



1 Section 1. Paragraph (f) of subsection (6) 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 (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. The department shall distribute ~~Beginning July 1,~~  
29 ~~1992,~~\$166,667 ~~shall be distributed~~ monthly pursuant to s.  
30 288.1162 ~~by the department~~ to each applicant that has been  
31 certified as a "facility for a new professional sports

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

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

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

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 "retained new  
25 spring training franchise" means a spring training franchise  
26 that has been ~~is not~~ based in this state prior to January 1,  
27 2000 ~~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 facility for a retained new  
4 spring training franchise ~~facility~~ or holds title to the  
5 property on which the facility for a retained new spring  
6 training franchise ~~facility~~ is 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.~~

31

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, with priority given to facilities  
7 located in these areas.

8 8. The projections on paid attendance attracted by the  
9 facility and the proposed effect on the economy of the local  
10 community, with priority given to the highest projected paid  
11 attendance.

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

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

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

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

27           ~~(9)(10)~~ An applicant is ~~shall~~ not ~~be~~ qualified for  
28 certification under this section if the franchise formed the  
29 basis for a previous certification, unless the previous  
30 certification was withdrawn by the facility or invalidated by  
31 the Office of Tourism, Trade, and Economic Development or the

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

10 Section 3. This act shall take effect upon becoming a  
11 law.

12  
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 SB1708

16 The CS makes the following changes to the bill:

17 removes the provision that deleted the Department of Revenue's  
18 authority to distribute sales tax proceeds to qualified  
19 retained professional sports franchises;

19 corrects a number of "scrivener's errors" in the bill;

20 expands the eligibility of facilities that apply for state  
21 funding, from franchises based in the state before 6-1-1990,  
22 to franchises based in the state prior to 1-1-2000;

22 clarifies the weight given certain criteria for ranking for  
23 state funding; and

24 clarifies OTTED's discretion in awarding partial funding to  
25 recipients.