

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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~~

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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



ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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.

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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.

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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.

ENROLLED  
 HB 7089, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 7089, Engrossed 1

2006 Legislature

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.