

1 A bill to be entitled

2 An act relating to facilities for retained spring training
3 franchises; amending s. 212.20, F.S.; revising a
4 limitation on certain distributions to certified
5 facilities for a retained spring training franchise;
6 deleting a provision entitling an applicant to receive
7 certain distributions without additional certification;
8 amending s. 288.1162, F.S.; requiring the Office of
9 Tourism, Trade, and Economic Development to competitively
10 evaluate applications for funding of certain additional
11 facilities; providing application and certification
12 requirements; specifying evaluation criteria; revising the
13 number of certifications of such facilities; providing
14 additional requirements with respect to certification as a
15 facility for a new professional sports franchise or a
16 facility for a retained professional sports franchise;
17 providing for repeal of the requirements by a specified
18 date; amending s. 218.61, F.S.; providing that
19 distributions of the local government half-cent sales tax
20 to the governing body of a county and of each municipality
21 be made after funding is provided pursuant to s.
22 218.64(3), F.S., if applicable; amending s. 218.64, F.S.;
23 authorizing counties and certain municipalities within
24 such counties to use up to \$2 million annually from local
25 government half-cent sales tax distributions for funding
26 for a certified facility for a new professional sports
27 franchise, a facility for a retained professional sports
28 franchise, a facility for a retained spring training

29 | franchise, or a motorsports entertainment complex;
 30 | creating s. 288.1171, F.S.; providing for the
 31 | certification of motorsports entertainment complexes by
 32 | the Office of Tourism, Trade, and Economic Development of
 33 | the Executive Office of the Governor; providing
 34 | definitions; providing requirements for certification;
 35 | requiring specified notice; providing for use of the funds
 36 | distributed to a motorsports entertainment complex;
 37 | providing for audits by the Department of Revenue;
 38 | providing an effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 | Section 1. Paragraph (d) of subsection (6) of section
 43 | 212.20, Florida Statutes, is amended to read:

44 | 212.20 Funds collected, disposition; additional powers of
 45 | department; operational expense; refund of taxes adjudicated
 46 | unconstitutionally collected.--

47 | (6) Distribution of all proceeds under this chapter and s.
 48 | 202.18(1)(b) and (2)(b) shall be as follows:

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

52 | 1. In any fiscal year, the greater of \$500 million, minus
 53 | an amount equal to 4.6 percent of the proceeds of the taxes
 54 | collected pursuant to chapter 201, or 5 percent of all other
 55 | taxes and fees imposed pursuant to this chapter or remitted

56 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
57 monthly installments into the General Revenue Fund.

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

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

72 4. After the distribution under subparagraphs 1., 2., and
73 3., 0.095 percent shall be transferred to the Local Government
74 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
75 to s. 218.65.

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

80 6. After the distributions under subparagraphs 1., 2., 3.,
81 and 4., 1.3409 percent of the available proceeds pursuant to
82 this paragraph shall be transferred monthly to the Revenue
83 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If

84 the total revenue to be distributed pursuant to this
85 subparagraph is at least as great as the amount due from the
86 Revenue Sharing Trust Fund for Municipalities and the former
87 Municipal Financial Assistance Trust Fund in state fiscal year
88 1999-2000, no municipality shall receive less than the amount
89 due from the Revenue Sharing Trust Fund for Municipalities and
90 the former Municipal Financial Assistance Trust Fund in state
91 fiscal year 1999-2000. If the total proceeds to be distributed
92 are less than the amount received in combination from the
93 Revenue Sharing Trust Fund for Municipalities and the former
94 Municipal Financial Assistance Trust Fund in state fiscal year
95 1999-2000, each municipality shall receive an amount
96 proportionate to the amount it was due in state fiscal year
97 1999-2000.

98 7. Of the remaining proceeds:

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

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

121 b. The department shall distribute \$166,667 monthly
122 pursuant to s. 288.1162 to each applicant that has been
123 certified as a "facility for a new professional sports
124 franchise" or a "facility for a retained professional sports
125 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
126 distributed monthly by the department to each applicant that has
127 been certified as a "facility for a retained spring training
128 franchise" pursuant to s. 288.1162; however, not more than
129 \$416,670 ~~\$208,335~~ may be distributed monthly in the aggregate to
130 all certified facilities for a retained spring training
131 franchise. Distributions shall begin 60 days following such
132 certification and shall continue for not more than 30 years.
133 Nothing contained in this paragraph shall be construed to allow
134 an applicant certified pursuant to s. 288.1162 to receive more
135 in distributions than actually expended by the applicant for the
136 public purposes provided for in s. 288.1162(6). ~~However, a~~
137 ~~certified applicant is entitled to receive distributions up to~~
138 ~~the maximum amount allowable and undistributed under this~~

139 ~~section for additional renovations and improvements to the~~
 140 ~~facility for the franchise without additional certification.~~

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

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

156 8. All other proceeds shall remain with the General
 157 Revenue Fund.

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

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

162 (5)

163 (c)1. The Office of Tourism, Trade, and Economic
 164 Development shall competitively evaluate applications for
 165 funding of a facility for a retained spring training franchise.
 166 Applications must be submitted by October 1, 2000, with

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

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

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

179 ~~c.3.~~ The length of time that a facility to be used by a
180 retained spring training franchise has been used by one or more
181 spring training franchises, with priority given to a facility
182 that has been in continuous use as a facility for spring
183 training the longest.

184 ~~d.4.~~ For those teams leasing a spring training facility
185 from a unit of local government, the remaining time on the lease
186 for facilities used by the spring training franchise, with
187 priority given to the shortest time period remaining on the
188 lease.

189 ~~e.5.~~ The duration of the future-use agreement with the
190 retained spring training franchise, with priority given to the
191 future-use agreement having the longest duration.

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

194 ~~g.7.~~ The net increase of total active recreation space
195 owned by the applying unit of local government following the
196 acquisition of land for the spring training facility, with
197 priority given to the largest percentage increase of total
198 active recreation space.

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

204 ~~i.9.~~ The projections on paid attendance attracted by the
205 facility and the proposed effect on the economy of the local
206 community, with priority given to the highest projected paid
207 attendance.

208 2. Beginning July 1, 2006, the Office of Tourism, Trade,
209 and Economic Development shall competitively evaluate
210 applications for funding of facilities for retained spring
211 training franchises in addition to those certified and funded
212 under subparagraph 1. An applicant that is a unit of government
213 that has an agreement for a retained spring training franchise
214 for 15 or more years which was entered into between July 1,
215 2003, and July 1, 2004, shall be eligible for funding.
216 Applications must be submitted by October 1, 2006, with
217 certifications to be made by January 1, 2007. The office shall
218 rank the applications according to selection criteria,
219 certifying no more than five proposals. The aggregate funding
220 request of all applicants certified shall not exceed an
221 aggregate funding request of \$208,335 per month. The evaluation

222 criteria shall include the following, with priority given in
223 descending order:

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

226 b. The intended use of the funds by the applicant to
227 renovate a facility.

228 c. The length of time that a facility to be used by a
229 retained spring training franchise has been used by one or more
230 spring training franchises, with priority given to a facility
231 that has been in continuous use as a facility for spring
232 training the longest.

233 d. For those teams leasing a spring training facility from
234 a unit of local government, the remaining time on the lease for
235 facilities used by the spring training franchise, with priority
236 given to the shortest time period remaining on the lease. For
237 consideration under this subparagraph, the remaining time on the
238 lease shall not exceed 5 years, unless an agreement of 15 years
239 or more was entered into between July 1, 2003, and July 1, 2004.

240 e. The duration of the future-use agreement with the
241 retained spring training franchise, with priority given to the
242 future-use agreement having the longest duration.

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

245 g. The net increase of total active recreation space owned
246 by the applying unit of local government following the
247 acquisition of land for the spring training facility, with
248 priority given to the largest percentage increase of total
249 active recreation space.

250 h. The location of the facility in a brownfield area, an
251 enterprise zone, a community redevelopment area, or another area
252 of targeted development or revitalization included in an urban
253 infill redevelopment plan, with priority given to facilities
254 located in those areas.

255 i. The projections on paid attendance attracted by the
256 facility and the proposed effect on the economy of the local
257 community, with priority given to the highest projected paid
258 attendance.

259 (7) (a) The Office of Tourism, Trade, and Economic
260 Development shall notify the Department of Revenue of any
261 facility certified as a facility for a new professional sports
262 franchise or a facility for a retained professional sports
263 franchise or as a facility for a retained spring training
264 franchise. The Office of Tourism, Trade, and Economic
265 Development shall certify no more than eight facilities as
266 facilities for a new professional sports franchise or as
267 facilities for a retained professional sports franchise ~~and~~
268 ~~shall certify at least five as facilities for retained spring~~
269 ~~training franchises~~, including in such total any facilities
270 certified by the Department of Commerce before July 1, 1996. The
271 number of facilities certified as a retained spring training
272 franchise shall be as provided in subsection (5). The office may
273 make no more than one certification for any facility. The office
274 may not certify funding for less than the requested amount to
275 any applicant certified as a facility for a retained spring
276 training franchise.

277 (b) The eighth certification of an applicant under this

278 section as a facility for a new professional sports franchise or
 279 a facility for a retained professional sports franchise shall be
 280 for a franchise that is a member of the National Basketball
 281 Association, has been located within the state since 1987, and
 282 has not been previously certified. This paragraph is repealed
 283 July 1, 2010.

284 Section 3. Subsection (2) of section 218.61, Florida
 285 Statutes, is amended to read:

286 218.61 Local government half-cent sales tax; designated
 287 proceeds; trust fund.--

288 (2) Money remitted by a sales tax dealer located within
 289 the county and transferred into the Local Government Half-cent
 290 Sales Tax Clearing Trust Fund shall be earmarked for
 291 distribution to the governing body of that county and of each
 292 municipality within that county. Such distributions shall be
 293 made after funding is provided pursuant to s. 218.64(3), if
 294 applicable. Such moneys shall be known as the "local government
 295 half-cent sales tax."

296 Section 4. Present subsection (3) of section 218.64,
 297 Florida Statutes, is redesignated as subsection (4), and a new
 298 subsection (3) is added to that section, to read:

299 218.64 Local government half-cent sales tax; uses;
 300 limitations.--

301 (3) Subject to ordinances enacted by the majority of the
 302 members of the county governing authority and by the majority of
 303 the members of the governing authorities of municipalities
 304 representing at least 50 percent of the municipal population of
 305 such county, counties may use up to \$2 million annually of the

306 local government half-cent sales tax allocated to that county
 307 for funding for any of the following applicants:

308 (a) A certified applicant as a "facility for a new
 309 professional sports franchise," a "facility for a retained
 310 professional sports franchise," or a "facility for a retained
 311 spring training franchise," as provided for in s. 288.1162. It
 312 is the Legislature's intent that the provisions of s. 288.1162,
 313 including, but not limited to, the evaluation process by the
 314 Office of Tourism, Trade, and Economic Development except for
 315 the limitation on the number of certified applicants or
 316 facilities as provided in that section and the restrictions set
 317 forth in s. 288.1162(9), shall apply to an applicant's facility
 318 to be funded by local government as provided in this subsection.

319 (b) A certified applicant as a "motorsport entertainment
 320 complex," as provided for in s. 288.1171. Funding for each
 321 franchise or motorsport complex shall begin 60 days after
 322 certification and shall continue for not more than 30 years.

323 Section 5. Section 288.1171, Florida Statutes, is created
 324 to read:

325 288.1171 Motorsports entertainment complex; definitions;
 326 certification; duties.--

327 (1) As used in this section, the term:

328 (a) "Applicant" means the owner of a motorsports
 329 entertainment complex.

330 (b) "Motorsports entertainment complex" means a closed-
 331 course racing facility.

332 (c) "Motorsports event" means a motorsports race that has
 333 been sanctioned by a sanctioning body.

334 (d) "Office" means the Office of Tourism, Trade, and
 335 Economic Development of the Executive Office of the Governor.

336 (e) "Owner" means a unit of local government which owns a
 337 motorsports entertainment complex or owns the land on which the
 338 motorsports entertainment complex is located.

339 (f) "Sanctioning body" means the American Motorcycle
 340 Association (AMA), Championship Auto Racing Teams (CART), Grand
 341 American Road Racing Association (Grand Am), Indy Racing League
 342 (IRL), National Association for Stock Car Auto Racing (NASCAR),
 343 National Hot Rod Association (NHRA), Professional Sportscar
 344 Racing (PSR), Sports Car Club of America (SCCA), United States
 345 Auto Club (USAC), or any successor organization, or any other
 346 nationally recognized governing body of motorsports which
 347 establishes an annual schedule of motorsports events and grants
 348 rights to conduct such events, has established and administers
 349 rules and regulations governing all participants involved in
 350 such events and all persons conducting such events, and requires
 351 certain liability assurances, including insurance.

352 (g) "Unit of local government" has the meaning ascribed in
 353 s. 218.369.

354 (2) The Office of Tourism, Trade, and Economic Development
 355 shall serve as the state agency for screening applicants for
 356 local-option funding under s. 218.64(3) and for certifying an
 357 applicant as a motorsports entertainment complex. The office
 358 shall develop and adopt rules for the receipt and processing of
 359 applications for funding under s. 218.64(3). The office shall
 360 make a determination regarding any application filed by an
 361 applicant not later than 120 days after the application is

362 filed.

363 (3) Before certifying an applicant as a motorsports
364 entertainment complex, the office must determine that:

365 (a) A unit of local government holds title to the land on
366 which the motorsports entertainment complex is located or holds
367 title to the motorsports entertainment complex.

368 (b) The municipality in which the motorsports
369 entertainment complex is located, or the county if the
370 motorsports entertainment complex is located in an
371 unincorporated area, has certified by resolution after a public
372 hearing that the application serves a public purpose.

373 (4) Upon determining that an applicant meets the
374 requirements of subsection (3), the office shall notify the
375 applicant and the executive director of the Department of
376 Revenue of such certification by means of an official letter
377 granting certification. If the applicant fails to meet the
378 certification requirements of subsection (3), the office shall
379 notify the applicant not later than 10 days following such
380 determination.

381 (5) A motorsports entertainment complex that has been
382 previously certified under this section and has received funding
383 under such certification is ineligible for any additional
384 certification.

385 (6) An applicant certified as a motorsports entertainment
386 complex may use funds provided pursuant to s. 218.64(3) only for
387 the following public purposes:

388 (a) Paying for the construction, reconstruction,
389 expansion, or renovation of a motorsports entertainment complex.

390 (b) Paying debt service reserve funds, arbitrage rebate
391 obligations, or other amounts payable with respect to bonds
392 issued for the construction, reconstruction, expansion, or
393 renovation of the motorsports entertainment complex or for the
394 reimbursement of such costs or the refinancing of bonds issued
395 for such purposes.

396 (c) Paying for construction, reconstruction, expansion, or
397 renovation of transportation or other infrastructure
398 improvements related to, necessary for, or appurtenant to the
399 motorsports entertainment complex, including, without
400 limitation, paying debt service reserve funds, arbitrage rebate
401 obligations, or other amounts payable with respect to bonds
402 issued for the construction, reconstruction, expansion, or
403 renovation of such transportation or other infrastructure
404 improvements, and for the reimbursement of such costs or the
405 refinancing of bonds issued for such purposes.

406 (d) Paying for programs of advertising and promotion of or
407 related to the motorsports entertainment complex or the
408 municipality in which the motorsports entertainment complex is
409 located, or the county if the motorsports entertainment complex
410 is located in an unincorporated area, if such programs of
411 advertising and promotion are designed to increase paid
412 attendance at the motorsports entertainment complex or increase
413 tourism in or promote the economic development of the community
414 in which the motorsports entertainment complex is located.

415 (7) The Department of Revenue may audit, as provided in s.
416 213.34, to verify that the distributions pursuant to this
417 section have been expended as required in this section. Such

418 information is subject to the confidentiality requirements of
419 chapter 213. If the Department of Revenue determines that the
420 distributions pursuant to certification under this section have
421 not been expended as required by this section, it may pursue
422 recovery of such funds pursuant to the laws and rules governing
423 the assessment of taxes.

424 Section 6. This act shall take effect July 1, 2006.