  
6 determines that a unit of local government, as defined in  
7 section 218.369, Florida Statutes, is responsible for the  
8 acquisition, construction, management, or operation of the  
9 spring training franchise facility or holds title to the  
10 property on which the retained spring training facility is  
11 located; that the applicant has a verified copy of a signed  
12 agreement with a retained spring training franchise for the  
13 use of the facility for a term of at least 15 years; that the  
14 applicant has a financial commitment to provide 50 percent or  
15 more of the funds required by an agreement for the use of the  
16 facility by the retained spring training franchise; and that  
17 the applicant has projections, verified by the Office of  
18 Tourism, Trade, and Economic Development, which demonstrate  
19 that the retained facility will attract a paid attendance of  
20 at least 50,000 annually.

21           Section 3. This act shall take effect July 1, 1999.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1940  
4     The CS differs from the bill in the following ways:  
5     Deletes sections 2 and 3, which provided a monthly  
6     distribution from state sales taxes for qualified retained  
7     spring training franchise facilities;  
8     Includes a definition of retained spring training franchise in  
9     s. 125.0104, F.S.;  
10    Appropriates to any county from General Revenue \$7.5 million,  
11    under certain conditions, to be used for the acquisition,  
12    construction, reconstruction, or renovation of any privately  
13    owned spring training franchise facility.  
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