

Committee Substitute for House Bill No. 1439

An act relating to spring training franchise facilities; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of revenues under chapter 212, F.S., to certified facilities for retained spring training franchises for a specified period; providing an aggregate limit on monthly distributions to all certified facilities for a retained spring training franchise; amending s. 288.1162, F.S.; redefining the term "new spring training franchise facility"; providing for certification of facilities for a retained spring training franchise by the Office of Tourism, Trade, and Economic Development; providing certification requirements; providing for competitive evaluation of applications for funding; providing evaluation criteria; providing for use of funds distributed pursuant to s. 212.20, F.S., to such facilities; requiring the Office of Tourism, Trade, and Economic Development to certify a specified number of sports facilities, and a specified number of facilities for retained spring training franchises, under s. 288.1162, F.S.; providing an effective date.

WHEREAS, Major League Baseball Spring Training has been a part of Florida's history since the early 1900's with teams such as the 1999 World Champion New York Yankees training in this state continuously since 1919, and

WHEREAS, each year over 1.5 million fans enjoy Major League Baseball Spring Training games at the 19 spring training facilities located around the state which contributes over \$300 million in economic impact to our state's economy, and

WHEREAS, Major League Baseball Spring Training is an integral part of Florida's history and our economy and has a rich tradition of offering affordable entertainment to Florida's visitors, our children, and our seniors, NOW, THEREFORE,

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

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

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

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

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. The department shall distribute ~~Beginning July 1, 1992,~~ \$166,667 ~~shall be distributed monthly pursuant to s. 288.1162 by the department to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to and~~ \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained new spring training franchise facility" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162~~(6)(7)~~. However, a certified applicant is entitled to ~~shall~~ receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

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

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

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

Section 2. Section 288.1162, Florida Statutes, is amended to read:

288.1162 Professional sports franchises; spring training franchises; duties.—

(1) The Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying an applicant as a “facility for a new professional sports franchise,” a “facility for a retained professional sports franchise,” or a “facility for a retained new spring training franchise facility.”

(2) The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.

(3) As used in this section, the term:

(a) “New professional sports franchise” means a professional sports franchise that is not based in this state prior to April 1, 1987.

(b) “Retained professional sports franchise” means a professional sports franchise that has had a league-authorized location in this state on or before December 31, 1976, and has continuously remained at that location, and has never been located at a facility that has been previously certified under any provision of this section.

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

(a) A “unit of local government” as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(b) The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 years, or in the case of a retained professional sports franchise, an agreement for use of the facility for a term of at least 20 years.

(c) The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise in this state after April 1, 1987, or in the case of a retained professional sports franchise, verified evidence that it has had a league-authorized location in this state on or before December 31, 1976. The term “league” means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.

(d) The applicant has projections, verified by the Office of Tourism, Trade, and Economic Development, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates

that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.

(f) The municipality in which the facility for a new or retained professional sports franchise is located, or the county if the facility for a new or retained professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(g) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

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

(5)(a) As used in this section, the term “retained new spring training franchise” means a spring training franchise that has been ~~is not~~ based in this state prior to January 1, 2000 ~~July 1, 1990~~.

(b)(6) Prior to certifying an applicant as a “facility for a retained new spring training franchise facility,” the Office of Tourism, Trade, and Economic Development must determine that:

1.(a) A “unit of local government” as defined in s. 218.369 is responsible for the acquisition, construction, management, or operation of the facility for a retained new spring training franchise facility or holds title to the property on which the facility for a retained new spring training franchise facility is located.

2.(b) The applicant has a verified copy of a signed agreement with a retained new spring training franchise for the use of the facility for a term of at least 15 years.

3.(e) The applicant has a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation use of the facility for a retained by the new spring training franchise. The agreement can be contingent upon the awarding of funds under this section and other conditions precedent to use by the spring training franchise.

~~(d) The proposed facility for the new spring training franchise is located within 20 miles of an interstate or other limited-access highway system.~~

4.(e) The applicant has projections, verified by the Office of Tourism, Trade, and Economic Development, which demonstrate that the facility for a retained new spring training franchise facility will attract a paid attendance of at least 50,000 annually.

5.(f) The facility for a retained new spring training franchise facility is located in a county that is levying a tourist development tax pursuant to s.

125.0104(3)(b), (c), (d), and (l), at the rate of 4 percent by March 1, 1992, and, 87.5 percent of the proceeds from such tax are dedicated for the construction of a spring training complex.

(c) The Office of Tourism, Trade, and Economic Development shall competitively evaluate applications for funding of a facility for a retained spring training franchise. Applications must be submitted by October 1, 2000, with certifications to be made by January 1, 2001. If the number of applicants exceeds five and the aggregate funding request of all applications exceeds \$208,335 per month, the office shall rank the applications according to a selection criteria, certifying the highest ranked proposals. The evaluation criteria shall include, with priority given in descending order to the following items:

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

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

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

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

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

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

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

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

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

(d) Funds may not be expended to subsidize privately owned and maintained facilities for use by the spring training franchise. Funds may be used

to relocate a retained spring training franchise to another unit of local government only if the existing unit of local government with the retained spring training franchise agrees to the relocation.

~~(6)~~⁽⁷⁾ An applicant certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a facility for a retained new spring training franchise facility may use funds provided pursuant to s. 212.20 only for the public purpose of paying for the acquisition, construction, reconstruction, or renovation of a facility for a new professional sports franchise, a facility for a retained professional sports franchise, or a facility for a retained new spring training franchise facility or to pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the acquisition, construction, reconstruction, or renovation of such facility or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

~~(7)~~⁽⁸⁾ The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a facility for a retained new spring training franchise facility. The Office of Tourism, Trade, and Economic Development ~~shall~~ may certify no more than eight facilities as facilities for a new professional sports franchise or, as facilities for a retained professional sports franchise and shall certify at least five, ~~or~~ as facilities for retained new spring training franchises ~~franchise facilities~~, including in such total any facilities certified by the Department of Commerce before July 1, 1996. The office may make no more than one certification for any facility. The office may not certify funding for less than the requested amount to any applicant certified as a facility for a retained spring training franchise.

~~(8)~~⁽⁹⁾ The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section. Such information is subject to the confidentiality requirements of chapter 213. If the Department of Revenue determines that the distributions pursuant to this section have not been expended as required by this section, it may pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

~~(9)~~⁽¹⁰⁾ An applicant ~~is shall~~ not be qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the Office of Tourism, Trade, and Economic Development or the Department of Commerce before any funds were distributed pursuant to s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed pursuant to s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification have been distributed.

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

Approved by the Governor June 2, 2000.

Filed in Office Secretary of State June 2, 2000.