

By Senator Fasano

11-1129-06

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.; providing a  
 12           procedure for certification of additional  
 13           facilities for a retained spring training  
 14           franchise; providing for application and  
 15           selection; establishing maximum number of  
 16           certifications and funding; providing  
 17           evaluation criteria; clarifying the number of  
 18           certifications of facilities for retained  
 19           spring training franchises; providing an  
 20           effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

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 24           Section 1. Paragraph (d) of subsection (6) of section  
 25 212.20, Florida Statutes, is amended to read:

26           212.20 Funds collected, disposition; additional powers  
 27 of department; operational expense; refund of taxes  
 28 adjudicated unconstitutionally collected.--

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

3 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

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

26 4. After the distribution under subparagraphs 1., 2.,  
27 and 3., 0.095 percent shall be transferred to the Local  
28 Government Half-cent Sales Tax Clearing Trust Fund and  
29 distributed pursuant to s. 218.65.

30 5. After the distributions under subparagraphs 1., 2.,  
31 3., and 4., 2.0440 percent of the available proceeds pursuant

1 to this paragraph shall be transferred monthly to the Revenue  
2 Sharing Trust Fund for Counties pursuant to s. 218.215.

3         6. After the distributions under subparagraphs 1., 2.,  
4 3., and 4., 1.3409 percent of the available proceeds pursuant  
5 to this paragraph shall be transferred monthly to the Revenue  
6 Sharing Trust Fund for Municipalities pursuant to s. 218.215.  
7 If the total revenue to be distributed pursuant to this  
8 subparagraph is at least as great as the amount due from the  
9 Revenue Sharing Trust Fund for Municipalities and the former  
10 Municipal Financial Assistance Trust Fund in state fiscal year  
11 1999-2000, no municipality shall receive less than the amount  
12 due from the Revenue Sharing Trust Fund for Municipalities and  
13 the former Municipal Financial Assistance Trust Fund in state  
14 fiscal year 1999-2000. If the total proceeds to be distributed  
15 are less than the amount received in combination from the  
16 Revenue Sharing Trust Fund for Municipalities and the former  
17 Municipal Financial Assistance Trust Fund in state fiscal year  
18 1999-2000, each municipality shall receive an amount  
19 proportionate to the amount it was due in state fiscal year  
20 1999-2000.

21         7. Of the remaining proceeds:

22         a. In each fiscal year, the sum of \$29,915,500 shall  
23 be divided into as many equal parts as there are counties in  
24 the state, and one part shall be distributed to each county.  
25 The distribution among the several counties shall begin each  
26 fiscal year on or before January 5th and shall continue  
27 monthly for a total of 4 months. If a local or special law  
28 required that any moneys accruing to a county in fiscal year  
29 1999-2000 under the then-existing provisions of s. 550.135 be  
30 paid directly to the district school board, special district,  
31 or a municipal government, such payment shall continue until

1 such time that the local or special law is amended or  
2 repealed. The state covenants with holders of bonds or other  
3 instruments of indebtedness issued by local governments,  
4 special districts, or district school boards prior to July 1,  
5 2000, that it is not the intent of this subparagraph to  
6 adversely affect the rights of those holders or relieve local  
7 governments, special districts, or district school boards of  
8 the duty to meet their obligations as a result of previous  
9 pledges or assignments or trusts entered into which obligated  
10 funds received from the distribution to county governments  
11 under then-existing s. 550.135. This distribution specifically  
12 is in lieu of funds distributed under s. 550.135 prior to July  
13 1, 2000.

14           b. The department shall distribute \$166,667 monthly  
15 pursuant to s. 288.1162 to each applicant that has been  
16 certified as a "facility for a new professional sports  
17 franchise" or a "facility for a retained professional sports  
18 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
19 distributed monthly by the department to each applicant that  
20 has been certified as a "facility for a retained spring  
21 training franchise" pursuant to s. 288.1162; however, not more  
22 than ~~\$333,336~~\$208,335 may be distributed monthly in the  
23 aggregate to all certified facilities for a retained spring  
24 training franchise. Distributions shall begin 60 days  
25 following such certification and shall continue for not more  
26 than 30 years. Nothing contained in this paragraph shall be  
27 construed to allow an applicant certified pursuant to s.  
28 288.1162 to receive more in distributions than actually  
29 expended by the applicant for the public purposes provided for  
30 in s. 288.1162(6). ~~However, a certified applicant is entitled~~  
31 ~~to receive distributions up to the maximum amount allowable~~

1 ~~and undistributed under this section for additional~~  
2 ~~renovations and improvements to the facility for the franchise~~  
3 ~~without additional certification.~~

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

10 d. Beginning 30 days after notice by the Office of  
11 Tourism, Trade, and Economic Development to the Department of  
12 Revenue that the applicant has been certified as the  
13 International Game Fish Association World Center facility  
14 pursuant to s. 288.1169, and the facility is open to the  
15 public, \$83,333 shall be distributed monthly, for up to 168  
16 months, to the applicant. This distribution is subject to  
17 reduction pursuant to s. 288.1169. A lump sum payment of  
18 \$999,996 shall be made, after certification and before July 1,  
19 2000.

20 8. All other proceeds shall remain with the General  
21 Revenue Fund.

22 Section 2. Paragraph (c) of subsection (5) and  
23 subsection (7) of section 288.1162, Florida Statutes, are  
24 amended to read:

25 288.1162 Professional sports franchises; spring  
26 training franchises; duties.--

27 (5)

28 (c)1. The Office of Tourism, Trade, and Economic  
29 Development shall competitively evaluate applications for  
30 funding of a facility for a retained spring training  
31 franchise. Applications must be submitted by October 1, 2000,

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

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

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

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

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

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

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

29 ~~g.7.~~ The net increase of total active recreation space  
30 owned by the applying unit of local government following the  
31 acquisition of land for the spring training facility, with

1 priority given to the largest percentage increase of total  
2 active recreation space.

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

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

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

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

26 b. The intended use of the funds by the applicant to  
27 renovate a facility.

28 c. The length of time that a facility to be used by a  
29 retained spring training franchise has been used by one or  
30 more spring training franchises, with priority given to a  
31

1 facility that has been in continuous use as a facility for  
2 spring training the longest.

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

9 e. The duration of the future-use agreement with the  
10 retained spring training franchise, with priority given to the  
11 future-use agreement having the longest duration.

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

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

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

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

28 (7) The Office of Tourism, Trade, and Economic  
29 Development shall notify the Department of Revenue of any  
30 facility certified as a facility for a new professional sports  
31 franchise or a facility for a retained professional sports



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

15 Section 3. This act shall take effect upon becoming a  
16 law.

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19 SENATE SUMMARY

20 Revises provisions related to professional sports  
21 franchises. Revises certain monthly aggregate  
22 distribution limitations to certified facilities for a  
23 retained spring training franchise. Deletes certain  
24 entitlement provisions for specified facility renovations  
25 and improvements. Establishes certain evaluation criteria  
26 for the funding of facilities for such franchises. (See  
27 bill for details.)  
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