

By the Committees on Commerce; and 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~~7~~" 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. 11.45 ~~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 anticipated effect on the economy of the local
564 community where the spring training facility will be built,
565 including projections on paid attendance, local and state tax
566 collections generated by spring training games, and direct and
567 indirect job creation resulting from the spring training
568 activities. Priority shall be given to applicants who can
569 demonstrate the largest projected economic impact.

570 2. The amount of the local matching funds committed to a
571 facility relative to the amount of state funding sought, with
572 priority given to applicants that commit the largest amount of
573 local matching funds relative to the amount of state funding
574 sought.

575 3. The potential for the facility to serve multiple uses.

576 4. The intended use of the funds by the applicant, with
577 priority given to the funds being used to acquire a facility,
578 construct a new facility, or renovate an existing facility.

579 5. The length of time that a spring training franchise has
580 been under an agreement to conduct spring training activities

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581 within an applicant's geographical jurisdiction, with priority
582 given to applicants having agreements with the same franchise
583 for the longest period of time.

584 6. The length of time that an applicant's facility has been
585 used by one or more spring training franchises, with priority
586 given to applicants whose facilities have been in continuous use
587 as facilities for spring training the longest.

588 7. The term remaining on a lease between an applicant and a
589 spring training franchise for a facility, with priority given to
590 applicants having the shortest lease terms remaining.

591 8. The length of time that a spring training franchise
592 agrees to use an applicant's facility if an application is
593 granted under this section, with priority given to applicants
594 having agreements for the longest future use.

595 9. The net increase of total active recreation space owned
596 by the applicant following an acquisition of land for the
597 facility, with priority given to applicants having the largest
598 percentage increase of total active recreation space.

599 10. The location of the facility in a brownfield, an
600 enterprise zone, a community redevelopment area, or other area
601 of targeted development or revitalization included in an urban
602 infill redevelopment plan, with priority given to applicants
603 having facilities located in these areas.

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

606 1. Specifies amount of the state incentive funding to be
607 distributed;

608 2. States the criteria that the certified applicant must
609 meet in order to remain certified;

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610 3. States that the certified applicant is subject to
611 decertification if the certified applicant fails to comply with
612 this section or the agreement;

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

615 5. Specifies information that the certified applicant must
616 report to the office; and

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

618 (3) USE OF FUNDS.—

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

621 1. Serve the public purpose of acquiring, constructing,
622 reconstructing, or renovating a facility for a spring training
623 franchise.

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

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

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

638 (c) The Department of Revenue may not distribute funds to

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639 an applicant certified on or after July 1, 2009, until it
640 receives notice from the office that the certified applicant has
641 encumbered funds pursuant to subparagraph (a)2.

642 (d)1. All certified applicants must place unexpended state
643 funds received pursuant to s. 212.20(6)(d)7.b. in a trust fund
644 for use only as authorized in this section.

645 2. A certified applicant may ask the Department of Revenue
646 to suspend further distributions of the state funds made
647 available under s. 212.20(6)(d)7.b. for 12 months after the
648 expiration of an existing agreement with a spring training
649 baseball franchise to provide time for the certified applicant
650 to enter into a new agreement with a spring training baseball
651 franchise, at which point the distributions shall resume.

652 3. Expenditure of state funds distributed to an applicant
653 certified prior to July 1, 2009, must begin within 48 months
654 after the initial receipt of the state funds. Additionally,
655 construction of, or capital improvements to, a spring training
656 facility must be completed within 24 months after the project's
657 commencement.

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

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

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

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

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

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

670 (5) DECERTIFICATION.—

671 (a) The office shall decertify a certified applicant upon
672 the request of the certified applicant.

673 (b) The office shall decertify a certified applicant if the
674 certified applicant does not:

675 1. Have a valid agreement with a spring training franchise;
676 or

677 2. Satisfy its commitment to provide local matching funds
678 to the facility.

679
680 However, decertification proceedings against a local government
681 certified prior to July 1, 2009, shall be delayed until 12
682 months after the expiration of the local government's existing
683 agreement with a spring training baseball franchise and without
684 a new agreement being signed if the certified local government
685 can demonstrate to the office that it is in active negotiations
686 with a major league spring training franchise, other than the
687 franchise that was the basis for the original certification.

688 (c) A certified applicant has 60 days after it receives a
689 notice of intent to decertify from the office to petition the
690 office's executive director for a review of the intent to
691 decertify. Within 45 days after the request for review, the
692 executive director must notify a certified applicant of the
693 outcome of the review.

694 (d) The office shall notify the Department of Revenue that
695 a certified applicant has been decertified within 10 days after
696 the order of decertification becomes final. The Department of

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697 Revenue shall immediately stop the payment of any funds under
698 this section if the funds have not been encumbered by the
699 certified applicant pursuant to subparagraph (3) (a)2.

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

706 (6) ADDITIONAL CERTIFICATIONS.—If the office decertifies a
707 unit of local government, the office may accept applications for
708 an additional certification. A unit of local government may not
709 be certified for more than one spring training franchise at a
710 time.

711 (7) STRATEGIC PLANNING.—

712 (a) The office shall request assistance from the Florida
713 Sports Foundation and the Florida Grapefruit League to develop a
714 comprehensive strategic plan to:

715 1. Finance spring training facilities.

716 2. Monitor and oversee the use of state funds awarded to
717 applicants.

718 3. Identify the financial impact that spring training has
719 on the state and ways in which to maintain or improve that
720 impact.

721 4. Identify opportunities to develop public-private
722 partnerships to engage in marketing activities and advertise
723 spring training baseball.

724 5. Identify efforts made by other states to maintain or
725 develop partnerships with baseball spring training teams.

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

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

731 (8) RULEMAKING.—The office shall adopt rules to implement
732 the certification, decertification, and review of
733 decertification processes required by this section.

734 (9) AUDITS.—The Auditor General may conduct audits as
735 provided in s. 11.45 to verify that the distributions pursuant
736 to this section have been expended as required in this section.
737 If the Auditor General determines that the distributions
738 pursuant to this section have not been expended as required by
739 this section, the Auditor General shall contact the Department
740 of Revenue, which may pursue recovery of such funds pursuant to
741 the laws and rules governing the assessment of taxes.

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

744 288.1229 Promotion and development of sports-related
745 industries and amateur athletics; direct-support organization;
746 powers and duties.—

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

750 (a) The promotion and development of the sports industry
751 and related industries for the purpose of improving the economic
752 presence of these industries in Florida.

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

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755 national and international amateur athletic competitions for the
756 purpose of encouraging and increasing the direct and ancillary
757 economic benefits of amateur athletic events and competitions.

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

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