

By the Committee on Commerce

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1                   A bill to be entitled  
2           An act relating to baseball spring training  
3           facilities; amending ss. 14.2015 and 212.20, F.S.,  
4           relating to the Office of Tourism, Trade, and Economic  
5           Development and the distribution of certain tax  
6           proceeds; conforming cross-references; amending s.  
7           218.64, F.S.; revising a defined term to conform;  
8           amending s. 288.1162, F.S.; deleting provisions  
9           relating to funding facilities for spring training  
10          franchises; authorizing the Auditor General to verify  
11          whether certain funds for professional sports  
12          franchises have been used as required by law;  
13          requiring the Auditor General to notify the Department  
14          of Revenue if the funds were not used as required by  
15          law; creating s. 288.11621, F.S.; authorizing certain  
16          units of local government to apply for certification  
17          to receive funds for a facility for a spring training  
18          franchise; providing definitions; providing  
19          eligibility requirements; providing criteria to  
20          competitively evaluate applications for certification;  
21          limiting the use of funds granted to specified public  
22          purposes; requiring certified applicants to submit  
23          annual reports to the Office of Tourism, Trade, and  
24          Economic Development; requiring the Office of Tourism,  
25          Trade, and Economic Development to decertify certified  
26          applicants under certain circumstances; requiring the  
27          office to develop a strategic plan relating to  
28          baseball spring training activities; authorizing the  
29          Office of Tourism, Trade, and Economic Development to

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30 adopt rules; authorizing the Auditor General to  
31 conduct an audit of certified applicants to verify  
32 whether certified applicants have used certain funds  
33 for baseball spring training facilities as required by  
34 law; amending s. 288.1229, F.S.; providing that the  
35 Office of Tourism, Trade, and Economic Development may  
36 authorize a direct-support organization to assist in  
37 the retention of professional sports franchises;  
38 providing an effective date.  
39

40 Be It Enacted by the Legislature of the State of Florida:  
41

42 Section 1. Paragraph (f) of subsection (2) of section  
43 14.2015, Florida Statutes, is amended to read:

44 14.2015 Office of Tourism, Trade, and Economic Development;  
45 creation; powers and duties.—

46 (2) The purpose of the Office of Tourism, Trade, and  
47 Economic Development is to assist the Governor in working with  
48 the Legislature, state agencies, business leaders, and economic  
49 development professionals to formulate and implement coherent  
50 and consistent policies and strategies designed to provide  
51 economic opportunities for all Floridians. To accomplish such  
52 purposes, the Office of Tourism, Trade, and Economic Development  
53 shall:

54 (f)1. Administer the Florida Enterprise Zone Act under ss.  
55 290.001-290.016, the community contribution tax credit program  
56 under ss. 220.183 and 624.5105, the tax refund program for  
57 qualified target industry businesses under s. 288.106, the tax-  
58 refund program for qualified defense contractors and space

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59 flight business contractors under s. 288.1045, contracts for  
60 transportation projects under s. 288.063, the sports franchise  
61 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~  
62 ~~288.1162~~, the professional golf hall of fame facility program  
63 under s. 288.1168, the expedited permitting process under s.  
64 403.973, the Rural Community Development Revolving Loan Fund  
65 under s. 288.065, the Regional Rural Development Grants Program  
66 under s. 288.018, the Certified Capital Company Act under s.  
67 288.99, the Florida State Rural Development Council, the Rural  
68 Economic Development Initiative, and other programs that are  
69 specifically assigned to the office by law, by the  
70 appropriations process, or by the Governor. Notwithstanding any  
71 other provisions of law, the office may expend interest earned  
72 from the investment of program funds deposited in the Grants and  
73 Donations Trust Fund to contract for the administration of the  
74 programs, or portions of the programs, enumerated in this  
75 paragraph or assigned to the office by law, by the  
76 appropriations process, or by the Governor. Such expenditures  
77 shall be subject to review under chapter 216.

78 2. The office may enter into contracts in connection with  
79 the fulfillment of its duties concerning the Florida First  
80 Business Bond Pool under chapter 159, tax incentives under  
81 chapters 212 and 220, tax incentives under the Certified Capital  
82 Company Act in chapter 288, foreign offices under chapter 288,  
83 the Enterprise Zone program under chapter 290, the Seaport  
84 Employment Training program under chapter 311, the Florida  
85 Professional Sports Team License Plates under chapter 320,  
86 Spaceport Florida under chapter 331, Expedited Permitting under  
87 chapter 403, and in carrying out other functions that are

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88 specifically assigned to the office by law, by the  
89 appropriations process, or by the Governor.

90 Section 2. Paragraph (d) of subsection (6) of section  
91 212.20, Florida Statutes, is amended to read:

92 212.20 Funds collected, disposition; additional powers of  
93 department; operational expense; refund of taxes adjudicated  
94 unconstitutionally collected.—

95 (6) Distribution of all proceeds under this chapter and s.  
96 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

109 3. After the distribution under subparagraphs 1. and 2.,  
110 8.814 percent of the amount remitted by a sales tax dealer  
111 located within a participating county pursuant to s. 218.61  
112 shall be transferred into the Local Government Half-cent Sales  
113 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
114 be transferred pursuant to this subparagraph to the Local  
115 Government Half-cent Sales Tax Clearing Trust Fund shall be  
116 reduced by 0.1 percent, and the department shall distribute this

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117 amount to the Public Employees Relations Commission Trust Fund  
118 less \$5,000 each month, which shall be added to the amount  
119 calculated in subparagraph 4. and distributed accordingly.

120 4. After the distribution under subparagraphs 1., 2., and  
121 3., 0.095 percent shall be transferred to the Local Government  
122 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
123 to s. 218.65.

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

128 6. After the distributions under subparagraphs 1., 2., 3.,  
129 and 4., 1.3409 percent of the available proceeds pursuant to  
130 this paragraph shall be transferred monthly to the Revenue  
131 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
132 the total revenue to be distributed pursuant to this  
133 subparagraph is at least as great as the amount due from the  
134 Revenue Sharing Trust Fund for Municipalities and the former  
135 Municipal Financial Assistance Trust Fund in state fiscal year  
136 1999-2000, no municipality shall receive less than the amount  
137 due from the Revenue Sharing Trust Fund for Municipalities and  
138 the former Municipal Financial Assistance Trust Fund in state  
139 fiscal year 1999-2000. If the total proceeds to be distributed  
140 are less than the amount received in combination from the  
141 Revenue Sharing Trust Fund for Municipalities and the former  
142 Municipal Financial Assistance Trust Fund in state fiscal year  
143 1999-2000, each municipality shall receive an amount  
144 proportionate to the amount it was due in state fiscal year  
145 1999-2000.

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146           7. Of the remaining proceeds:  
147           a. In each fiscal year, the sum of \$29,915,500 shall be  
148 divided into as many equal parts as there are counties in the  
149 state, and one part shall be distributed to each county. The  
150 distribution among the several counties shall begin each fiscal  
151 year on or before January 5th and shall continue monthly for a  
152 total of 4 months. If a local or special law required that any  
153 moneys accruing to a county in fiscal year 1999-2000 under the  
154 then-existing provisions of s. 550.135 be paid directly to the  
155 district school board, special district, or a municipal  
156 government, such payment shall continue until such time that the  
157 local or special law is amended or repealed. The state covenants  
158 with holders of bonds or other instruments of indebtedness  
159 issued by local governments, special districts, or district  
160 school boards prior to July 1, 2000, that it is not the intent  
161 of this subparagraph to adversely affect the rights of those  
162 holders or relieve local governments, special districts, or  
163 district school boards of the duty to meet their obligations as  
164 a result of previous pledges or assignments or trusts entered  
165 into which obligated funds received from the distribution to  
166 county governments under then-existing s. 550.135. This  
167 distribution specifically is in lieu of funds distributed under  
168 s. 550.135 prior to July 1, 2000.

169           b. The department shall distribute \$166,667 monthly  
170 pursuant to s. 288.1162 to each applicant that has been  
171 certified as a "facility for a new professional sports  
172 franchise" or a "facility for a retained professional sports  
173 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
174 distributed monthly by the department to each certified

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175 applicant, as defined in s. 288.11621, which ~~that~~ has been  
176 certified to receive funds for ~~as~~ a "facility for a ~~retained~~  
177 spring training franchise." ~~pursuant to s. 288.1162;~~ However,  
178 not more than \$416,670 may be distributed monthly in the  
179 aggregate to all applicants that are certified to receive funds  
180 for facilities for a ~~retained~~ spring training franchises  
181 ~~franchise~~. Distributions ~~shall~~ begin 60 days following such  
182 certification and ~~shall~~ continue for not more than 30 years,  
183 except as provided otherwise by law. A certified applicant  
184 identified in this sub-subparagraph may not ~~Nothing contained in~~  
185 ~~this paragraph shall be construed to allow an applicant~~  
186 ~~certified pursuant to s. 288.1162 to receive more in~~  
187 distributions than ~~actually~~ expended by the applicant for the  
188 public purposes provided for in s. 288.1162(5) or s.  
189 288.11621(3) ~~s. 288.1162(6)~~.

190 c. Beginning 30 days after notice by the Office of Tourism,  
191 Trade, and Economic Development to the Department of Revenue  
192 that an applicant has been certified as the professional golf  
193 hall of fame pursuant to s. 288.1168 and is open to the public,  
194 \$166,667 shall be distributed monthly, for up to 300 months, to  
195 the applicant.

196 d. Beginning 30 days after notice by the Office of Tourism,  
197 Trade, and Economic Development to the Department of Revenue  
198 that the applicant has been certified as the International Game  
199 Fish Association World Center facility pursuant to s. 288.1169,  
200 and the facility is open to the public, \$83,333 shall be  
201 distributed monthly, for up to 168 months, to the applicant.  
202 This distribution is subject to reduction pursuant to s.  
203 288.1169. A lump sum payment of \$999,996 shall be made, after

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204 certification and before July 1, 2000.

205 8. All other proceeds shall remain with the General Revenue  
206 Fund.

207 Section 3. Section 218.64, Florida Statutes, is amended to  
208 read:

209 218.64 Local government half-cent sales tax; uses;  
210 limitations.-

211 (1) The proportion of the local government half-cent sales  
212 tax received by a county government based on two-thirds of the  
213 incorporated area population shall be deemed countywide revenues  
214 and shall be expended only for countywide tax relief or  
215 countywide programs. The remaining county government portion  
216 shall be deemed county revenues derived on behalf of the  
217 unincorporated area but may be expended on a countywide basis.

218 (2) Municipalities shall expend their portions of the local  
219 government half-cent sales tax only for municipality-wide  
220 programs or for municipality-wide property tax or municipal  
221 utility tax relief. All utility tax rate reductions afforded by  
222 participation in the local government half-cent sales tax shall  
223 be applied uniformly across all types of taxed utility services.

224 (3) Subject to ordinances enacted by the majority of the  
225 members of the county governing authority and by the majority of  
226 the members of the governing authorities of municipalities  
227 representing at least 50 percent of the municipal population of  
228 such county, counties may use up to \$2 million annually of the  
229 local government half-cent sales tax allocated to that county  
230 for funding for any of the following applicants:

231 (a) A certified applicant as a "facility for a new  
232 professional sports franchise~~r~~" or a "facility for a retained



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233 professional sports franchise," ~~or a "facility for a retained~~  
 234 ~~spring training franchise,"~~ as provided for in s. 288.1162, or a  
 235 "certified applicant," as defined s. 288.11621, to receive funds  
 236 for a facility for a spring training franchise. It is the  
 237 Legislature's intent that the provisions of s. 288.1162,  
 238 including, but not limited to, the evaluation process by the  
 239 Office of Tourism, Trade, and Economic Development except for  
 240 the limitation on the number of certified applicants or  
 241 facilities as provided in that section and the restrictions set  
 242 forth in s. 288.1162(9), shall apply to an applicant's facility  
 243 to be funded by local government as provided in this subsection.

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

248 (4) A local government is authorized to pledge proceeds of  
 249 the local government half-cent sales tax for the payment of  
 250 principal and interest on any capital project.

251 Section 4. Section 288.1162, Florida Statutes, is amended  
 252 to read:

253 288.1162 Professional sports franchises; ~~spring training~~  
 254 ~~franchises;~~ duties.—

255 (1) The Office of Tourism, Trade, and Economic Development  
 256 shall serve as the state agency for screening applicants for  
 257 state funding pursuant to s. 212.20 and for certifying an  
 258 applicant as a "facility for a new professional sports  
 259 franchise," or a "facility for a retained professional sports  
 260 franchise," ~~or a "facility for a retained spring training~~  
 261 ~~franchise."~~

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

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

266 (a) "New professional sports franchise" means a  
267 professional sports franchise that is not based in this state  
268 prior to April 1, 1987.

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

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

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

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

289 (c) The applicant has a verified copy of the approval from  
290 the governing authority of the league in which the new

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291 professional sports franchise exists authorizing the location of  
292 the professional sports franchise in this state after April 1,  
293 1987, or in the case of a retained professional sports  
294 franchise, verified evidence that it has had a league-authorized  
295 location in this state on or before December 31, 1976. The term  
296 "league" means the National League or the American League of  
297 Major League Baseball, the National Basketball Association, the  
298 National Football League, or the National Hockey League.

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

303 (e) The applicant has an independent analysis or study,  
304 verified by the Office of Tourism, Trade, and Economic  
305 Development, which demonstrates that the amount of the revenues  
306 generated by the taxes imposed under chapter 212 with respect to  
307 the use and operation of the professional sports franchise  
308 facility will equal or exceed \$2 million annually.

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

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

319 (h) No applicant previously certified under any provision

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320 of this section who has received funding under such  
321 certification shall be eligible for an additional certification.

322 ~~(5) (a) As used in this section, the term "retained spring~~  
323 ~~training franchise" means a spring training franchise that has~~  
324 ~~been based in this state prior to January 1, 2000.~~

325 ~~(b) Prior to certifying an applicant as a "facility for a~~  
326 ~~retained spring training franchise," the Office of Tourism,~~  
327 ~~Trade, and Economic Development must determine that:~~

328 ~~1. A "unit of local government" as defined in s. 218.369 is~~  
329 ~~responsible for the acquisition, construction, management, or~~  
330 ~~operation of the facility for a retained spring training~~  
331 ~~franchise or holds title to the property on which the facility~~  
332 ~~for a retained spring training franchise is located.~~

333 ~~2. The applicant has a verified copy of a signed agreement~~  
334 ~~with a retained spring training franchise for the use of the~~  
335 ~~facility for a term of at least 15 years.~~

336 ~~3. The applicant has a financial commitment to provide 50~~  
337 ~~percent or more of the funds required by an agreement for the~~  
338 ~~acquisition, construction, or renovation of the facility for a~~  
339 ~~retained spring training franchise. The agreement can be~~  
340 ~~contingent upon the awarding of funds under this section and~~  
341 ~~other conditions precedent to use by the spring training~~  
342 ~~franchise.~~

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

347 ~~5. The facility for a retained spring training franchise is~~  
348 ~~located in a county that is levying a tourist development tax~~

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349 ~~pursuant to s. 125.0104.~~

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

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

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

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

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

375 ~~e. The duration of the future-use agreement with the~~  
376 ~~retained spring training franchise, with priority given to the~~  
377 ~~future-use agreement having the longest duration.~~

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378 ~~f. The amount of the local match, with priority given to~~  
379 ~~the largest percentage of local match proposed.~~

380 ~~g. The net increase of total active recreation space owned~~  
381 ~~by the applying unit of local government following the~~  
382 ~~acquisition of land for the spring training facility, with~~  
383 ~~priority given to the largest percentage increase of total~~  
384 ~~active recreation space.~~

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

390 ~~i. The projections on paid attendance attracted by the~~  
391 ~~facility and the proposed effect on the economy of the local~~  
392 ~~community, with priority given to the highest projected paid~~  
393 ~~attendance.~~

394 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~  
395 ~~and Economic Development shall competitively evaluate~~  
396 ~~applications for funding of facilities for retained spring~~  
397 ~~training franchises in addition to those certified and funded~~  
398 ~~under subparagraph 1. An applicant that is a unit of government~~  
399 ~~that has an agreement for a retained spring training franchise~~  
400 ~~for 15 or more years which was entered into between July 1,~~  
401 ~~2003, and July 1, 2004, shall be eligible for funding.~~  
402 ~~Applications must be submitted by October 1, 2006, with~~  
403 ~~certifications to be made by January 1, 2007. The office shall~~  
404 ~~rank the applications according to selection criteria,~~  
405 ~~certifying no more than five proposals. The aggregate funding~~  
406 ~~request of all applicants certified shall not exceed an~~

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407 ~~aggregate funding request of \$208,335 per month. The evaluation~~  
408 ~~criteria shall include the following, with priority given in~~  
409 ~~descending order:~~

410 ~~a. The intended use of the funds by the applicant for~~  
411 ~~acquisition or construction of a new facility.~~

412 ~~b. The intended use of the funds by the applicant to~~  
413 ~~renovate a facility.~~

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

419 ~~d. For those teams leasing a spring training facility from~~  
420 ~~a unit of local government, the remaining time on the lease for~~  
421 ~~facilities used by the spring training franchise, with priority~~  
422 ~~given to the shortest time period remaining on the lease. For~~  
423 ~~consideration under this subparagraph, the remaining time on the~~  
424 ~~lease shall not exceed 5 years, unless an agreement of 15 years~~  
425 ~~or more was entered into between July 1, 2003, and July 1, 2004.~~

426 ~~e. The duration of the future use agreement with the~~  
427 ~~retained spring training franchise, with priority given to the~~  
428 ~~future use agreement having the longest duration.~~

429 ~~f. The amount of the local match, with priority given to~~  
430 ~~the largest percentage of local match proposed.~~

431 ~~g. The net increase of total active recreation space owned~~  
432 ~~by the applying unit of local government following the~~  
433 ~~acquisition of land for the spring training facility, with~~  
434 ~~priority given to the largest percentage increase of total~~  
435 ~~active recreation space.~~

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436 ~~h. The location of the facility in a brownfield area, an~~  
437 ~~enterprise zone, a community redevelopment area, or another area~~  
438 ~~of targeted development or revitalization included in an urban~~  
439 ~~infill redevelopment plan, with priority given to facilities~~  
440 ~~located in those areas.~~

441 ~~i. The projections on paid attendance attracted by the~~  
442 ~~facility and the proposed effect on the economy of the local~~  
443 ~~community, with priority given to the highest projected paid~~  
444 ~~attendance.~~

445 ~~(d) Funds may not be expended to subsidize privately owned~~  
446 ~~and maintained facilities for use by the spring training~~  
447 ~~franchise. Funds may be used to relocate a retained spring~~  
448 ~~training franchise to another unit of local government only if~~  
449 ~~the existing unit of local government with the retained spring~~  
450 ~~training franchise agrees to the relocation.~~

451 ~~(5)-(6)~~ An applicant certified as a facility for a new or  
452 retained professional sports franchise or a facility for a  
453 ~~retained professional sports franchise or as a facility for a~~  
454 ~~retained spring training franchise~~ may use funds provided  
455 pursuant to s. 212.20 only for the public purpose of paying for  
456 the acquisition, construction, reconstruction, or renovation of  
457 a facility for a new or retained professional sports franchise,  
458 ~~a facility for a retained professional sports franchise, or a~~  
459 ~~facility for a retained spring training franchise~~ or to pay or  
460 pledge for the payment of debt service on, or to fund debt  
461 service reserve funds, arbitrage rebate obligations, or other  
462 amounts payable with respect to, bonds issued for the  
463 acquisition, construction, reconstruction, or renovation of such  
464 facility or for the reimbursement of such costs or the



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465 refinancing of bonds issued for such purposes.

466 (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic  
467 Development shall notify the Department of Revenue of any  
468 facility certified as a facility for a new or retained  
469 professional sports franchise ~~or a facility for a retained~~  
470 ~~professional sports franchise or as a facility for a retained~~  
471 ~~spring training franchise~~. The Office of Tourism, Trade, and  
472 Economic Development shall certify no more than eight facilities  
473 as facilities for a new professional sports franchise or as  
474 facilities for a retained professional sports franchise,  
475 including in such total any facilities certified by the  
476 Department of Commerce before July 1, 1996. ~~The number of~~  
477 ~~facilities certified as a retained spring training franchise~~  
478 ~~shall be as provided in subsection (5)~~. The office may make no  
479 more than one certification for any facility. ~~The office may not~~  
480 ~~certify funding for less than the requested amount to any~~  
481 ~~applicant certified as a facility for a retained spring training~~  
482 ~~franchise~~.

483 (b) The eighth certification of an applicant under this  
484 section as a facility for a new or retained professional sports  
485 franchise ~~or a facility for a retained professional sports~~  
486 ~~franchise~~ shall be for a franchise that is a member of the  
487 National Basketball Association, has been located within the  
488 state since 1987, and has not been previously certified. This  
489 paragraph is repealed July 1, 2010.

490 (7)~~(8)~~ The Auditor General ~~Department of Revenue~~ may  
491 conduct an audit as provided in s. 11.42 ~~s. 213.34~~ to verify  
492 that the distributions pursuant to this section have been  
493 expended as required in this section. ~~Such information is~~

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494 ~~subject to the confidentiality requirements of chapter 213.~~ If  
 495 the Auditor General ~~Department of Revenue~~ determines that the  
 496 distributions pursuant to this section have not been expended as  
 497 required by this section, the Auditor General shall contact the  
 498 Department of Revenue, which ~~it~~ may pursue recovery of such  
 499 funds pursuant to the laws and rules governing the assessment of  
 500 taxes.

501 ~~(8)-(9)~~ An applicant is not qualified for certification  
 502 under this section if the franchise formed the basis for a  
 503 previous certification, unless the previous certification was  
 504 withdrawn by the facility or invalidated by the Office of  
 505 Tourism, Trade, and Economic Development or the Department of  
 506 Commerce before any funds were distributed pursuant to s.  
 507 212.20. This subsection does not disqualify an applicant if the  
 508 previous certification occurred between May 23, 1993, and May  
 509 25, 1993; however, any funds to be distributed pursuant to s.  
 510 212.20 for the second certification shall be offset by the  
 511 amount distributed to the previous certified facility.  
 512 Distribution of funds for the second certification shall not be  
 513 made until all amounts payable for the first certification have  
 514 been distributed.

515 Section 5. Section 288.11621, Florida Statutes, is created  
 516 to read:

517 288.11621 Spring training baseball facilities.-

518 (1) DEFINITIONS.-As used in this section, the term:

519 (a) "Applicant" means a unit of local government as defined  
 520 in s. 218.369.

521 (b) "Certified applicant" means an applicant that has been  
 522 certified pursuant to this section or certified as a facility

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523 for a spring training franchise pursuant to s. 288.1162(5)  
524 before July 1, 2009.

525 (c) "Facility" means a spring training stadium, playing  
526 fields, and appurtenances intended to support spring training  
527 activities.

528 (d) "Office" means the Office of Tourism, Trade, and  
529 Economic Development.

530 (2) CERTIFICATION PROCESS.-

531 (a) Prior to certifying an applicant to receive state  
532 funding for a facility for a spring training franchise, the  
533 office must verify that:

534 1. The applicant is responsible for the acquisition,  
535 construction, management, or operation of the facility for a  
536 spring training franchise or holds title to the property on  
537 which the facility for a spring training franchise is located.

538 2. The applicant has a certified copy of a signed agreement  
539 with a spring training franchise for the use of the facility for  
540 a term of at least 20 years. The agreement also must require the  
541 franchise to reimburse the state for state funds expended by an  
542 applicant pursuant to this section if the franchise relocates  
543 before the agreement expires. The agreement may be contingent on  
544 an award of funds under this section and other conditions  
545 precedent.

546 3. The applicant has made a financial commitment to provide  
547 50 percent or more of the funds required by an agreement for the  
548 acquisition, construction, or renovation of the facility for a  
549 spring training franchise. The commitment may be contingent upon  
550 an award of funds under this section and other conditions  
551 precedent.

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552       4. The applicant demonstrates that the facility for a  
553 spring training franchise will attract a paid attendance of at  
554 least 50,000 annually to the spring training games.

555       5. The facility for a spring training franchise is located  
556 in a county that levies a tourist development tax under to s.  
557 125.0104.

558       (b) The office shall competitively evaluate applications  
559 for state funding of a facility for a spring training franchise.  
560 The total number of certifications may not exceed 10 at any  
561 time. The evaluation criteria must include, with priority given  
562 in descending order, the following items:

563       1. The intended use of the funds by the applicant for  
564 acquisition of a facility, construction of a new facility, or  
565 renovation of an existing facility.

566       2. The potential for the facility to serve multiple uses.

567       3. The length of time that a spring training franchise has  
568 been under an agreement to conduct spring training activities  
569 within an applicant's geographical jurisdiction, with priority  
570 given to applicants having agreements with the same franchise  
571 for the longest period of time.

572       4. The length of time that an applicant's facility has been  
573 used by one or more spring training franchises, with priority  
574 given to applicants whose facilities have been in continuous use  
575 as facilities for spring training the longest.

576       5. The term remaining on a lease between an applicant and a  
577 spring training franchise for a facility, with priority given to  
578 applicants having the shortest lease terms remaining.

579       6. The length of time that a spring training franchise  
580 agrees to use an applicant's facility if an application is

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581 granted under this section, with priority given to applicants  
582 having agreements for the longest future use.

583 7. The amount of the local matching funds committed to a  
584 facility relative to the amount of state funding sought, with  
585 priority given to applicants that commit the largest amount of  
586 local matching funds relative to the amount of state funding  
587 sought.

588 8. The net increase of total active recreation space owned  
589 by the applicant following an acquisition of land for the  
590 facility, with priority given to applicants having the largest  
591 percentage increase of total active recreation space.

592 9. The location of the facility in a brownfield, an  
593 enterprise zone, a community redevelopment area, or other area  
594 of targeted development or revitalization included in an urban  
595 infill redevelopment plan, with priority given to applicants  
596 having facilities located in these areas.

597 10. The projections on paid attendance attracted by the  
598 facility and the proposed effect on the economy of the local  
599 community, with priority given to applicants projecting the  
600 highest paid attendance.

601 (c) Applicants that are certified on or after July 1, 2009,  
602 shall enter into an agreement with the office that:

603 1. Specifies amount of the state incentive funding to be  
604 distributed;

605 2. States the criteria that the certified applicant must  
606 meet in order to remain certified;

607 3. States that the certified applicant is subject to  
608 decertification if the certified applicant fails to comply with  
609 this section or the agreement;

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610 4. States that the office may recover state incentive funds  
611 if the certified applicant is decertified;

612 5. Specifies information that the certified applicant must  
613 report to the office; and

614 6. Includes any provision deemed prudent by the office.

615 (3) USE OF FUNDS.—

616 (a) A certified applicant may use funds provided pursuant  
617 to s. 212.20 (6) (d) 7.b. only to:

618 1. Serve the public purpose of acquiring, constructing,  
619 reconstructing, or renovating a facility for a spring training  
620 franchise.

621 2. Pay or pledge for the payment of debt service on, or to  
622 fund debt service reserve funds, arbitrage rebate obligations,  
623 or other amounts payable with respect thereto, bonds issued for  
624 the acquisition, construction, reconstruction, or renovation of  
625 such facility, or for the reimbursement of such costs or the  
626 refinancing of bonds issued for such purposes.

627 3. Assist in the relocation of a spring training franchise  
628 from one unit of local government to another only if the  
629 governing board of the current host local government by a  
630 majority vote agrees to the relocation.

631 (b) State funds awarded to a certified applicant for a  
632 facility for a spring training franchise may not be used to  
633 subsidize facilities that are privately owned and maintained and  
634 that are used only by a spring training franchise.

635 (c) The Department of Revenue may not distribute funds to  
636 an applicant certified on or after July 1, 2009, until it  
637 receives notice from the office that the certified applicant has  
638 encumbered funds pursuant to subparagraph (a)2.

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639 (d) All certified applicants must place unexpended funds  
640 received pursuant to s. 212.20(6)(d)7.b. in a trust fund for use  
641 only as authorized in this section.

642 (4) ANNUAL REPORTS.—On or before every September 1, a  
643 certified applicant shall submit to the office a report that  
644 includes, but is not limited to:

645 (a) A copy of its most recent annual audit;

646 (b) A detailed report on all local and state funds expended  
647 to date on the project being financed pursuant to this section;

648 (c) A copy of the contract between the certified local  
649 governmental entity and the spring training team;

650 (d) A cost-benefit analysis of the team's impact on the  
651 community; and

652 (e) Evidence that the certified applicant continues to meet  
653 the criteria in paragraph (2)(a).

654 (5) DECERTIFICATION.—

655 (a) The office shall decertify a certified applicant upon  
656 the request of the certified applicant.

657 (b) The office shall decertify a certified applicant if the  
658 certified applicant does not:

659 1. Have a valid agreement with a spring training franchise;

660 or

661 2. Satisfy its commitment to provide local matching funds  
662 to the facility.

663 (c) A certified applicant has 60 days to petition the  
664 office's executive director for a hearing after it receives a  
665 notice of intent to decertify from the office.

666 (d) The office shall notify the Department of Revenue that  
667 a certified applicant has been decertified within 10 days after

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668 the order of decertification becomes final. The Department of  
669 Revenue shall immediately stop the payment of any funds under  
670 this section if the funds have not been encumbered by the  
671 certified applicant pursuant to subparagraph (3) (a)2.

672 (e) The office shall order a decertified applicant to repay  
673 all of the unencumbered state funds that the local government  
674 received pursuant to this section and any interest that accrued  
675 on those funds. The repayment must be made within 60 days after  
676 the decertification order becomes final. These funds shall be  
677 deposited into the General Revenue Fund.

678 (6) ADDITIONAL CERTIFICATIONS.—If the office decertifies a  
679 unit of local government, the office may accept applications for  
680 an additional certification. A unit of local government may not  
681 be certified for more than one spring training franchise at a  
682 time.

683 (7) STRATEGIC PLANNING.—

684 (a) The office shall request assistance from the Florida  
685 Sports Foundation and the Florida Grapefruit League to develop a  
686 comprehensive strategic plan to:

687 1. Finance spring training facilities.

688 2. Monitor and oversee the use of state funds awarded to  
689 applicants.

690 3. Identify the financial impact that spring training has  
691 on the state and ways in which to maintain or improve that  
692 impact.

693 4. Identify opportunities to develop public-private  
694 partnerships to engage in marketing activities and advertise  
695 spring training baseball.

696 5. Identify efforts made by other states to maintain or



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697 develop partnerships with baseball spring training teams.

698 6. Develop recommendations for the Legislature to sustain  
699 or improve this state's spring training tradition.

700 (b) A copy of the strategic plan must be submitted to the  
701 Governor, the President of the Senate, and the Speaker of the  
702 House of Representatives by December 31, 2009.

703 (8) RULEMAKING.—The office may adopt rules to administer  
704 this section.

705 (9) AUDITS.—The Auditor General may conduct audits as  
706 provided in s. 11.42 to verify that the distributions pursuant  
707 to this section have been expended as required in this section.  
708 If the Auditor General determines that the distributions  
709 pursuant to this section have not been expended as required by  
710 this section, the Auditor General shall contact the Department  
711 of Revenue, which may pursue recovery of such funds pursuant to  
712 the laws and rules governing the assessment of taxes.

713 Section 6. Subsection (1) of section 288.1229, Florida  
714 Statutes, is amended to read:

715 288.1229 Promotion and development of sports-related  
716 industries and amateur athletics; direct-support organization;  
717 powers and duties.—

718 (1) The Office of Tourism, Trade, and Economic Development  
719 may authorize a direct-support organization to assist the office  
720 in:

721 (a) The promotion and development of the sports industry  
722 and related industries for the purpose of improving the economic  
723 presence of these industries in Florida.

724 (b) The promotion of amateur athletic participation for the  
725 citizens of Florida and the promotion of Florida as a host for

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726 national and international amateur athletic competitions for the  
727 purpose of encouraging and increasing the direct and ancillary  
728 economic benefits of amateur athletic events and competitions.

729 (c) The retention of professional sports franchises,  
730 including spring training operations of Major League Baseball.

731 Section 7. This act shall take effect July 1, 2009.