

By Senators Latvala, Laurent, Myers, Kurth, Sullivan and Carlton

19-426E-00

1 A bill to be entitled
2 An act relating to spring training facilities;
3 amending s. 212.20, F.S.; providing for the
4 distribution of specified sales tax proceeds
5 for professional sports facilities; amending s.
6 288.1162, F.S.; redefining the term "new spring
7 training franchise"; directing the Department
8 of Tourism, Trade, and Economic Development to
9 provide funding for a limited number of
10 facilities for retained spring training
11 franchises; providing criteria for setting
12 priorities; providing an effective date.

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

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

23 WHEREAS, Major League Baseball Spring Training is an
24 integral part of Florida's history and our economy and has a
25 rich tradition of offering affordable entertainment to
26 Florida's visitors, our children, and our seniors, NOW,
27 THEREFORE,

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

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1 Section 1. Paragraph (f) of subsection (5) of section
2 212.20, Florida Statutes, 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 (5) For the purposes of this section:

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

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

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

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

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

26 5. Of the remaining proceeds:

27 a. The department shall distribute ~~Beginning July 1,~~
28 ~~1992,~~\$166,667 shall be distributed monthly pursuant to s.
29 288.1162 ~~by the department~~ to each applicant that has been
30 certified as a "facility for a new professional sports
31 franchise." Up to ~~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 "facility for a retained new spring
4 training franchise ~~facility~~" pursuant to s. 288.1162; however,
5 not more than \$208,335 may be distributed monthly in the
6 aggregate to all certified facilities for a retained spring
7 training franchise. Distributions shall begin 60 days
8 following such certification and shall continue for not more
9 than 30 years. Nothing contained in this paragraph 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 is entitled
14 to ~~shall~~ receive distributions up to the maximum amount
15 allowable and undistributed under this section for additional
16 renovations and improvements to the facility for the franchise
17 without 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 (7) For the 1999-2000 fiscal year only, the use of
4 funds allocated to the Solid Waste Management Trust Fund shall
5 be as provided in the General Appropriations Act. There is
6 transferred \$15.5 million for surface water improvement and
7 management projects and \$10 million for the aquatic weed
8 control program from revenues provided by this section. This
9 subsection is repealed on July 1, 2000.

10 Section 2. Section 288.1162, Florida Statutes, is
11 amended to read:

12 288.1162 Professional sports franchises; spring
13 training franchises; duties.--

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

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

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

25 (a) "New professional sports franchise" means a
26 professional sports franchise that is not based in this state
27 prior to April 1, 1987.

28 (b) "Retained professional sports franchise" means a
29 professional sports franchise that has had a league-authorized
30 location in this state on or before December 31, 1976, and has
31 continuously remained at that location, and has never been

1 | located at a facility that has been previously certified under
2 | any provision of this section.

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

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

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

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

28 | (d) The applicant has projections, verified by the
29 | Office of Tourism, Trade, and Economic Development, which
30 | demonstrate that the new or retained professional sports
31 |

1 franchise will attract a paid attendance of more than 300,000
2 annually.

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

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

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

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

24 (5)(a) As used in this section, the term "facility for
25 a retained new spring training franchise" means a facility
26 used by a spring training franchise that was built before is
27 ~~not based in this state prior to~~ July 1, 1990.

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

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

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

10 3.(c) The applicant has a financial commitment to
11 provide 50 percent or more of the funds required by an
12 agreement for the acquisition, construction, or renovation use
13 of the facility for a retained ~~by the new~~ spring training
14 franchise. The agreement can be contingent upon the awarding
15 of funds under this section and other conditions precedent to
16 use by the spring training franchise.

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

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

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

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1 (c) The Office of Tourism, Trade, and Economic
2 Development shall competitively evaluate applications for
3 funding of a facility for a retained spring training
4 franchise. Applications must be submitted by October 1, 2000,
5 with certifications to be made by January 1, 2001. If the
6 number of applicants exceeds five and the aggregate funding
7 request of all applications exceeds \$208,335 per month, the
8 office shall rank the applications according to a selection
9 criteria, certifying the highest ranked proposals. The
10 evaluation criteria shall include, with priority given in
11 descending order to the following items:
12 1. The intended use of the funds by the applicant,
13 with priority given to the construction of a new facility.
14 2. The length of time that the existing franchise has
15 been located in the state, with priority given to retaining
16 franchises that have been in the the same location the
17 longest.
18 3. For those teams leasing a spring training facility
19 from a unit of local government, the remaining time on the
20 lease for facilities used by the spring training franchise,
21 with priority given to the shortest time period remaining on
22 the lease.
23 4. The duration of the future-use agreement with the
24 retained spring training franchise, with priority given to the
25 future-use agreement having the longest duration.
26 5. The size and amount of dollars involved in the
27 local match, with priority given to the largest percentage of
28 local match proposed.
29 6. The net increase of total active recreation space
30 owned by the applying unit of local government following the
31 acquisition of land for the spring training facility, with

1 priority given to the largest percentage increase of total
2 active recreation space.

3 7. The location of the facility in a brownfield, an
4 enterprise zone, a community redevelopment area, or other area
5 of targeted development or revitalization included in an Urban
6 Infill Redevelopment Plan.

7 8. The projections on paid attendance attracted by the
8 facility and the proposed effect on the economy of the local
9 community.

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

14 (6)(7) An applicant certified as a facility for a new
15 professional sports franchise or a facility for a retained
16 professional sports franchise or as a facility for a retained
17 ~~new~~ spring training franchise ~~facility~~ may use funds provided
18 pursuant to s. 212.20 only for the public purpose of paying
19 for the acquisition, construction, reconstruction, or
20 renovation of a facility for a new professional sports
21 franchise, a facility for a retained professional sports
22 franchise, or a facility for a retained ~~new~~ spring training
23 franchise ~~facility~~ or to pay or pledge for the payment of debt
24 service on, or to fund debt service reserve funds, arbitrage
25 rebate obligations, or other amounts payable with respect to,
26 bonds issued for the acquisition, construction,
27 reconstruction, or renovation of such facility or for the
28 reimbursement of such costs or the refinancing of bonds issued
29 for such purposes.

30 (7)(8) The Office of Tourism, Trade, and Economic
31 Development shall notify the Department of Revenue of any

1 facility certified as a facility for a new professional sports
2 franchise or a facility for a facility retained professional
3 sports franchise or as a facility for a retained new spring
4 training franchise ~~facility~~. The Office of Tourism, Trade,
5 and Economic Development shall ~~may~~ certify no more than eight
6 facilities as facilities for a new professional sports
7 franchise or, as facilities for a retained professional sports
8 franchise and shall certify at least five, ~~or~~ as facilities
9 for retained new spring training franchises ~~franchise~~
10 ~~facilities~~, including in such total any facilities certified
11 by the Department of Commerce before July 1, 1996. The office
12 may make no more than one certification for any facility. The
13 office may not certify partial funding to any applicant
14 certified as a facility for a retained spring training
15 facility.

16 (8)~~(9)~~ The Department of Revenue may audit as provided
17 in s. 213.34 to verify that the distributions pursuant to this
18 section have been expended as required in this section. Such
19 information is subject to the confidentiality requirements of
20 chapter 213. If the Department of Revenue determines that the
21 distributions pursuant to this section have not been expended
22 as required by this section, it may pursue recovery of such
23 funds pursuant to the laws and rules governing the assessment
24 of taxes.

25 (9)~~(10)~~ An applicant is ~~shall~~ not ~~be~~ qualified for
26 certification under this section if the franchise formed the
27 basis for a previous certification, unless the previous
28 certification was withdrawn by the facility or invalidated by
29 the Office of Tourism, Trade, and Economic Development or the
30 Department of Commerce before any funds were distributed
31 pursuant to s. 212.20. This subsection does not disqualify an

1 applicant if the previous certification occurred between May
2 23, 1993, and May 25, 1993; however, any funds to be
3 distributed pursuant to s. 212.20 for the second certification
4 shall be offset by the amount distributed to the previous
5 certified facility. Distribution of funds for the second
6 certification shall not be made until all amounts payable for
7 the first certification have been distributed.

8 Section 3. This act shall take effect upon becoming a
9 law.

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12 SENATE SUMMARY

13 Provides for the distribution of sales tax proceeds for
14 professional sports facilities. Provides criteria for the
15 Department of Tourism, Trade, and Economic Development to
16 fund retained spring training franchise facilities.
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