

By the Committee on Commerce and Consumer Services; and  
Senator Fasano

577-2060-06

1                                   A bill to be entitled

2           An act relating to facilities for retained

3           spring training franchises; amending s. 212.20,

4           F.S.; revising a limitation on certain

5           distributions to certified facilities for a

6           retained spring training franchise; deleting a

7           provision entitling an applicant to receive

8           certain distributions without additional

9           certification; amending s. 288.1162, F.S.;

10          requiring the Office of Tourism, Trade, and

11          Economic Development to competitively evaluate

12          applications for funding of certain additional

13          facilities; providing application and

14          certification requirements; specifying

15          evaluation criteria; revising the number of

16          certifications of such facilities; providing an

17          effective date.

18

19 Be It Enacted by the Legislature of the State of Florida:

20

21           Section 1. Paragraph (d) of subsection (6) of section

22 212.20, Florida Statutes, is amended to read:

23           212.20 Funds collected, disposition; additional powers

24 of department; operational expense; refund of taxes

25 adjudicated unconstitutionally collected.--

26           (6) Distribution of all proceeds under this chapter

27 and s. 202.18(1)(b) and (2)(b) shall be as follows:

28           (d) The proceeds of all other taxes and fees imposed

29 pursuant to this chapter or remitted pursuant to s.

30 202.18(1)(b) and (2)(b) shall be distributed as follows:

31

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

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

11           3. After the distribution under subparagraphs 1. and  
12 2., 8.814 percent of the amount remitted by a sales tax dealer  
13 located within a participating county pursuant to s. 218.61  
14 shall be transferred into the Local Government Half-cent Sales  
15 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
16 be transferred pursuant to this subparagraph to the Local  
17 Government Half-cent Sales Tax Clearing Trust Fund shall be  
18 reduced by 0.1 percent, and the department shall distribute  
19 this amount to the Public Employees Relations Commission Trust  
20 Fund less \$5,000 each month, which shall be added to the  
21 amount calculated in subparagraph 4. and distributed  
22 accordingly.

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

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

31

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

19           7. Of the remaining proceeds:

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

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

12 |         b. The department shall distribute \$166,667 monthly  
13 | pursuant to s. 288.1162 to each applicant that has been  
14 | certified as a "facility for a new professional sports  
15 | franchise" or a "facility for a retained professional sports  
16 | franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
17 | distributed monthly by the department to each applicant that  
18 | has been certified as a "facility for a retained spring  
19 | training franchise" pursuant to s. 288.1162; however, not more  
20 | than ~~\$416,670~~\$208,335 may be distributed monthly in the  
21 | aggregate to all certified facilities for a retained spring  
22 | training franchise. Distributions shall begin 60 days  
23 | following such certification and shall continue for not more  
24 | than 30 years. Nothing contained in this paragraph shall be  
25 | construed to allow an applicant certified pursuant to s.  
26 | 288.1162 to receive more in distributions than actually  
27 | expended by the applicant for the public purposes provided for  
28 | in s. 288.1162(6). ~~However, a certified applicant is entitled~~  
29 | ~~to receive distributions up to the maximum amount allowable~~  
30 | ~~and undistributed under this section for additional~~

1 ~~renovations and improvements to the facility for the franchise~~  
2 ~~without additional certification.~~

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

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

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

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

24 288.1162 Professional sports franchises; spring  
25 training franchises; duties.--

26 (5)

27 (c)1. The Office of Tourism, Trade, and Economic  
28 Development shall competitively evaluate applications for  
29 funding of a facility for a retained spring training  
30 franchise. Applications must be submitted by October 1, 2000,  
31 with certifications to be made by January 1, 2001. If the

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

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

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

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

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

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

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

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

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 five proposals.  
20 The aggregate funding request of all applicants certified  
21 shall not exceed an aggregate funding request of \$208,335 per  
22 month. The evaluation criteria shall include the following,  
23 with priority given in descending 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 the  
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 shall not exceed 5 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 facilities certified as retained spring training  
10 franchises shall be as provided by subsection (5). The office  
11 may make no more than one certification for any facility. The  
12 office may not certify funding for less than the requested  
13 amount to any applicant certified as a facility for a retained  
14 spring training franchise.

15 Section 3. This act shall take effect July 1, 2006.

16  
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18 COMMITTEE SUBSTITUTE FOR  
19 Senate Bill 1886

20 The committee substitute differs from the bill in the  
21 following ways: it authorizes the Office of Tourism, Trade,  
22 and Economic Development to certify up to five, rather than  
23 three, new spring training facilities, and it increases the  
24 aggregate funding cap to allow for distributions to the  
25 additional facilities.  
26  
27  
28  
29  
30  
31