

By Senator Campbell

32-1118-05

1                                   A bill to be entitled  
2           An act relating to economic-development  
3           incentives; amending s. 212.20, F.S.; providing  
4           for distribution of a portion of revenues from  
5           the tax on sales, use, and other transactions  
6           to specified units of local government owning  
7           eligible convention centers; amending s.  
8           288.1162, F.S.; providing a procedure for  
9           certification of additional facilities for a  
10          retained spring training franchise; providing  
11          for application and selection; establishing a  
12          maximum number of certifications and the  
13          funding per application cycle; clarifying the  
14          number of certifications of facilities for  
15          retained spring training franchises; providing  
16          an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Paragraph (d) of subsection (6) of section  
21 212.20, Florida Statutes, is amended to read:

22           212.20 Funds collected, disposition; additional powers  
23 of department; operational expense; refund of taxes  
24 adjudicated unconstitutionally collected.--

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

27           (d) The proceeds of all other taxes and fees imposed  
28 pursuant to this chapter or remitted pursuant to s.  
29 202.18(1)(b) and (2)(b) shall be distributed as follows:

30           1. In any fiscal year, the greater of \$500 million,  
31 minus an amount equal to 4.6 percent of the proceeds of the

1 | taxes collected pursuant to chapter 201, or 5 percent of all  
2 | other taxes and fees imposed pursuant to this chapter or  
3 | remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be  
4 | deposited in monthly installments into the General Revenue  
5 | Fund.

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

9 |         3. After the distribution under subparagraphs 1. and  
10 | 2., 8.814 percent of the amount remitted by a sales tax dealer  
11 | located within a participating county pursuant to s. 218.61  
12 | shall be transferred into the Local Government Half-cent Sales  
13 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
14 | be transferred pursuant to this subparagraph to the Local  
15 | Government Half-cent Sales Tax Clearing Trust Fund shall be  
16 | reduced by 0.1 percent, and the department shall distribute  
17 | this amount to the Public Employees Relations Commission Trust  
18 | Fund less \$5,000 each month, which shall be added to the  
19 | amount calculated in subparagraph 4. and distributed  
20 | accordingly.

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

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

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

1 Sharing Trust Fund for Municipalities pursuant to s. 218.215.  
2 If the total revenue to be distributed pursuant to this  
3 subparagraph is at least as great as the amount due from the  
4 Revenue Sharing Trust Fund for Municipalities and the former  
5 Municipal Financial Assistance Trust Fund in state fiscal year  
6 1999-2000, no municipality shall receive less than the amount  
7 due from the Revenue Sharing Trust Fund for Municipalities and  
8 the former Municipal Financial Assistance Trust Fund in state  
9 fiscal year 1999-2000. If the total proceeds to be distributed  
10 are less than the amount received in combination from the  
11 Revenue Sharing Trust Fund for Municipalities and the former  
12 Municipal Financial Assistance Trust Fund in state fiscal year  
13 1999-2000, each municipality shall receive an amount  
14 proportionate to the amount it was due in state fiscal year  
15 1999-2000.

16         7. Of the remaining proceeds:

17         a. In each fiscal year, the sum of \$29,915,500 shall  
18 be divided into as many equal parts as there are counties in  
19 the state, and one part shall be distributed to each county.  
20 The distribution among the several counties shall begin each  
21 fiscal year on or before January 5th and shall continue  
22 monthly for a total of 4 months. If a local or special law  
23 required that any moneys accruing to a county in fiscal year  
24 1999-2000 under the then-existing provisions of s. 550.135 be  
25 paid directly to the district school board, special district,  
26 or a municipal government, such payment shall continue until  
27 such time that the local or special law is amended or  
28 repealed. The state covenants with holders of bonds or other  
29 instruments of indebtedness issued by local governments,  
30 special districts, or district school boards prior to July 1,  
31 2000, that it is not the intent of this subparagraph to

1 adversely affect the rights of those holders or relieve local  
2 governments, special districts, or district school boards of  
3 the duty to meet their obligations as a result of previous  
4 pledges or assignments or trusts entered into which obligated  
5 funds received from the distribution to county governments  
6 under then-existing s. 550.135. This distribution  
7 specifically is in lieu of funds distributed under s. 550.135  
8 prior to July 1, 2000.

9           b. The department shall distribute \$166,667 monthly  
10 pursuant to s. 288.1162 to each applicant that has been  
11 certified as a "facility for a new professional sports  
12 franchise" or a "facility for a retained professional sports  
13 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
14 distributed monthly by the department to each applicant that  
15 has been certified as a "facility for a retained spring  
16 training franchise" pursuant to s. 288.1162; however, not more  
17 than ~~\$416,667~~\$208,335 may be distributed monthly in the  
18 aggregate to all certified facilities for a retained spring  
19 training franchise. Distributions shall begin 60 days  
20 following such certification and shall continue for not more  
21 than 30 years. Nothing contained in this paragraph shall be  
22 construed to allow an applicant certified pursuant to s.  
23 288.1162 to receive more in distributions than actually  
24 expended by the applicant for the public purposes provided for  
25 in s. 288.1162(6). However, a certified applicant is entitled  
26 to receive distributions up to the maximum amount allowable  
27 and undistributed under this section for additional  
28 renovations and improvements to the facility for the franchise  
29 without additional certification.

30           c. Beginning 30 days after notice by the Office of  
31 Tourism, Trade, and Economic Development to the Department of

1 Revenue that an applicant has been certified as the  
2 professional golf hall of fame pursuant to s. 288.1168 and is  
3 open to the public, \$166,667 shall be distributed monthly, for  
4 up to 300 months, to the applicant.

5 d. Beginning 30 days after notice by the Office of  
6 Tourism, Trade, and Economic Development to the Department of  
7 Revenue that the applicant has been certified as the  
8 International Game Fish Association World Center facility  
9 pursuant to s. 288.1169, and the facility is open to the  
10 public, \$83,333 shall be distributed monthly, for up to 168  
11 months, to the applicant. This distribution is subject to  
12 reduction pursuant to s. 288.1169. A lump sum payment of  
13 \$999,996 shall be made, after certification and before July 1,  
14 2000.

15 e. The department shall distribute monthly to units of  
16 local government that have been certified as owning eligible  
17 convention centers under s. 288.1171 an amount equal to 50  
18 percent of the proceeds, as defined in paragraph (5)(a),  
19 received and collected in the previous month by the department  
20 under this chapter which are generated by the eligible  
21 convention centers and remitted on the sales and use tax  
22 returns of eligible convention centers. Proceeds, for purposes  
23 of this sub-subparagraph, are further defined as all  
24 applicable sales taxes collected by an eligible center for  
25 standard services provided by center staff to users of the  
26 center, which include the following: parking, admission,  
27 ticket sales, food services, electrical or like services,  
28 space rentals, equipment rentals, and security services. The  
29 total distribution to each unit of local government may not  
30 exceed \$2 million per state fiscal year. However, total  
31 distributions to all units of local governments may not exceed

1 \$10 million each state fiscal year, and the distribution must  
2 be limited exclusively to the taxes collected and remitted  
3 under this chapter. The department shall prescribe forms  
4 required to be filed with the department by eligible  
5 convention centers. Distributions shall begin 60 days  
6 following notification of certification by the Office of  
7 Tourism, Trade, and Economic Development under s. 288.1171 and  
8 shall continue for not more than 30 years. Distributions must  
9 be used solely to encourage and provide economic development  
10 for attracting, recruiting, and retaining corporate  
11 headquarters and high-technology, manufacturing, research and  
12 development, entertainment, and tourism industries as  
13 designated by the unit of local government by resolution of  
14 its governing body.

15           8. All other proceeds shall remain with the General  
16 Revenue Fund.

17           Section 2. Paragraph (c) of subsection (5) and  
18 subsection (7) of section 288.1162, Florida Statutes, are  
19 amended to read:

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

22           (5)

23           (c)1. The Office of Tourism, Trade, and Economic  
24 Development shall competitively evaluate applications for  
25 funding of a facility for a retained spring training  
26 franchise. Applications must be submitted by October 1, 2000,  
27 with certifications to be made by January 1, 2001. If the  
28 number of applicants exceeds five and the aggregate funding  
29 request of all applications exceeds \$208,335 per month, the  
30 office shall rank the applications according to a selection  
31 criteria, certifying the highest ranked proposals. The

1 evaluation criteria shall include, with priority given in  
2 descending order to the following items:

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

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

9 ~~c.3.~~ The length of time that a facility to be used by  
10 a retained spring training franchise has been used by one or  
11 more spring training franchises, with priority given to a  
12 facility that has been in continuous use as a facility for  
13 spring training the longest.

14 ~~d.4.~~ For those teams leasing a spring training  
15 facility from a unit of local government, the remaining time  
16 on the lease for facilities used by the spring training  
17 franchise, with priority given to the shortest time period  
18 remaining on the lease.

19 ~~e.5.~~ The duration of the future-use agreement with the  
20 retained spring training franchise, with priority given to the  
21 future-use agreement having the longest duration.

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

24 ~~g.7.~~ The net increase of total active recreation space  
25 owned by the applying unit of local government following the  
26 acquisition of land for the spring training facility, with  
27 priority given to the largest percentage increase of total  
28 active recreation space.

29 ~~h.8.~~ The location of the facility in a brownfield, an  
30 enterprise zone, a community redevelopment area, or other area  
31 of targeted development or revitalization included in an Urban

1 Infill Redevelopment Plan, with priority given to facilities  
2 located in these areas.

3 ~~i.9.~~ The projections on paid attendance attracted by  
4 the facility and the proposed effect on the economy of the  
5 local community, with priority given to the highest projected  
6 paid attendance.

7 2. Beginning July 1, 2005, the Office of Tourism,  
8 Trade, and Economic Development shall competitively evaluate  
9 applications for funding of facilities for retained spring  
10 training franchises in addition to those certified and funded  
11 under subparagraph 1. Applications must be submitted by  
12 October 1 of each year, with certifications to be made by  
13 January 1 of the following year. The office shall rank the  
14 applications according to selection criteria, certifying no  
15 more than five proposals in any application cycle. The  
16 aggregate funding request of all applicants certified during  
17 any application cycle may not exceed an aggregate funding  
18 request of \$208,335 per month. The evaluation criteria must  
19 include the following, with priority given in descending  
20 order:

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

23 b. The intended use of the funds by the applicant to  
24 renovate a facility.

25 c. The length of time that a facility to be used by a  
26 retained spring training franchise has been used by one or  
27 more spring training franchises, with priority given to a  
28 facility that has been in continuous use as a facility for  
29 spring training the longest.

30 d. For those teams leasing a spring training facility  
31 from a unit of local government, the remaining time on the

1 lease for facilities used by the spring training franchise,  
2 with priority given to the shortest time period remaining on  
3 the lease. For consideration under this subparagraph, the  
4 remaining time on the lease may not exceed 4 years.

5 e. The duration of the future-use agreement with the  
6 retained spring training franchise, with priority given to the  
7 future-use agreement having the longest duration.

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

10 g. The net increase of total active recreation space  
11 owned by the applying unit of local government following the  
12 acquisition of land for the spring training facility, with  
13 priority given to the largest percentage increase of total  
14 active recreation space.

15 h. The location of the facility in a brownfield area,  
16 an enterprise zone, a community redevelopment area, or another  
17 area of targeted development or revitalization included in an  
18 urban infill redevelopment plan, with priority given to  
19 facilities located in those areas.

20 i. The projections on paid attendance attracted by the  
21 facility and the proposed effect on the economy of the local  
22 community, with priority given to the highest projected paid  
23 attendance.

24 (7) The Office of Tourism, Trade, and Economic  
25 Development shall notify the Department of Revenue of any  
26 facility certified as a facility for a new professional sports  
27 franchise or a facility for a retained professional sports  
28 franchise or as a facility for a retained spring training  
29 franchise. The Office of Tourism, Trade, and Economic  
30 Development shall certify no more than eight facilities as  
31 facilities for a new professional sports franchise or as

1 facilities for a retained professional sports franchise ~~and~~  
2 ~~shall certify at least five as facilities for retained spring~~  
3 ~~training franchises~~, including in such total any facilities  
4 certified by the Department of Commerce before July 1, 1996.  
5 The number of certifications of facilities for retained spring  
6 training franchises shall be governed by subsection (5). The  
7 office may make no more than one certification for any  
8 facility. The office may not certify funding for less than the  
9 requested amount to any applicant certified as a facility for  
10 a retained spring training franchise.

11 Section 3. This act shall take effect July 1, 2005.

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14 SENATE SUMMARY

15 Provides for distributing a portion of revenues from the  
16 tax on sales, use, and other transactions to specified  
17 units of local government owning eligible convention  
18 centers. Provides a procedure for certifying additional  
19 facilities for a retained spring training franchise.  
20 Establishes a maximum number of certifications and the  
21 funding per application cycle. Clarifies the number of  
22 certifications of facilities for retained spring training  
23 franchises.  
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