

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Rubio, Gardiner, Detert, Simmons, and Lopez-  
2 Cantera offered the following:

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4 **Amendment (with title amendment)**

5 Remove line(s) 108-190 and insert:

6 b. The department shall distribute \$166,667 monthly  
7 pursuant to s. 288.1162 to each applicant that has been  
8 certified as a "facility for a new professional sports  
9 franchise" or a "facility for a retained professional sports  
10 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
11 distributed monthly by the department to each applicant that has  
12 been certified as a "facility for a retained spring training  
13 franchise" pursuant to s. 288.1162; however, not more than  
14 \$333,336 ~~\$208,335~~ may be distributed monthly in the aggregate to  
15 all certified facilities for a retained spring training

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16 franchise. Distributions shall begin 60 days following such  
17 certification and shall continue for not more than 30 years.  
18 Nothing contained in this paragraph shall be construed to allow  
19 an applicant certified pursuant to s. 288.1162 to receive more  
20 in distributions than actually expended by the applicant for the  
21 public purposes provided for in s. 288.1162(6). ~~However, a~~  
22 ~~certified applicant is entitled to receive distributions up to~~  
23 ~~the maximum amount allowable and undistributed under this~~  
24 ~~section for additional renovations and improvements to the~~  
25 ~~facility for the franchise without additional certification.~~

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

32 d. Beginning 30 days after notice by the Office of  
33 Tourism, Trade, and Economic Development to the Department of  
34 Revenue that the applicant has been certified as the  
35 International Game Fish Association World Center facility  
36 pursuant to s. 288.1169, and the facility is open to the public,  
37 \$83,333 shall be distributed monthly, for up to 168 months, to  
38 the applicant. This distribution is subject to reduction  
39 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
40 made, after certification and before July 1, 2000.

41 e. The department shall distribute monthly to units of  
42 local government that have been certified as owning eligible

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43 convention centers pursuant to s. 288.1171 an amount equal to 50  
44 percent of the proceeds, as defined in this sub-subparagraph,  
45 received and collected in the previous month by the department  
46 under the provisions of this chapter which are generated by such  
47 eligible convention centers and remitted on the sales and use  
48 tax returns of eligible convention centers. Proceeds, for this  
49 sub-subparagraph, are limited to all applicable sales taxes  
50 collected by an eligible convention center for standard services  
51 provided by center staff to users of the center, which include  
52 the following: parking, admission, and ticket sales, food  
53 services, utilities services, space rentals, equipment rentals,  
54 security services, decorating services, business services,  
55 advertising services, communications services, exhibit supply  
56 sales and rentals, locksmith services, and sales of gifts and  
57 sundries. The total distribution to each unit of local  
58 government shall not exceed \$1 million per state fiscal year.  
59 However, total distributions to all units of local government  
60 shall not exceed \$5 million per state fiscal year, and such  
61 distribution shall be limited exclusively to the taxes collected  
62 and remitted under the provisions of this chapter. If  
63 collections and remittances of eligible convention centers  
64 exceed the \$5-million maximum amount authorized for  
65 distribution, the department shall distribute proceeds to each  
66 eligible unit of local government using an apportionment factor,  
67 the numerator of which is the amount remitted by an eligible  
68 convention center and the denominator is the total amount  
69 remitted by all eligible convention centers. The apportionment

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70 factor for each eligible convention center shall be applied to  
71 the \$5-million maximum amount authorized for distribution to  
72 determine the amount that shall be distributed to each local  
73 government unit. The department shall prescribe forms required  
74 to be filed with the department by eligible convention centers.  
75 Distributions shall begin 60 days following notification of  
76 certification by the Office of Tourism, Trade, and Economic  
77 Development pursuant to s. 288.1171. Distributions shall be used  
78 solely to encourage and provide economic development for the  
79 attraction, recruitment, and retention of corporate headquarters  
80 and of high-technology, manufacturing, research and development,  
81 entertainment, and tourism industries as designated by the unit  
82 of local government by resolution of its governing body, and to  
83 assist the eligible convention centers to attract more business  
84 and expand their offerings, including developing their own  
85 events and shows. This sub-subparagraph is repealed effective  
86 June 30, 2008.

87 8. All other proceeds shall remain with the General  
88 Revenue Fund.

89 Section 2. Paragraph (h) is added to subsection (4) of  
90 section 288.1162, Florida Statutes, and paragraph (c) of  
91 subsection (5) and subsections (7) and (9) are amended, to read:

92 288.1162 Professional sports franchises; spring training  
93 franchises; duties.--

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

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

98 (h) The applicant for a facility for a new professional  
99 sports franchise has a verified copy of a binding agreement with  
100 the new professional sports franchise that requires the  
101 franchise to pay for any cost overrun when the franchise was  
102 used as the basis for the original certification of the  
103 applicant described in paragraph (9)(a) and is the basis for the  
104 current certification request.

105 (5)

106 (c)1. The Office of Tourism, Trade, and Economic  
107 Development shall competitively evaluate applications for  
108 funding of a facility for a retained spring training franchise.  
109 Applications must be submitted by October 1, 2000, with  
110 certifications to be made by January 1, 2001. If the number of  
111 applicants exceeds five and the aggregate funding request of all  
112 applications exceeds \$208,335 per month, the office shall rank  
113 the applications according to a selection criteria, certifying  
114 the highest ranked proposals. The evaluation criteria shall  
115 include, with priority given in descending order to the  
116 following items:

117 a.1- The intended use of the funds by the applicant, with  
118 priority given to the construction of a new facility.

119 b.2- The length of time that the existing franchise has  
120 been located in the state, with priority given to retaining  
121 franchises that have been in the same location the longest.

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122        ~~c.3.~~ The length of time that a facility to be used by a  
123 retained spring training franchise has been used by one or more  
124 spring training franchises, with priority given to a facility  
125 that has been in continuous use as a facility for spring  
126 training the longest.

127        ~~d.4.~~ For those teams leasing a spring training facility  
128 from a unit of local government, the remaining time on the lease  
129 for facilities used by the spring training franchise, with  
130 priority given to the shortest time period remaining on the  
131 lease.

132        ~~e.5.~~ The duration of the future-use agreement with the  
133 retained spring training franchise, with priority given to the  
134 future-use agreement having the longest duration.

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

137        ~~g.7.~~ The net increase of total active recreation space  
138 owned by the applying unit of local government following the  
139 acquisition of land for the spring training facility, with  
140 priority given to the largest percentage increase of total  
141 active recreation space.

142        ~~h.8.~~ The location of the facility in a brownfield, an  
143 enterprise zone, a community redevelopment area, or other area  
144 of targeted development or revitalization included in an Urban  
145 Infill Redevelopment Plan, with priority given to facilities  
146 located in these areas.

147        ~~i.9.~~ The projections on paid attendance attracted by the  
148 facility and the proposed effect on the economy of the local

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149 community, with priority given to the highest projected paid  
150 attendance.

151 2. Beginning July 1, 2005, the Office of Tourism, Trade,  
152 and Economic Development shall competitively evaluate  
153 applications for funding of facilities for retained spring  
154 training franchises in addition to those certified and funded  
155 under subparagraph 1. Applications must be submitted by October  
156 1, 2005, with certifications to be made by January 1, 2006. The  
157 office shall rank the applications according to selection  
158 criteria, certifying no more than three proposals. The aggregate  
159 funding request of all applicants certified shall not exceed  
160 \$125,001 per month. The evaluation criteria shall include the  
161 following, with priority given in descending order:

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

164 b. The intended use of the funds by the applicant to  
165 renovate a facility.

166 c. The length of time that a facility to be used by a  
167 retained spring training franchise has been used by one or more  
168 spring training franchises, with priority given to a facility  
169 that has been in continuous use as a facility for spring  
170 training the longest.

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

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

177 e. The duration of the future-use agreement with the  
178 retained spring training franchise, with priority given to the  
179 future-use agreement having the longest duration.

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

182 g. The net increase of total active recreation space owned  
183 by the applying unit of local government following the  
184 acquisition of land for the spring training facility, with  
185 priority given to the largest percentage increase of total  
186 active recreation space.

187 h. The location of the facility in a brownfield area, an  
188 enterprise zone, a community redevelopment area, or another area  
189 of targeted development or revitalization included in an urban  
190 infill redevelopment plan, with priority given to facilities  
191 located in those areas.

192 i. The projections on paid attendance attracted by the  
193 facility and the proposed effect on the economy of the local  
194 community, with priority given to the highest projected paid  
195 attendance.

196 (7)(a) The Office of Tourism, Trade, and Economic  
197 Development shall notify the Department of Revenue of any  
198 facility certified as a facility for a new professional sports  
199 franchise or a facility for a retained professional sports  
200 franchise or as a facility for a retained spring training  
201 franchise. The Office of Tourism, Trade, and Economic

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202 Development shall certify no more than nine ~~eight~~ facilities as  
203 facilities for a new professional sports franchise or as  
204 facilities for a retained professional sports franchise ~~and~~  
205 ~~shall certify at least five as facilities for retained spring~~  
206 ~~training franchises~~, including in such total any facilities  
207 certified by the Department of Commerce before July 1, 1996. The  
208 number of certifications of facilities for retained spring  
209 training franchises shall be pursuant to subsection (5). The  
210 office may make no more than one certification for any facility.  
211 The office may not certify funding for less than the requested  
212 amount to any applicant certified as a facility for a retained  
213 spring training franchise.

214 (b) Certification of an applicant under this section for  
215 the eighth certification for a facility for a new professional  
216 sports franchise or for a facility for a retained professional  
217 sports franchise shall be for an applicant for which the  
218 franchise that serves as the basis of the certification is a  
219 member of the National Basketball Association, has been located  
220 within the state since 1987, and has not been previously  
221 certified. This paragraph is repealed July 1, 2010.

222 (9)(a) An applicant is not qualified for certification  
223 under this section if the franchise formed the basis for a  
224 previous certification, unless:

225 1. The previous certification was withdrawn by the  
226 facility or invalidated by the Office of Tourism, Trade, and  
227 Economic Development or the Department of Commerce before any  
228 funds were distributed pursuant to s. 212.20; or

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229       2. The previous certification was for an applicant that  
230 served as the home facility for two professional sports  
231 franchises and the franchise was used as a basis for the  
232 certification of a new applicant. Notwithstanding any other  
233 provision of this section, the franchise continuing to use the  
234 original applicant shall be deemed the franchise forming the  
235 basis of the previous certification and the previous  
236 certification shall continue to apply for the time period  
237 permitted from the original date of certification.

238       (b) This subsection does not disqualify an applicant if  
239 the previous certification occurred between May 23, 1993, and  
240 May 25, 1993; however, any funds to be distributed pursuant to  
241 s. 212.20 for the second certification shall be offset by the  
242 amount distributed to the previous certified facility.  
243 Distribution of funds for the second certification shall not be  
244 made until all amounts payable for the first certification have  
245 been distributed.

246       (c) Payments to a certified applicant may not extend  
247 beyond the period for which the original certification was  
248 issued.

249       Section 3. Notwithstanding any other provision of law, an  
250 applicant that is certified after the effective date of this act  
251 pursuant to s. 288.1162, Florida Statutes, by the Office of  
252 Tourism, Trade, and Economic Development as a facility for a new  
253 professional sports franchise or a facility for a retained  
254 professional sports franchise may not receive disbursements

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255 pursuant to s. 212.20(6)(d)7.b., Florida Statutes, until July 1,  
256 2006.

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258

259 ===== T I T L E A M E N D M E N T =====

260 Remove line(s) 7-13 and insert:  
261 amending s. 212.20, F.S.; revising a limitation on monthly  
262 aggregate distributions to certified facilities for a  
263 retained spring training franchise; deleting provisions  
264 with respect to the entitlement of certified applicants to  
265 receive distributions for additional renovations and  
266 improvements to a facility without additional  
267 certification; providing for distribution of a portion of  
268 revenues from the tax on sales, use, and other  
269 transactions to specified units of local government owning  
270 eligible convention centers; providing limitations;  
271 requiring the Department of Revenue to prescribe certain  
272 forms; specifying uses of certain distributions; providing  
273 for future repeal; amending s. 288.1162, F.S.; requiring a  
274 verified copy of a binding agreement for payment of cost  
275 overruns as prerequisite for certification under certain  
276 circumstances; providing procedures for certification of  
277 additional facilities for a retained spring training  
278 franchise; providing for application and selection;  
279 establishing a maximum number of certifications and  
280 funding; providing evaluation criteria; clarifying the  
281 number of certifications of facilities for retained spring

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282 training franchises; specifying criteria certification for  
283 the remaining available certification slot; providing for  
284 future repeal; increasing the number of facilities  
285 certified by the Office of Tourism, Trade, and Economic  
286 Development as facilities for a new professional sports  
287 franchise or as facilities for a retained professional  
288 sports franchise; providing an additional exception to  
289 disqualification for certification of an applicant when  
290 the franchise formed the basis of a previous  
291 certification; providing that payments to a certified  
292 applicant may not extend beyond the period for which the  
293 original certification was issued; specifying the date on  
294 which an applicant certified after the effective date of  
295 the act may receive disbursements; creating s. 288.1171,  
296 F.S.; providing

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