

By Representative Sembler

1 A bill to be entitled
2 An act relating to spring training franchise
3 facilities; amending s. 125.0104, F.S.;
4 providing that the additional local option
5 tourist development taxes presently authorized
6 to finance the construction or renovation of a
7 professional sports franchise facility may also
8 be used to finance the acquisition,
9 construction, or renovation of a retained
10 spring training franchise facility; correcting
11 a reference; amending s. 288.1162, F.S.;
12 providing for certification of retained spring
13 training franchise facilities by the Office of
14 Tourism, Trade, and Economic Development;
15 providing a definition; providing certification
16 requirements; providing for use of funds
17 distributed pursuant to s. 212.20, F.S., to
18 such facilities; excluding new and retained
19 spring training franchise facilities from the
20 limitation on the number of sports facilities
21 that may be certified under s. 288.1162, F.S.;
22 amending s. 212.20, F.S.; providing for a
23 monthly distribution of a portion of revenues
24 under ch. 212, F.S., to certified retained
25 spring training franchise facilities for a
26 specified period; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraphs (l) and (n) of subsection (3)
2 and paragraph (d) of subsection (5) of section 125.0104,
3 Florida Statutes, 1998 Supplement, are amended to read:

4 125.0104 Tourist development tax; procedure for
5 levying; authorized uses; referendum; enforcement.--

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 as defined
5 in s. 288.1162.

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7 A county that imposes the tax authorized in this paragraph may
8 not expend any ad valorem tax revenues for the acquisition,
9 construction, reconstruction, or renovation of that facility.

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

25 (5) AUTHORIZED USES OF REVENUE.--

26 (d) Any use of the local option tourist development
27 tax revenues collected pursuant to this section for a purpose
28 not expressly authorized by paragraph (3)(1) or paragraph
29 (3)~~(n)~~~~(o)~~ or paragraph (a), paragraph (b), or paragraph (c) of
30 this subsection is expressly prohibited.

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1 Section 2. Paragraph (f) of subsection (6) of section
2 212.20, Florida Statutes, 1998 Supplement, is amended to read:

3 212.20 Funds collected, disposition; additional powers
4 of department; operational expense; refund of taxes
5 adjudicated unconstitutionally collected.--

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

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

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

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

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

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

27 5. Of the remaining proceeds:

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

1 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be
2 distributed monthly by the department to each applicant that
3 has been certified as a "new spring training franchise
4 facility" pursuant to s. 288.1162. Beginning July 1, 1999,
5 \$41,667 shall be distributed monthly by the department to each
6 applicant that has been certified as a "retained spring
7 training franchise facility" pursuant to s. 288.1162.
8 Distributions shall begin 60 days following such certification
9 and shall continue for 30 years. Nothing contained herein
10 shall be construed to allow an applicant certified pursuant to
11 s. 288.1162 to receive more in distributions than actually
12 expended by the applicant for the public purposes provided for
13 in s. 288.1162(7). However, a certified applicant shall
14 receive distributions up to the maximum amount allowable and
15 undistributed under this section for additional renovations
16 and improvements to the facility for the franchise without
17 additional certification.

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

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

3 Section 3. Section 288.1162, Florida Statutes, is
4 amended to read:

5 288.1162 Professional sports franchises; spring
6 training franchises; duties.--

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

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

18 (3) As used in this section:

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

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

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

1 (a) A "unit of local government" as defined in s.
2 218.369 is responsible for the construction, management, or
3 operation of the professional sports franchise facility or
4 holds title to the property on which the professional sports
5 franchise facility is located.

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

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

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

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

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

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

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

18 (5) As used in this section:⁷

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

22 (b) "Retained spring training franchise" means a
23 spring training franchise that had a location in this state on
24 or before December 31, 1998, and that has continuously
25 remained at that location for at least the 10 years preceding
26 that date.

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

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

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

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

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

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

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

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

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

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

1 2. The applicant has a verified copy of a signed
2 agreement with a retained spring training franchise for the
3 use of the facility for a term of at least 15 years.

4 3. The applicant has a financial commitment to provide
5 50 percent or more of the funds required by an agreement for
6 the use of the facility by the retained spring training
7 franchise.

8 4. The applicant has projections, verified by the
9 Office of Tourism, Trade, and Economic Development, which
10 demonstrate that the retained spring training franchise
11 facility will attract a paid attendance of at least 50,000
12 annually.

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

1 the payment of debt service on, or to fund debt service
2 reserve funds, arbitrage rebate obligations, or other amounts
3 payable with respect to, bonds issued for the acquisition,
4 construction, reconstruction, or renovation of such facility
5 or for the reimbursement of such costs or the refinancing of
6 bonds issued for such purposes.

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

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

29 (10) An applicant shall not be qualified for
30 certification under this section if the franchise formed the
31 basis for a previous certification, unless the previous

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

12 Section 4. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

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17 Provides that the additional local option tourist
18 development taxes presently authorized to finance the
19 construction or renovation of a professional sports
franchise facility may also be used to finance the
acquisition, construction, or renovation of a retained
spring training franchise facility.

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21 Provides for certification of retained spring training
22 franchise facilities by the Office of Tourism, Trade, and
23 Economic Development and provides certification
24 requirements. Provides for a monthly distribution of a
portion of sales tax revenues to certified retained
spring training franchise facilities for a specified
period, and provides for use of such funds by those
facilities.

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26 Excludes new and retained spring training franchise
27 facilities from the limitation on the number of sports
28 facilities that may be certified under s. 288.1162, F.S.

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