

CHAMBER ACTION

1 The Tourism Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to professional sports franchises;
8 amending s. 212.20, F.S.; revising a limitation on monthly
9 aggregate distributions to certified facilities for a
10 retained spring training franchise; deleting provisions
11 with respect to the entitlement of certified applicants to
12 receive distributions for additional renovations and
13 improvements to a facility without additional
14 certification; amending s. 288.1162, F.S.; requiring a
15 verified copy of a binding agreement for payment of cost
16 overruns as prerequisite for certification under certain
17 circumstances; providing procedure for certification of
18 additional facilities for a retained spring training
19 franchise; providing for application and selection;
20 establishing maximum number of certifications and funding;
21 providing evaluation criteria; clarifying the number of
22 certifications of facilities for retained spring training
23 franchises; increasing the number of facilities certified

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24 | by the Office of Tourism, Trade, and Economic Development
 25 | as facilities for a new professional sports franchise or
 26 | as facilities for a retained professional sports
 27 | franchise; providing an additional exception to
 28 | disqualification for certification of an applicant when
 29 | the franchise formed the basis of a previous
 30 | certification; providing that payments to a certified
 31 | applicant may not extend beyond the period for which the
 32 | original certification was issued; specifying the date on
 33 | which an applicant certified after the effective date of
 34 | the act may receive disbursements; providing an effective
 35 | date.

36 |
 37 | Be It Enacted by the Legislature of the State of Florida:

38 |
 39 | Section 1. Paragraph (d) of subsection (6) of section
 40 | 212.20, Florida Statutes, is amended to read:

41 | 212.20 Funds collected, disposition; additional powers of
 42 | department; operational expense; refund of taxes adjudicated
 43 | unconstitutionally collected.--

44 | (6) Distribution of all proceeds under this chapter and s.
 45 | 202.18(1)(b) and (2)(b) shall be as follows:

46 | (d) The proceeds of all other taxes and fees imposed
 47 | pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 48 | and (2)(b) shall be distributed as follows:

49 | 1. In any fiscal year, the greater of \$500 million, minus
 50 | an amount equal to 4.6 percent of the proceeds of the taxes
 51 | collected pursuant to chapter 201, or 5 percent of all other

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52 | taxes and fees imposed pursuant to this chapter or remitted
53 | pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
54 | monthly installments into the General Revenue Fund.

55 | 2. Two-tenths of one percent shall be transferred to the
56 | Ecosystem Management and Restoration Trust Fund to be used for
57 | water quality improvement and water restoration projects.

58 | 3. After the distribution under subparagraphs 1. and 2.,
59 | 8.814 percent of the amount remitted by a sales tax dealer
60 | located within a participating county pursuant to s. 218.61
61 | shall be transferred into the Local Government Half-cent Sales
62 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
63 | be transferred pursuant to this subparagraph to the Local
64 | Government Half-cent Sales Tax Clearing Trust Fund shall be
65 | reduced by 0.1 percent, and the department shall distribute this
66 | amount to the Public Employees Relations Commission Trust Fund
67 | less \$5,000 each month, which shall be added to the amount
68 | calculated in subparagraph 4. and distributed accordingly.

69 | 4. After the distribution under subparagraphs 1., 2., and
70 | 3., 0.095 percent shall be transferred to the Local Government
71 | Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
72 | to s. 218.65.

73 | 5. After the distributions under subparagraphs 1., 2., 3.,
74 | and 4., 2.0440 percent of the available proceeds pursuant to
75 | this paragraph shall be transferred monthly to the Revenue
76 | Sharing Trust Fund for Counties pursuant to s. 218.215.

77 | 6. After the distributions under subparagraphs 1., 2., 3.,
78 | and 4., 1.3409 percent of the available proceeds pursuant to
79 | this paragraph shall be transferred monthly to the Revenue

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80 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
 81 the total revenue to be distributed pursuant to this
 82 subparagraph is at least as great as the amount due from the
 83 Revenue Sharing Trust Fund for Municipalities and the former
 84 Municipal Financial Assistance Trust Fund in state fiscal year
 85 1999-2000, no municipality shall receive less than the amount
 86 due from the Revenue Sharing Trust Fund for Municipalities and
 87 the former Municipal Financial Assistance Trust Fund in state
 88 fiscal year 1999-2000. If the total proceeds to be distributed
 89 are less than the amount received in combination from the
 90 Revenue Sharing Trust Fund for Municipalities and the former
 91 Municipal Financial Assistance Trust Fund in state fiscal year
 92 1999-2000, each municipality shall receive an amount
 93 proportionate to the amount it was due in state fiscal year
 94 1999-2000.

95 7. Of the remaining proceeds:

96 a. In each fiscal year, the sum of \$29,915,500 shall be
 97 divided into as many equal parts as there are counties in the
 98 state, and one part shall be distributed to each county. The
 99 distribution among the several counties shall begin each fiscal
 100 year on or before January 5th and shall continue monthly for a
 101 total of 4 months. If a local or special law required that any
 102 moneys accruing to a county in fiscal year 1999-2000 under the
 103 then-existing provisions of s. 550.135 be paid directly to the
 104 district school board, special district, or a municipal
 105 government, such payment shall continue until such time that the
 106 local or special law is amended or repealed. The state covenants
 107 with holders of bonds or other instruments of indebtedness

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108 | issued by local governments, special districts, or district
 109 | school boards prior to July 1, 2000, that it is not the intent
 110 | of this subparagraph to adversely affect the rights of those
 111 | holders or relieve local governments, special districts, or
 112 | district school boards of the duty to meet their obligations as
 113 | a result of previous pledges or assignments or trusts entered
 114 | into which obligated funds received from the distribution to
 115 | county governments under then-existing s. 550.135. This
 116 | distribution specifically is in lieu of funds distributed under
 117 | s. 550.135 prior to July 1, 2000.

118 | b. The department shall distribute \$166,667 monthly
 119 | pursuant to s. 288.1162 to each applicant that has been
 120 | certified as a "facility for a new professional sports
 121 | franchise" or a "facility for a retained professional sports
 122 | franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
 123 | distributed monthly by the department to each applicant that has
 124 | been certified as a "facility for a retained spring training
 125 | franchise" pursuant to s. 288.1162; however, not more than
 126 | \$333,336 ~~\$208,335~~ may be distributed monthly in the aggregate to
 127 | all certified facilities for a retained spring training
 128 | franchise. Distributions shall begin 60 days following such
 129 | certification and shall continue for not more than 30 years.
 130 | Nothing contained in this paragraph shall be construed to allow
 131 | an applicant certified pursuant to s. 288.1162 to receive more
 132 | in distributions than actually expended by the applicant for the
 133 | public purposes provided for in s. 288.1162(6). ~~However, a~~
 134 | ~~certified applicant is entitled to receive distributions up to~~
 135 | ~~the maximum amount allowable and undistributed under this~~

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136 ~~section for additional renovations and improvements to the~~
 137 ~~facility for the franchise without additional certification.~~

138 c. Beginning 30 days after notice by the Office of
 139 Tourism, Trade, and Economic Development to the Department of
 140 Revenue that an applicant has been certified as the professional
 141 golf hall of fame pursuant to s. 288.1168 and is open to the
 142 public, \$166,667 shall be distributed monthly, for up to 300
 143 months, to the applicant.

144 d. Beginning 30 days after notice by the Office of
 145 Tourism, Trade, and Economic Development to the Department of
 146 Revenue that the applicant has been certified as the
 147 International Game Fish Association World Center facility
 148 pursuant to s. 288.1169, and the facility is open to the public,
 149 \$83,333 shall be distributed monthly, for up to 168 months, to
 150 the applicant. This distribution is subject to reduction
 151 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
 152 made, after certification and before July 1, 2000.

153 8. All other proceeds shall remain with the General
 154 Revenue Fund.

155 Section 2. Paragraph (h) of subsection (4) of section
 156 288.1162, Florida Statutes, is redesignated as paragraph (i), a
 157 new paragraph (h) is added to said subsection, and paragraph (c)
 158 of subsection (5) and subsections (7) and (9) of section
 159 288.1162, Florida Statutes, are amended, to read:

160 288.1162 Professional sports franchises; spring training
 161 franchises; duties.--

162 (4) Prior to certifying an applicant as a "facility for a
 163 new professional sports franchise" or a "facility for a retained

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164 professional sports franchise," the Office of Tourism, Trade,
165 and Economic Development must determine that:

166 (h) The applicant for a facility for a new professional
167 sports franchise has a verified copy of a binding agreement with
168 the new professional sports franchise that requires the
169 franchise to pay for any cost overrun when the franchise was
170 used as the basis for the original certification of the
171 applicant described in paragraph (9)(a) and is the basis for the
172 current certification request.

173 (i)~~(h)~~ No applicant previously certified under any
174 provision of this section who has received funding under such
175 certification shall be eligible for an additional certification.

176 (5)

177 (c)1. The Office of Tourism, Trade, and Economic
178 Development shall competitively evaluate applications for
179 funding of a facility for a retained spring training franchise.
180 Applications must be submitted by October 1, 2000, with
181 certifications to be made by January 1, 2001. If the number of
182 applicants exceeds five and the aggregate funding request of all
183 applications exceeds \$208,335 per month, the office shall rank
184 the applications according to a selection criteria, certifying
185 the highest ranked proposals. The evaluation criteria shall
186 include, with priority given in descending order to the
187 following items:

188 a.1.~~1.~~ The intended use of the funds by the applicant, with
189 priority given to the construction of a new facility.

190 ~~b.2.~~ The length of time that the existing franchise has
191 been located in the state, with priority given to retaining
192 franchises that have been in the same location the longest.

193 ~~c.3.~~ The length of time that a facility to be used by a
194 retained spring training franchise has been used by one or more
195 spring training franchises, with priority given to a facility
196 that has been in continuous use as a facility for spring
197 training the longest.

198 ~~d.4.~~ For those teams leasing a spring training facility
199 from a unit of local government, the remaining time on the lease
200 for facilities used by the spring training franchise, with
201 priority given to the shortest time period remaining on the
202 lease.

203 ~~e.5.~~ The duration of the future-use agreement with the
204 retained spring training franchise, with priority given to the
205 future-use agreement having the longest duration.

206 ~~f.6.~~ The amount of the local match, with priority given to
207 the largest percentage of local match proposed.

208 ~~g.7.~~ The net increase of total active recreation space
209 owned by the applying unit of local government following the
210 acquisition of land for the spring training facility, with
211 priority given to the largest percentage increase of total
212 active recreation space.

213 ~~h.8.~~ The location of the facility in a brownfield, an
214 enterprise zone, a community redevelopment area, or other area
215 of targeted development or revitalization included in an Urban
216 Infill Redevelopment Plan, with priority given to facilities
217 located in these areas.

218 ~~i.9.~~ The projections on paid attendance attracted by the
 219 facility and the proposed effect on the economy of the local
 220 community, with priority given to the highest projected paid
 221 attendance.

222 2. Beginning July 1, 2005, the Office of Tourism, Trade,
 223 and Economic Development shall competitively evaluate
 224 applications for funding of facilities for retained spring
 225 training franchises in addition to those certified and funded
 226 under subparagraph 1. Applications must be submitted by October
 227 1, 2005, with certifications to be made by January 1, 2006. The
 228 office shall rank the applications according to selection
 229 criteria, certifying no more than three proposals. The aggregate
 230 funding request of all applicants certified shall not exceed
 231 \$125,001 per month. The evaluation criteria shall include the
 232 following, with priority given in descending order:

233 a. The intended use of the funds by the applicant for
 234 acquisition or construction of a new facility.

235 b. The intended use of the funds by the applicant to
 236 renovate a facility.

237 c. The length of time that a facility to be used by a
 238 retained spring training franchise has been used by one or more
 239 spring training franchises, with priority given to a facility
 240 that has been in continuous use as a facility for spring
 241 training the longest.

242 d. For those teams leasing a spring training facility from
 243 a unit of local government, the remaining time on the lease for
 244 facilities used by the spring training franchise, with priority
 245 given to the shortest time period remaining on the lease. For

246 consideration under this subparagraph, the remaining time on the
 247 lease shall not exceed 4 years.

248 e. The duration of the future-use agreement with the
 249 retained spring training franchise, with priority given to the
 250 future-use agreement having the longest duration.

251 f. The amount of the local match, with priority given to
 252 the largest percentage of local match proposed.

253 g. The net increase of total active recreation space owned
 254 by the applying unit of local government following the
 255 acquisition of land for the spring training facility, with
 256 priority given to the largest percentage increase of total
 257 active recreation space.

258 h. The location of the facility in a brownfield area, an
 259 enterprise zone, a community redevelopment area, or another area
 260 of targeted development or revitalization included in an Urban
 261 Infill Redevelopment Plan, with priority given to facilities
 262 located in those areas.

263 i. The projections on paid attendance attracted by the
 264 facility and the proposed effect on the economy of the local
 265 community, with priority given to the highest projected paid
 266 attendance.

267 (7) The Office of Tourism, Trade, and Economic Development
 268 shall notify the Department of Revenue of any facility certified
 269 as a facility for a new professional sports franchise or a
 270 facility for a retained professional sports franchise or as a
 271 facility for a retained spring training franchise. The Office of
 272 Tourism, Trade, and Economic Development shall certify no more
 273 than nine ~~eight~~ facilities as facilities for a new professional

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274 sports franchise or as facilities for a retained professional
 275 sports franchise ~~and shall certify at least five as facilities~~
 276 ~~for retained spring training franchises~~, including in such total
 277 any facilities certified by the Department of Commerce before
 278 July 1, 1996. The number of certifications of facilities for
 279 retained spring training franchises shall be pursuant to
 280 subsection (5). The office may make no more than one
 281 certification for any facility. The office may not certify
 282 funding for less than the requested amount to any applicant
 283 certified as a facility for a retained spring training
 284 franchise.

285 (9)(a) An applicant is not qualified for certification
 286 under this section if the franchise formed the basis for a
 287 previous certification, unless:

288 1. The previous certification was withdrawn by the
 289 facility or invalidated by the Office of Tourism, Trade, and
 290 Economic Development or the Department of Commerce before any
 291 funds were distributed pursuant to s. 212.20; ~~or-~~

292 2. The previous certification was for an applicant that
 293 served as the home facility for two professional sports
 294 franchises and the franchise was used as a basis for the
 295 certification of a new applicant. Notwithstanding any other
 296 provision of this section, the franchise continuing to use the
 297 original applicant shall be deemed the franchise forming the
 298 basis of the previous certification and the previous
 299 certification shall continue to apply for the time period
 300 permitted from the original date of certification.

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301 (b) This subsection does not disqualify an applicant if
 302 the previous certification occurred between May 23, 1993, and
 303 May 25, 1993; however, any funds to be distributed pursuant to
 304 s. 212.20 for the second certification shall be offset by the
 305 amount distributed to the previous certified facility.
 306 Distribution of funds for the second certification shall not be
 307 made until all amounts payable for the first certification have
 308 been distributed.

309 (c) Payments to a certified applicant may not extend
 310 beyond the period for which the original certification was
 311 issued.

312 Section 3. Notwithstanding any other provision of law, an
 313 applicant that is certified after the effective date of this act
 314 pursuant to s. 288.1162, Florida Statutes, by the Office of
 315 Tourism, Trade, and Economic Development as a facility for a new
 316 professional sports franchise or a facility for a retained
 317 professional sports franchise may not receive disbursements
 318 pursuant to s. 212.20(6)(d)7.b., Florida Statutes, until July 1,
 319 2006.

320 Section 4. This act shall take effect upon becoming a law.