

By Senator Fasano

11-104-06

1 A bill to be entitled
2 An act relating to professional sports
3 franchises; amending s. 212.20, F.S.; revising
4 a limitation on monthly aggregate distributions
5 to certified facilities for a retained spring
6 training franchise; deleting provisions with
7 respect to the entitlement of certified
8 applicants to receive distributions for
9 additional renovations and improvements to a
10 facility without additional certification;
11 amending s. 288.1162, F.S.; requiring a
12 verified copy of a binding agreement for
13 payment of cost overruns as a prerequisite for
14 certification under certain circumstances;
15 providing procedure for certification of
16 additional facilities for a retained spring
17 training franchise; providing for application
18 and selection; establishing maximum number of
19 certifications and funding; providing
20 evaluation criteria; clarifying the number of
21 certifications of facilities for retained
22 spring training franchises; increasing the
23 number of facilities certified by the Office of
24 Tourism, Trade, and Economic Development as
25 facilities for a new professional sports
26 franchise or as facilities for a retained
27 professional sports franchise; providing an
28 additional exception to disqualification for
29 certification of an applicant when the
30 franchise formed the basis of a previous
31 certification; providing that payments to a

1 certified applicant may not extend beyond the
2 period for which the original certification was
3 issued; specifying the date on which an
4 applicant certified after the effective date of
5 the act may receive disbursements; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraph (d) of subsection (6) of section
11 212.20, Florida Statutes, is amended to read:

12 212.20 Funds collected, disposition; additional powers
13 of department; operational expense; refund of taxes
14 adjudicated unconstitutionally collected.--

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

17 (d) The proceeds of all other taxes and fees imposed
18 pursuant to this chapter or remitted pursuant to s.
19 202.18(1)(b) and (2)(b) shall be distributed as follows:

20 1. In any fiscal year, the greater of \$500 million,
21 minus an amount equal to 4.6 percent of the proceeds of the
22 taxes collected pursuant to chapter 201, or 5 percent of all
23 other taxes and fees imposed pursuant to this chapter or
24 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
25 deposited in monthly installments into the General Revenue
26 Fund.

27 2. Two-tenths of one percent shall be transferred to
28 the Ecosystem Management and Restoration Trust Fund to be used
29 for water quality improvement and water restoration projects.

30 3. After the distribution under subparagraphs 1. and
31 2., 8.814 percent of the amount remitted by a sales tax dealer

1 | located within a participating county pursuant to s. 218.61
2 | shall be transferred into the Local Government Half-cent Sales
3 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
4 | be transferred pursuant to this subparagraph to the Local
5 | Government Half-cent Sales Tax Clearing Trust Fund shall be
6 | reduced by 0.1 percent, and the department shall distribute
7 | this amount to the Public Employees Relations Commission Trust
8 | Fund less \$5,000 each month, which shall be added to the
9 | amount calculated in subparagraph 4. and distributed
10 | accordingly.

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

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

19 | 6. After the distributions under subparagraphs 1., 2.,
20 | 3., and 4., 1.3409 percent of the available proceeds pursuant
21 | to this paragraph shall be transferred monthly to the Revenue
22 | Sharing Trust Fund for Municipalities pursuant to s. 218.215.
23 | If the total revenue to be distributed pursuant to this
24 | subparagraph is at least as great as the amount due from the
25 | Revenue Sharing Trust Fund for Municipalities and the former
26 | Municipal Financial Assistance Trust Fund in state fiscal year
27 | 1999-2000, no municipality shall receive less than the amount
28 | due from the Revenue Sharing Trust Fund for Municipalities and
29 | the former Municipal Financial Assistance Trust Fund in state
30 | fiscal year 1999-2000. If the total proceeds to be distributed
31 | are less than the amount received in combination from the

1 Revenue Sharing Trust Fund for Municipalities and the former
2 Municipal Financial Assistance Trust Fund in state fiscal year
3 1999-2000, each municipality shall receive an amount
4 proportionate to the amount it was due in state fiscal year
5 1999-2000.

6 7. Of the remaining proceeds:

7 a. In each fiscal year, the sum of \$29,915,500 shall
8 be divided into as many equal parts as there are counties in
9 the state, and one part shall be distributed to each county.
10 The distribution among the several counties shall begin each
11 fiscal year on or before January 5th and shall continue
12 monthly for a total of 4 months. If a local or special law
13 required that any moneys accruing to a county in fiscal year
14 1999-2000 under the then-existing provisions of s. 550.135 be
15 paid directly to the district school board, special district,
16 or a municipal government, such payment shall continue until
17 such time that the local or special law is amended or
18 repealed. The state covenants with holders of bonds or other
19 instruments of indebtedness issued by local governments,
20 special districts, or district school boards prior to July 1,
21 2000, that it is not the intent of this subparagraph to
22 adversely affect the rights of those holders or relieve local
23 governments, special districts, or district school boards of
24 the duty to meet their obligations as a result of previous
25 pledges or assignments or trusts entered into which obligated
26 funds received from the distribution to county governments
27 under then-existing s. 550.135. This distribution specifically
28 is in lieu of funds distributed under s. 550.135 prior to July
29 1, 2000.

30 b. The department shall distribute \$166,667 monthly
31 pursuant to s. 288.1162 to each applicant that has been

1 certified as a "facility for a new professional sports
2 franchise" or a "facility for a retained professional sports
3 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
4 distributed monthly by the department to each applicant that
5 has been certified as a "facility for a retained spring
6 training franchise" pursuant to s. 288.1162; however, not more
7 than \$333,336~~\$208,335~~ may be distributed monthly in the
8 aggregate to all certified facilities for a retained spring
9 training franchise. Distributions shall begin 60 days
10 following such certification and shall continue for not more
11 than 30 years. Nothing contained in this paragraph shall be
12 construed to allow an applicant certified pursuant to s.
13 288.1162 to receive more in distributions than actually
14 expended by the applicant for the public purposes provided for
15 in s. 288.1162(6). ~~However, a certified applicant is entitled~~
16 ~~to receive distributions up to the maximum amount allowable~~
17 ~~and undistributed under this section for additional~~
18 ~~renovations and improvements to the facility for the franchise~~
19 ~~without additional certification.~~

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

26 d. Beginning 30 days after notice by the Office of
27 Tourism, Trade, and Economic Development to the Department of
28 Revenue that the applicant has been certified as the
29 International Game Fish Association World Center facility
30 pursuant to s. 288.1169, and the facility is open to the
31 public, \$83,333 shall be distributed monthly, for up to 168

1 months, to the applicant. This distribution is subject to
2 reduction pursuant to s. 288.1169. A lump sum payment of
3 \$999,996 shall be made, after certification and before July 1,
4 2000.

5 8. All other proceeds shall remain with the General
6 Revenue Fund.

7 Section 2. Paragraph (h) of subsection (4) of section
8 288.1162, Florida Statutes, is redesignated as paragraph (i),
9 a new paragraph (h) is added to that subsection, and paragraph
10 (c) of subsection (5) and subsections (7) and (9) of section
11 288.1162, Florida Statutes, are amended, to read:

12 288.1162 Professional sports franchises; spring
13 training franchises; duties.--

14 (4) Prior to certifying an applicant as a "facility
15 for a new professional sports franchise" or a "facility for a
16 retained professional sports franchise," the Office of
17 Tourism, Trade, and Economic Development must determine that:

18 (h) The applicant for a facility for a new
19 professional sports franchise has a verified copy of a binding
20 agreement with the new professional sports franchise which
21 requires the franchise to pay for any cost overrun when the
22 franchise was used as the basis for the original certification
23 of the applicant described in paragraph (9)(a) and is the
24 basis for the current certification request.

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

29 (5)

30 (c)1. The Office of Tourism, Trade, and Economic
31 Development shall competitively evaluate applications for

1 funding of a facility for a retained spring training
2 franchise. Applications must be submitted by October 1, 2000,
3 with certifications to be made by January 1, 2001. If the
4 number of applicants exceeds five and the aggregate funding
5 request of all applications exceeds \$208,335 per month, the
6 office shall rank the applications according to a selection
7 criteria, certifying the highest ranked proposals. The
8 evaluation criteria shall include, with priority given in
9 descending order to the following items:

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

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

16 ~~c.3.~~ The length of time that a facility to be used by
17 a retained spring training franchise has been used by one or
18 more spring training franchises, with priority given to a
19 facility that has been in continuous use as a facility for
20 spring training the longest.

21 ~~d.4.~~ For those teams leasing a spring training
22 facility from a unit of local government, the remaining time
23 on the lease for facilities used by the spring training
24 franchise, with priority given to the shortest time period
25 remaining on the lease.

26 ~~e.5.~~ The duration of the future-use agreement with the
27 retained spring training franchise, with priority given to the
28 future-use agreement having the longest duration.

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

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

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

11 ~~i.9.~~ The projections on paid attendance attracted by
12 the facility and the proposed effect on the economy of the
13 local community, with priority given to the highest projected
14 paid attendance.

15 2. Beginning July 1, 2006, the Office of Tourism,
16 Trade, and Economic Development shall competitively evaluate
17 applications for funding of facilities for retained spring
18 training franchises in addition to those certified and funded
19 under subparagraph 1. Applications must be submitted by
20 October 1, 2006, with certifications to be made by January 1,
21 2007. The office shall rank the applications according to
22 selection criteria, certifying no more than three proposals.
23 The aggregate funding request of all applicants certified may
24 not exceed \$125,001 per month. The evaluation criteria shall
25 include the following, with priority given in descending
26 order:

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

29 b. The intended use of the funds by the applicant to
30 renovate a facility.

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1 c. The length of time that a facility to be used by a
2 retained spring training franchise has been used by one or
3 more spring training franchises, with priority given to a
4 facility that has been in continuous use as a facility for
5 spring training the longest.

6 d. For those teams leasing a spring training facility
7 from a unit of local government, the remaining time on the
8 lease for facilities used by the spring training franchise,
9 with priority given to the shortest time period remaining on
10 the lease. For consideration under this subparagraph, the
11 remaining time on the lease may not exceed 4 years.

12 e. The duration of the future-use agreement with the
13 retained spring training franchise, with priority given to the
14 future-use agreement having the longest duration.

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

17 g. The net increase of total active recreation space
18 owned by the applying unit of local government following the
19 acquisition of land for the spring training facility, with
20 priority given to the largest percentage increase of total
21 active recreation space.

22 h. The location of the facility in a brownfield area,
23 an enterprise zone, a community redevelopment area, or another
24 area of targeted development or revitalization included in an
25 Urban Infill Redevelopment Plan, with priority given to
26 facilities located in those areas.

27 i. The projections on paid attendance attracted by the
28 facility and the proposed effect on the economy of the local
29 community, with priority given to the highest projected paid
30 attendance.

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

19 (9)(a) An applicant is not qualified for certification
20 under this section if the franchise formed the basis for a
21 previous certification, unless:

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

26 2. The previous certification was for an applicant
27 that served as the home facility for two professional sports
28 franchises and the franchise was used as a basis for the
29 certification of a new applicant. Notwithstanding any other
30 provision of this section, the franchise continuing to use the
31 original applicant shall be considered the franchise forming

1 the basis of the previous certification and the previous
2 certification shall continue to apply for the time period
3 permitted from the original date of certification.

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

12 (c) Payments to a certified applicant may not extend
13 beyond the period for which the original certification was
14 issued.

15 Section 3. Notwithstanding any other provision of law,
16 an applicant that is certified after the effective date of
17 this act pursuant to s. 288.1162, Florida Statutes, by the
18 Office of Tourism, Trade, and Economic Development as a
19 facility for a new professional sports franchise or a facility
20 for a retained professional sports franchise may not receive
21 disbursements pursuant to s. 212.20(6)(d)7.b., Florida
22 Statutes, until July 1, 2007.

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