

By the Committee on Tourism and Representatives Sembler,
Sobel and Crow

1 A bill to be entitled
2 An act relating to spring training franchise
3 facilities; amending s. 212.20, F.S.; providing
4 for a monthly distribution of a portion of
5 revenues under chapter 212, F.S., to certified
6 facilities for retained spring training
7 franchises for a specified period; providing an
8 aggregate limit on monthly distributions to all
9 certified facilities for a retained spring
10 training franchise; amending s. 288.1162, F.S.;
11 redefining the term "new spring training
12 franchise facility"; providing for
13 certification of facilities for a retained
14 spring training franchise by the Office of
15 Tourism, Trade, and Economic Development;
16 providing certification requirements; providing
17 for competitive evaluation of applications for
18 funding; providing evaluation criteria;
19 providing for use of funds distributed pursuant
20 to s. 212.20, F.S., to such facilities;
21 requiring the Office of Tourism, Trade, and
22 Economic Development to certify a specified
23 number of sports facilities, and a specified
24 number of facilities for retained spring
25 training franchises, under s. 288.1162, F.S.;
26 providing an effective date.

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28 WHEREAS, Major League Baseball Spring Training has been
29 a part of Florida's history since the early 1900's with teams
30 such as the 1999 World Champion New York Yankees training in
31 this state continuously since 1919, and

1 WHEREAS, each year over 1.5 million fans enjoy Major
2 League Baseball Spring Training games at the 19 spring
3 training facilities located around the state which contributes
4 over \$300 million in economic impact to our state's economy,
5 and

6 WHEREAS, Major League Baseball Spring Training is an
7 integral part of Florida's history and our economy and has a
8 rich tradition of offering affordable entertainment to
9 Florida's visitors, our children, and our seniors, NOW,
10 THEREFORE,

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

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14 Section 1. Paragraph (f) of subsection (6) of section
15 212.20, Florida Statutes, is amended to read:

16 212.20 Funds collected, disposition; additional powers
17 of department; operational expense; refund of taxes
18 adjudicated unconstitutionally collected.--

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

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

23 1. In any fiscal year, the greater of \$500 million,
24 minus an amount equal to 4.6 percent of the proceeds of the
25 taxes collected pursuant to chapter 201, or 5 percent of all
26 other taxes and fees imposed pursuant to this chapter shall be
27 deposited in monthly installments into the General Revenue
28 Fund.

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

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

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

10 5. Of the remaining proceeds:

11 a. The department shall distribute ~~Beginning July 1,~~
12 ~~1992,~~ \$166,667 ~~shall be distributed~~ monthly pursuant to s.
13 288.1162 ~~by the department~~ to each applicant that has been
14 certified as a "facility for a new professional sports
15 franchise" or a "facility for a retained professional sports
16 franchise" pursuant to s. 288.1162. Up to and \$41,667 shall be
17 distributed monthly by the department to each applicant that
18 has been certified as a "facility for a retained new spring
19 training franchise ~~facility~~" pursuant to s. 288.1162; however,
20 not more than \$208,335 may be distributed monthly in the
21 aggregate to all certified facilities for a retained spring
22 training franchise. Distributions shall begin 60 days
23 following such certification and shall continue for not more
24 than 30 years. Nothing contained in this paragraph ~~herein~~
25 shall be construed to allow an applicant certified pursuant to
26 s. 288.1162 to receive more in distributions than actually
27 expended by the applicant for the public purposes provided for
28 in s. 288.1162~~(6)(7)~~. However, a certified applicant is
29 entitled to ~~shall~~ receive distributions up to the maximum
30 amount allowable and undistributed under this section for
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1 additional renovations and improvements to the facility for
2 the franchise without additional certification.

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

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

16 6. All other proceeds shall remain with the General
17 Revenue Fund.

18 Section 2. Section 288.1162, Florida Statutes, is
19 amended to read:

20 288.1162 Professional sports franchises; spring
21 training franchises; duties.--

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

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

1 (3) As used in this section, the term:

2 (a) "New professional sports franchise" means a
3 professional sports franchise that is not based in this state
4 prior to April 1, 1987.

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

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

15 (a) A "unit of local government" as defined in s.
16 218.369 is responsible for the construction, management, or
17 operation of the professional sports franchise facility or
18 holds title to the property on which the professional sports
19 franchise facility is located.

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

25 (c) The applicant has a verified copy of the approval
26 from the governing authority of the league in which the new
27 professional sports franchise exists authorizing the location
28 of the professional sports franchise in this state after April
29 1, 1987, or in the case of a retained professional sports
30 franchise, verified evidence that it has had a
31 league-authorized location in this state on or before December

1 31, 1976. The term "league" means the National League or the
2 American League of Major League Baseball, the National
3 Basketball Association, the National Football League, or the
4 National Hockey League.

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

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

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

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

27 (h) No applicant previously certified under any
28 provision of this section who has received funding under such
29 certification shall be eligible for an additional
30 certification.

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1 (5)(a) As used in this section, the term "retained new
2 spring training franchise" means a spring training franchise
3 that has been ~~is not~~ based in this state prior to January 1,
4 2000 ~~July 1, 1990~~.

5 ~~(b)(6)~~ Prior to certifying an applicant as a "facility
6 for a retained new spring training franchise facility," the
7 Office of Tourism, Trade, and Economic Development must
8 determine that:

9 1.(a) A "unit of local government" as defined in s.
10 218.369 is responsible for the acquisition, construction,
11 management, or operation of the facility for a retained new
12 spring training franchise facility or holds title to the
13 property on which the facility for a retained new spring
14 training franchise facility is located.

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

18 3.(c) The applicant has a financial commitment to
19 provide 50 percent or more of the funds required by an
20 agreement for the acquisition, construction, or renovation use
21 of the facility for a retained ~~by the new~~ spring training
22 franchise. The agreement can be contingent upon the awarding
23 of funds under this section and other conditions precedent to
24 use by the spring training franchise.

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

28 4.(e) The applicant has projections, verified by the
29 Office of Tourism, Trade, and Economic Development, which
30 demonstrate that the facility for a retained new spring
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1 training franchise ~~facility~~ will attract a paid attendance of
2 at least 50,000 annually.

3 ~~5.(f)~~ The facility for a retained ~~new~~ spring training
4 franchise ~~facility~~ is located in a county that is levying a
5 tourist development tax pursuant to s. 125.0104(3)(b), (c),
6 (d), and (l), at the rate of 4 percent by March 1, 1992, and,
7 87.5 percent of the proceeds from such tax are dedicated for
8 the construction of a spring training complex.

9 (c) The Office of Tourism, Trade, and Economic
10 Development shall competitively evaluate applications for
11 funding of a facility for a retained spring training
12 franchise. Applications must be submitted by October 1, 2000,
13 with certifications to be made by January 1, 2001. If the
14 number of applicants exceeds five and the aggregate funding
15 request of all applications exceeds \$208,335 per month, the
16 office shall rank the applications according to a selection
17 criteria, certifying the highest ranked proposals. The
18 evaluation criteria shall include, with priority given in
19 descending order to the following items:

20 1. The intended use of the funds by the applicant,
21 with priority given to the construction of a new facility.

22 2. The length of time that the existing franchise has
23 been located in the state, with priority given to retaining
24 franchises that have been in the same location the longest.

25 3. For those teams leasing a spring training facility
26 from a unit of local government, the remaining time on the
27 lease for facilities used by the spring training franchise,
28 with priority given to the shortest time period remaining on
29 the lease.

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1 4. The duration of the future-use agreement with the
2 retained spring training franchise, with priority given to the
3 future-use agreement having the longest duration.

4 5. The amount of the local match, with priority given
5 to the largest percentage of local match proposed.

6 6. The net increase of total active recreation space
7 owned by the applying unit of local government following the
8 acquisition of land for the spring training facility, with
9 priority given to the largest percentage increase of total
10 active recreation space.

11 7. The location of the facility in a brownfield, an
12 enterprise zone, a community redevelopment area, or other area
13 of targeted development or revitalization included in an Urban
14 Infill Redevelopment Plan, with priority given to facilities
15 located in these areas.

16 8. The projections on paid attendance attracted by the
17 facility and the proposed effect on the economy of the local
18 community, with priority given to the highest projected paid
19 attendance.

20 (d) Funds may not be expended to subsidize privately
21 owned and maintained facilities for use by the spring training
22 franchise or to relocate an existing spring training franchise
23 to another unit of local government within the state.

24 (6)(7) An applicant certified as a facility for a new
25 professional sports franchise or a facility for a retained
26 professional sports franchise or as a facility for a retained
27 ~~new~~ spring training franchise ~~facility~~ may use funds provided
28 pursuant to s. 212.20 only for the public purpose of paying
29 for the acquisition, construction, reconstruction, or
30 renovation of a facility for a new professional sports
31 franchise, a facility for a retained professional sports

1 franchise, or a facility for a retained new spring training
2 franchise ~~facility~~ or to pay or pledge for the payment of debt
3 service on, or to fund debt service reserve funds, arbitrage
4 rebate obligations, or other amounts payable with respect to,
5 bonds issued for the acquisition, construction,
6 reconstruction, or renovation of such facility or for the
7 reimbursement of such costs or the refinancing of bonds issued
8 for such purposes.

9 ~~(7)(8)~~ The Office of Tourism, Trade, and Economic
10 Development shall notify the Department of Revenue of any
11 facility certified as a facility for a new professional sports
12 franchise or a facility for a retained professional sports
13 franchise or as a facility for a retained new spring training
14 franchise ~~facility~~. The Office of Tourism, Trade, and
15 Economic Development shall ~~may~~ certify no more than eight
16 facilities as facilities for a new professional sports
17 franchise ~~or~~ as facilities for a retained professional sports
18 franchise and shall certify at least five, ~~or~~ as facilities
19 for retained new spring training franchises ~~franchise~~
20 ~~facilities~~, including in such total any facilities certified
21 by the Department of Commerce before July 1, 1996. The office
22 may make no more than one certification for any facility. The
23 office may not certify funding for less than the requested
24 amount to any applicant certified as a facility for a retained
25 spring training franchise.

26 ~~(8)(9)~~ The Department of Revenue may audit as provided
27 in s. 213.34 to verify that the distributions pursuant to this
28 section have been expended as required in this section. Such
29 information is subject to the confidentiality requirements of
30 chapter 213. If the Department of Revenue determines that the
31 distributions pursuant to this section have not been expended

1 as required by this section, it may pursue recovery of such
2 funds pursuant to the laws and rules governing the assessment
3 of taxes.

4 (9)~~(10)~~ An applicant is ~~shall~~ not ~~be~~ qualified for
5 certification under this section if the franchise formed the
6 basis for a previous certification, unless the previous
7 certification was withdrawn by the facility or invalidated by
8 the Office of Tourism, Trade, and Economic Development or the
9 Department of Commerce before any funds were distributed
10 pursuant to s. 212.20. This subsection does not disqualify an
11 applicant if the previous certification occurred between May
12 23, 1993, and May 25, 1993; however, any funds to be
13 distributed pursuant to s. 212.20 for the second certification
14 shall be offset by the amount distributed to the previous
15 certified facility. Distribution of funds for the second
16 certification shall not be made until all amounts payable for
17 the first certification have been distributed.

18 Section 3. This act shall take effect upon becoming a
19 law.

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