

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, including options to renew
10 or extend the agreement, of at least 15 years.

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

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

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

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

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. The length of time that a facility to be used by a
19 retained spring training franchise has been used by one or
20 more spring training franchises, with priority given to a
21 facility that has been in continuous use as a facility for
22 spring training the longest.
23 4. For those teams leasing a spring training facility
24 from a unit of local government, the remaining time on the
25 lease for facilities used by the spring training franchise,
26 with priority given to the shortest time period remaining on
27 the lease.
28 5. The duration of the future-use agreement with the
29 retained spring training franchise, with priority given to the
30 future-use agreement having the longest duration.
31

1 6. The size and amount of dollars involved in the
2 local match, with priority given to the largest percentage of
3 local match proposed.

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

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

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

18 (d) Funds may not be expended to subsidize privately
19 owned and maintained facilities for use by the spring training
20 franchise. Funds may be used to relocate a retained spring
21 training franchise to another unit of local government only if
22 the existing unit of local government with the retained spring
23 training franchise agrees to the relocation.

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 facility.

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.

20
21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 CS/SB 1708

24 Adds to the qualifying criteria, options to renew or extend
25 the agreement in calculating the 15 years.

26 Allows for the continued use of a facility as a spring
27 training venue to be part of the criteria for selection.

28 Allows funds to be used for relocation of a franchise if the
29 local government from which it is relocating agrees to the
30 move.
31