

1                   A bill to be entitled  
2           An act relating to professional sports franchises;  
3           amending ss. 14.2015, 212.20, and 218.64, F.S., relating  
4           to the Office of Tourism, Trade, and Economic Development,  
5           the distribution of certain tax proceeds, and the  
6           allocation of a portion of the local government half-cent  
7           sales tax; conforming provisions to changes made by the  
8           act; conforming cross-references; amending s. 288.1162,  
9           F.S.; deleting provisions relating to the certification  
10          and funding of facilities for spring training franchises;  
11          authorizing the Auditor General to conduct audits to  
12          verify whether certain funds for professional sports  
13          franchises are used as required by law; requiring the  
14          Auditor General to notify the Department of Revenue if the  
15          funds are not used as required by law; creating s.  
16          288.11621, F.S.; authorizing certain units of local  
17          government to apply for certification to receive state  
18          funding for a facility for a spring training franchise;  
19          providing definitions; providing eligibility requirements;  
20          providing criteria to competitively evaluate applications  
21          for certification; requiring a certified applicant to use  
22          the funds awarded for specified public purposes; requiring  
23          certified applicants to submit annual reports to the  
24          Office of Tourism, Trade, and Economic Development;  
25          requiring the office to decertify applicants under certain  
26          circumstances; providing for review of the office's notice  
27          of intent to decertify an applicant; requiring an  
28          applicant to repay unencumbered state funds and interest

29 after decertification; requiring the office to develop a  
 30 strategic plan relating to baseball spring training  
 31 activities; requiring the office to adopt rules;  
 32 authorizing the Auditor General to conduct audits to  
 33 verify whether certified funds for baseball spring  
 34 training facilities are used as required by law; requiring  
 35 the Auditor General to notify the Department of Revenue if  
 36 the funds are not used as required by law; amending s.  
 37 288.1229, F.S.; providing that the Office of Tourism,  
 38 Trade, and Economic Development may authorize a direct-  
 39 support organization to assist in the retention of  
 40 professional sports franchises; providing an effective  
 41 date.

42

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

44

45 Section 1. Paragraph (f) of subsection (2) of section  
 46 14.2015, Florida Statutes, is amended to read:

47 14.2015 Office of Tourism, Trade, and Economic  
 48 Development; creation; powers and duties.--

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

57 (f)1. Administer the Florida Enterprise Zone Act under ss.  
 58 290.001-290.016, the community contribution tax credit program  
 59 under ss. 220.183 and 624.5105, the tax refund program for  
 60 qualified target industry businesses under s. 288.106, the tax-  
 61 refund program for qualified defense contractors and space  
 62 flight business contractors under s. 288.1045, contracts for  
 63 transportation projects under s. 288.063, the sports franchise  
 64 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~  
 65 ~~288.1162~~, the professional golf hall of fame facility program  
 66 under s. 288.1168, the expedited permitting process under s.  
 67 403.973, the Rural Community Development Revolving Loan Fund  
 68 under s. 288.065, the Regional Rural Development Grants Program  
 69 under s. 288.018, the Certified Capital Company Act under s.  
 70 288.99, the Florida State Rural Development Council, the Rural  
 71 Economic Development Initiative, and other programs that are  
 72 specifically assigned to the office by law, by the  
 73 appropriations process, or by the Governor. Notwithstanding any  
 74 other provisions of law, the office may expend interest earned  
 75 from the investment of program funds deposited in the Grants and  
 76 Donations Trust Fund to contract for the administration of the  
 77 programs, or portions of the programs, enumerated in this  
 78 paragraph or assigned to the office by law, by the  
 79 appropriations process, or by the Governor. Such expenditures  
 80 shall be subject to review under chapter 216.

81 2. The office may enter into contracts in connection with  
 82 the fulfillment of its duties concerning the Florida First  
 83 Business Bond Pool under chapter 159, tax incentives under  
 84 chapters 212 and 220, tax incentives under the Certified Capital

85 Company Act in chapter 288, foreign offices under chapter 288,  
 86 the Enterprise Zone program under chapter 290, the Seaport  
 87 Employment Training program under chapter 311, the Florida  
 88 Professional Sports Team License Plates under chapter 320,  
 89 Spaceport Florida under chapter 331, Expedited Permitting under  
 90 chapter 403, and in carrying out other functions that are  
 91 specifically assigned to the office by law, by the  
 92 appropriations process, or by the Governor.

93 Section 2. Paragraph (d) of subsection (6) of section  
 94 212.20, Florida Statutes, is amended to read:

95 212.20 Funds collected, disposition; additional powers of  
 96 department; operational expense; refund of taxes adjudicated  
 97 unconstitutionally collected.--

98 (6) Distribution of all proceeds under this chapter and s.  
 99 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

112 3. After the distribution under subparagraphs 1. and 2.,

113 8.814 percent of the amount remitted by a sales tax dealer  
 114 located within a participating county pursuant to s. 218.61  
 115 shall be transferred into the Local Government Half-cent Sales  
 116 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
 117 be transferred pursuant to this subparagraph to the Local  
 118 Government Half-cent Sales Tax Clearing Trust Fund shall be  
 119 reduced by 0.1 percent, and the department shall distribute this  
 120 amount to the Public Employees Relations Commission Trust Fund  
 121 less \$5,000 each month, which shall be added to the amount  
 122 calculated in subparagraph 4. and distributed accordingly.

123 4. After the distribution under subparagraphs 1., 2., and  
 124 3., 0.095 percent shall be transferred to the Local Government  
 125 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 126 to s. 218.65.

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

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

HB 7045

2009

141 the former Municipal Financial Assistance Trust Fund in state  
142 fiscal year 1999-2000. If the total proceeds to be distributed  
143 are less than the amount received in combination from the  
144 Revenue Sharing Trust Fund for Municipalities and the former  
145 Municipal Financial Assistance Trust Fund in state fiscal year  
146 1999-2000, each municipality shall receive an amount  
147 proportionate to the amount it was due in state fiscal year  
148 1999-2000.

149 7. Of the remaining proceeds:

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

HB 7045

2009

169 county governments under then-existing s. 550.135. This  
170 distribution specifically is in lieu of funds distributed under  
171 s. 550.135 prior to July 1, 2000.

172 b. The department shall distribute \$166,667 monthly  
173 pursuant to s. 288.1162 to each applicant that has been  
174 certified as a facility for a new or retained professional  
175 sports franchise "~~facility for a new professional sports~~  
176 ~~franchise" or a "facility for a retained professional sports~~  
177 ~~franchise"~~ pursuant to s. 288.1162. Up to \$41,667 shall be  
178 distributed monthly by the department to each certified  
179 applicant as defined in s. 288.11621 for a facility for a  
180 retained spring training franchise. ~~that has been certified as a~~  
181 ~~"facility for a retained spring training franchise" pursuant to~~  
182 ~~s. 288.1162;~~ However, not more than \$416,670 may be distributed  
183 monthly in the aggregate to all certified applicants for  
184 facilities for a ~~retained~~ spring training franchises ~~franchise~~.  
185 Distributions ~~shall~~ begin 60 days after ~~following~~ such  
186 certification and ~~shall~~ continue for not more than 30 years,  
187 except as otherwise provided by law. A certified applicant  
188 identified in this sub-subparagraph may not ~~Nothing contained in~~  
189 ~~this paragraph shall be construed to allow an applicant~~  
190 ~~certified pursuant to s. 288.1162 to receive more in~~  
191 distributions than ~~actually~~ expended by the applicant for the  
192 public purposes provided for in s. 288.1162(5) or s.  
193 288.11621(3) ~~s. 288.1162(6)~~.

194 c. Beginning 30 days after notice by the Office of  
195 Tourism, Trade, and Economic Development to the Department of  
196 Revenue that an applicant has been certified as the professional

HB 7045

2009

197 | golf hall of fame pursuant to s. 288.1168 and is open to the  
 198 | public, \$166,667 shall be distributed monthly, for up to 300  
 199 | months, to the applicant.

200 |         d. Beginning 30 days after notice by the Office of  
 201 | Tourism, Trade, and Economic Development to the Department of  
 202 | Revenue that the applicant has been certified as the  
 203 | International Game Fish Association World Center facility  
 204 | pursuant to s. 288.1169, and the facility is open to the public,  
 205 | \$83,333 shall be distributed monthly, for up to 168 months, to  
 206 | the applicant. This distribution is subject to reduction  
 207 | pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
 208 | made, after certification and before July 1, 2000.

209 |         8. All other proceeds shall remain with the General  
 210 | Revenue Fund.

211 |         Section 3. Section 218.64, Florida Statutes, is amended to  
 212 | read:

213 |             218.64 Local government half-cent sales tax; uses;  
 214 | limitations.--

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

222 |             (2) Municipalities shall expend their portions of the  
 223 | local government half-cent sales tax only for municipality-wide  
 224 | programs or for municipality-wide property tax or municipal



225 utility tax relief. All utility tax rate reductions afforded by  
 226 participation in the local government half-cent sales tax shall  
 227 be applied uniformly across all types of taxed utility services.

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

235 (a) A certified applicant as a facility for a new or  
 236 retained professional sports franchise under ~~"facility for a new~~  
 237 ~~professional sports franchise,"~~ a ~~"facility for a retained~~  
 238 ~~professional sports franchise,"~~ or a ~~"facility for a retained~~  
 239 ~~spring training franchise,"~~ as provided for in s. 288.1162 or a  
 240 certified applicant as defined s. 288.11621 for a facility for a  
 241 spring training franchise. It is the Legislature's intent that  
 242 the provisions of s. 288.1162, including, but not limited to,  
 243 the evaluation process by the Office of Tourism, Trade, and  
 244 Economic Development except for the limitation on the number of  
 245 certified applicants or facilities as provided in that section  
 246 and the restrictions set forth in s. 288.1162(8) ~~s. 288.1162(9)~~,  
 247 shall apply to an applicant's facility to be funded by local  
 248 government as provided in this subsection.

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

HB 7045

2009

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

256 Section 4. Section 288.1162, Florida Statutes, is amended  
257 to read:

258 288.1162 Professional sports franchises; ~~spring training~~  
259 ~~franchises~~; duties.--

260 (1) The Office of Tourism, Trade, and Economic Development  
261 shall serve as the state agency for screening applicants for  
262 state funding under ~~pursuant to~~ s. 212.20 and for certifying an  
263 applicant as a facility for a new or retained professional  
264 sports franchise. ~~"facility for a new professional sports~~  
265 ~~franchise," a "facility for a retained professional sports~~  
266 ~~franchise," or a "facility for a retained spring training~~  
267 ~~franchise."~~

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

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

272 (a) "New professional sports franchise" means a  
273 professional sports franchise that is not based in this state  
274 before ~~prior to~~ April 1, 1987.

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

281 (4) Before ~~Prior to~~ certifying an applicant as a facility  
 282 for a new or retained professional sports franchise, ~~"facility~~  
 283 ~~for a new professional sports franchise"~~ or a ~~"facility for a~~  
 284 ~~retained professional sports franchise,"~~ the Office of Tourism,  
 285 Trade, and Economic Development must determine that:

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

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

296 (c) The applicant has a verified copy of the approval from  
 297 the governing authority of the league in which the new  
 298 professional sports franchise exists authorizing the location of  
 299 the professional sports franchise in this state after April 1,  
 300 1987, or in the case of a retained professional sports  
 301 franchise, verified evidence that it has had a league-authorized  
 302 location in this state on or before December 31, 1976. As used  
 303 in this section, the term "league" means the National League or  
 304 the American League of Major League Baseball, the National  
 305 Basketball Association, the National Football League, or the  
 306 National Hockey League.

307 (d) The applicant has projections, verified by the Office  
 308 of Tourism, Trade, and Economic Development, which demonstrate

309 that the new or retained professional sports franchise will  
 310 attract a paid attendance of more than 300,000 annually.

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

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

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

327 (h) An ~~No~~ applicant previously certified under any  
 328 provision of this section who has received funding under such  
 329 certification is not ~~shall be~~ eligible for an additional  
 330 certification.

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

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

337 ~~1. A "unit of local government" as defined in s. 218.369~~  
338 ~~is responsible for the acquisition, construction, management, or~~  
339 ~~operation of the facility for a retained spring training~~  
340 ~~franchise or holds title to the property on which the facility~~  
341 ~~for a retained spring training franchise is located.~~

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

345 ~~3. The applicant has a financial commitment to provide 50~~  
346 ~~percent or more of the funds required by an agreement for the~~  
347 ~~acquisition, construction, or renovation of the facility for a~~  
348 ~~retained spring training franchise. The agreement can be~~  
349 ~~contingent upon the awarding of funds under this section and~~  
350 ~~other conditions precedent to use by the spring training~~  
351 ~~franchise.~~

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

356 ~~5. The facility for a retained spring training franchise~~  
357 ~~is located in a county that is levying a tourist development tax~~  
358 ~~pursuant to s. 125.0104.~~

359 ~~(c)1. The Office of Tourism, Trade, and Economic~~  
360 ~~Development shall competitively evaluate applications for~~  
361 ~~funding of a facility for a retained spring training franchise.~~  
362 ~~Applications must be submitted by October 1, 2000, with~~  
363 ~~certifications to be made by January 1, 2001. If the number of~~  
364 ~~applicants exceeds five and the aggregate funding request of all~~

HB 7045

2009

365 ~~applications exceeds \$208,335 per month, the office shall rank~~  
366 ~~the applications according to a selection criteria, certifying~~  
367 ~~the highest ranked proposals. The evaluation criteria shall~~  
368 ~~include, with priority given in descending order to the~~  
369 ~~following items:~~

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

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

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

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

384 ~~e. The duration of the future use agreement with the~~  
385 ~~retained spring training franchise, with priority given to the~~  
386 ~~future use agreement having the longest duration.~~

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

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

HB 7045

2009

393 ~~active recreation space.~~

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

399 ~~i. The projections on paid attendance attracted by the~~  
400 ~~facility and the proposed effect on the economy of the local~~  
401 ~~community, with priority given to the highest projected paid~~  
402 ~~attendance.~~

403 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~  
404 ~~and Economic Development shall competitively evaluate~~  
405 ~~applications for funding of facilities for retained spring~~  
406 ~~training franchises in addition to those certified and funded~~  
407 ~~under subparagraph 1. An applicant that is a unit of government~~  
408 ~~that has an agreement for a retained spring training franchise~~  
409 ~~for 15 or more years which was entered into between July 1,~~  
410 ~~2003, and July 1, 2004, shall be eligible for funding.~~  
411 ~~Applications must be submitted by October 1, 2006, with~~  
412 ~~certifications to be made by January 1, 2007. The office shall~~  
413 ~~rank the applications according to selection criteria,~~  
414 ~~certifying no more than five proposals. The aggregate funding~~  
415 ~~request of all applicants certified shall not exceed an~~  
416 ~~aggregate funding request of \$208,335 per month. The evaluation~~  
417 ~~criteria shall include the following, with priority given in~~  
418 ~~descending order:~~

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

421 ~~b. The intended use of the funds by the applicant to~~  
422 ~~renovate a facility.~~

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

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

435 ~~e. The duration of the future use agreement with the~~  
436 ~~retained spring training franchise, with priority given to the~~  
437 ~~future use agreement having the longest duration.~~

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

440 ~~g. The net increase of total active recreation space owned~~  
441 ~~by the applying unit of local government following the~~  
442 ~~acquisition of land for the spring training facility, with~~  
443 ~~priority given to the largest percentage increase of total~~  
444 ~~active recreation space.~~

445 ~~h. The location of the facility in a brownfield area, an~~  
446 ~~enterprise zone, a community redevelopment area, or another area~~  
447 ~~of targeted development or revitalization included in an urban~~  
448 ~~infill redevelopment plan, with priority given to facilities~~



HB 7045

2009

449 ~~located in those areas.~~

450 ~~i. The projections on paid attendance attracted by the~~  
451 ~~facility and the proposed effect on the economy of the local~~  
452 ~~community, with priority given to the highest projected paid~~  
453 ~~attendance.~~

454 ~~(d) Funds may not be expended to subsidize privately owned~~  
455 ~~and maintained facilities for use by the spring training~~  
456 ~~franchise. Funds may be used to relocate a retained spring~~  
457 ~~training franchise to another unit of local government only if~~  
458 ~~the existing unit of local government with the retained spring~~  
459 ~~training franchise agrees to the relocation.~~

460 ~~(5)(6)~~ An applicant certified as a facility for a new or  
461 retained professional sports franchise ~~or a facility for a~~  
462 ~~retained professional sports franchise or as a facility for a~~  
463 ~~retained spring training franchise~~ may use funds provided under  
464 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for  
465 the acquisition, construction, reconstruction, or renovation of  
466 a facility for a new or retained professional sports franchise, ~~a~~  
467 ~~facility for a retained professional sports franchise, or a~~  
468 ~~facility for a retained spring training franchise~~ or to pay or  
469 pledge for the payment of debt service on, or to fund debt  
470 service reserve funds, arbitrage rebate obligations, or other  
471 amounts payable with respect to, bonds issued for the  
472 acquisition, construction, reconstruction, or renovation of such  
473 facility or for the reimbursement of such costs or the  
474 refinancing of bonds issued for such purposes.

475 ~~(6)(7)~~(a) The Office of Tourism, Trade, and Economic  
476 Development shall notify the Department of Revenue of any

477 facility certified as a facility for a new or retained  
 478 professional sports franchise ~~or a facility for a retained~~  
 479 ~~professional sports franchise or as a facility for a retained~~  
 480 ~~spring training franchise~~. The Office of Tourism, Trade, and  
 481 Economic Development shall certify no more than eight facilities  
 482 as facilities for a new professional sports franchise or as  
 483 facilities for a retained professional sports franchise,  
 484 including in the ~~such~~ total any facilities certified by the  
 485 Department of Commerce before July 1, 1996. ~~The number of~~  
 486 ~~facilities certified as a retained spring training franchise~~  
 487 ~~shall be as provided in subsection (5)~~. The office may make no  
 488 more than one certification for any facility. ~~The office may not~~  
 489 ~~certify funding for less than the requested amount to any~~  
 490 ~~applicant certified as a facility for a retained spring training~~  
 491 ~~franchise.~~

492 (b) The eighth certification of an applicant under this  
 493 section as a facility for a new or retained professional sports  
 494 franchise ~~or a facility for a retained professional sports~~  
 495 ~~franchise~~ shall be for a franchise that is a member of the  
 496 National Basketball Association, has been located within the  
 497 state since 1987, and has not been previously certified. This  
 498 paragraph is repealed July 1, 2010.

499 ~~(7)(8)~~ The Auditor General ~~Department of Revenue~~ may  
 500 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify  
 501 that the distributions under ~~pursuant to~~ this section are ~~have~~  
 502 ~~been~~ expended as required in this section. ~~Such information is~~  
 503 ~~subject to the confidentiality requirements of chapter 213.~~ If  
 504 the Auditor General ~~Department of Revenue~~ determines that the

HB 7045

2009

505 distributions under ~~pursuant to~~ this section are ~~have not been~~  
 506 expended as required by this section, the Auditor General shall  
 507 notify the Department of Revenue, which ~~it~~ may pursue recovery  
 508 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing  
 509 the assessment of taxes.

510 ~~(8)-(9)~~ An applicant is not qualified for certification  
 511 under this section if the franchise formed the basis for a  
 512 previous certification, unless the previous certification was  
 513 withdrawn by the facility or invalidated by the Office of  
 514 Tourism, Trade, and Economic Development or the Department of  
 515 Commerce before any funds were distributed under ~~pursuant to~~ s.  
 516 212.20. This subsection does not disqualify an applicant if the  
 517 previous certification occurred between May 23, 1993, and May  
 518 25, 1993; however, any funds to be distributed under ~~pursuant to~~  
 519 s. 212.20 for the second certification shall be offset by the  
 520 amount distributed to the previous certified facility.  
 521 Distribution of funds for the second certification shall not be  
 522 made until all amounts payable for the first certification are  
 523 ~~have been~~ distributed.

524 Section 5. Section 288.11621, Florida Statutes, is created  
 525 to read:

526 288.11621 Spring training baseball facilities.--

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

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

530 (b) "Certified applicant" means a facility for a spring  
 531 training franchise that was certified before July 1, 2009, under  
 532 s. 288.1162(5), Florida Statutes 2008, or a unit of local

HB 7045

2009

533 government that is certified under this section.

534 (c) "Facility" means a spring training stadium, playing  
535 fields, and appurtenances intended to support spring training  
536 activities.

537 (d) "Office" means the Office of Tourism, Trade, and  
538 Economic Development.

539 (2) CERTIFICATION PROCESS.--

540 (a) Before certifying an applicant to receive state  
541 funding for a facility for a spring training franchise, the  
542 office must verify that:

543 1. The applicant is responsible for the acquisition,  
544 construction, management, or operation of the facility for a  
545 spring training franchise or holds title to the property on  
546 which the facility for a spring training franchise is located.

547 2. The applicant has a certified copy of a signed  
548 agreement with a spring training franchise for the use of the  
549 facility for a term of at least 20 years. The agreement also  
550 must require the franchise to reimburse the state for state  
551 funds expended by an applicant under this section if the  
552 franchise relocates before the agreement expires. The agreement  
553 may be contingent on an award of funds under this section and  
554 other conditions precedent.

555 3. The applicant has made a financial commitment to  
556 provide 50 percent or more of the funds required by an agreement  
557 for the acquisition, construction, or renovation of the facility  
558 for a spring training franchise. The commitment may be  
559 contingent upon an award of funds under this section and other  
560 conditions precedent.

HB 7045

2009

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

564       5. The facility for a spring training franchise is located  
565 in a county that levies a tourist development tax under s.  
566 125.0104.

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

572       1. The anticipated effect on the economy of the local  
573 community where the spring training facility is to be built,  
574 including projections on paid attendance, local and state tax  
575 collections generated by spring training games, and direct and  
576 indirect job creation resulting from the spring training  
577 activities. Priority shall be given to applicants who can  
578 demonstrate the largest projected economic impact.

579       2. The amount of the local matching funds committed to a  
580 facility relative to the amount of state funding sought, with  
581 priority given to applicants that commit the largest amount of  
582 local matching funds relative to the amount of state funding  
583 sought.

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

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

588       5. The length of time that a spring training franchise has

HB 7045

2009

589 been under an agreement to conduct spring training activities  
590 within an applicant's geographical jurisdiction, with priority  
591 given to applicants having agreements with the same franchise  
592 for the longest period of time.

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

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

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

604 9. The net increase of total active recreation space owned  
605 by the applicant after an acquisition of land for the facility,  
606 with priority given to applicants having the largest percentage  
607 increase of total active recreation space.

608 10. The location of the facility in a brownfield, an  
609 enterprise zone, a community redevelopment area, or other area  
610 of targeted development or revitalization included in an urban  
611 infill redevelopment plan, with priority given to applicants  
612 having facilities located in these areas.

613 (c) Applicants that are certified on or after July 1,  
614 2009, shall enter into an agreement with the office that:

615 1. Specifies the amount of the state incentive funding to  
616 be distributed.

617 2. States the criteria that the certified applicant must  
 618 meet in order to remain certified.

619 3. States that the certified applicant is subject to  
 620 decertification if the certified applicant fails to comply with  
 621 this section or the agreement.

622 4. States that the office may recover state incentive  
 623 funds if the certified applicant is decertified.

624 5. Specifies information that the certified applicant must  
 625 report to the office.

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

627 (3) USE OF FUNDS.--

628 (a) A certified applicant may use funds provided under s.  
 629 212.20(6)(d)7.b. only to:

630 1. Serve the public purpose of acquiring, constructing,  
 631 reconstructing, or renovating a facility for a spring training  
 632 franchise.

633 2. Pay or pledge for the payment of debt service on, or to  
 634 fund debt service reserve funds, arbitrage rebate obligations,  
 635 or other amounts payable with respect thereto, bonds issued for  
 636 the acquisition, construction, reconstruction, or renovation of  
 637 such facility, or for the reimbursement of such costs or the  
 638 refinancing of bonds issued for such purposes.

639 3. Assist in the relocation of a spring training franchise  
 640 from one unit of local government to another only if the  
 641 governing board of the current host local government by a  
 642 majority vote agrees to the relocation.

643 (b) State funds awarded to a certified applicant for a  
 644 facility for a spring training franchise may not be used to

HB 7045

2009

645 subsidize facilities that are privately owned and maintained and  
646 that are used only by a spring training franchise.

647 (c) The Department of Revenue may not distribute funds to  
648 an applicant certified on or after July 1, 2009, until it  
649 receives notice from the office that the certified applicant has  
650 encumbered funds under subparagraph (a)2.

651 (d) All certified applicants must place unexpended funds  
652 received under s. 212.20(6)(d)7.b. in a trust fund for use only  
653 as authorized in this section.

654 (4) ANNUAL REPORTS.--On or before September 1 of each  
655 year, a certified applicant shall submit to the office a report  
656 that includes, but is not limited to:

657 (a) A copy of its most recent annual audit.

658 (b) A detailed report on all local and state funds  
659 expended to date on the project being financed under this  
660 section.

661 (c) A copy of the contract between the certified local  
662 governmental entity and the spring training team.

663 (d) A cost-benefit analysis of the team's impact on the  
664 community.

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

667 (5) DECERTIFICATION.--

668 (a) The office shall decertify a certified applicant upon  
669 the request of the certified applicant.

670 (b) The office shall decertify a certified applicant if  
671 the certified applicant does not:

672 1. Have a valid agreement with a spring training



673 franchise; or

674 2. Satisfy its commitment to provide local matching funds  
 675 to the facility.

676 (c) A certified applicant has 60 days after it receives a  
 677 notice of intent to decertify from the office to petition the  
 678 office's executive director for review of the decertification.  
 679 Within 45 days after receipt of the request for review, the  
 680 executive director must notify a certified applicant of the  
 681 outcome of the review.

682 (d) The office shall notify the Department of Revenue that  
 683 a certified applicant is decertified within 10 days after the  
 684 order of decertification becomes final. The Department of  
 685 Revenue shall immediately stop the payment of any funds under  
 686 this section that were not encumbered by the certified applicant  
 687 under subparagraph (3) (a)2.

688 (e) The office shall order a decertified applicant to  
 689 repay all of the unencumbered state funds that the local  
 690 government received under this section and any interest that  
 691 accrued on those funds. The repayment must be made within 60  
 692 days after the decertification order becomes final. These funds  
 693 shall be deposited into the General Revenue Fund.

694 (6) ADDITIONAL CERTIFICATIONS.--If the office decertifies  
 695 a unit of local government, the office may accept applications  
 696 for an additional certification. A unit of local government may  
 697 not be certified for more than one spring training franchise at  
 698 a time.

699 (7) STRATEGIC PLANNING.--

700 (a) The office shall request assistance from the Florida

701 Sports Foundation and the Florida Grapefruit League Association  
 702 to develop a comprehensive strategic plan to:

703 1. Finance spring training facilities.  
 704 2. Monitor and oversee the use of state funds awarded to  
 705 applicants.

706 3. Identify the financial impact that spring training has  
 707 on the state and ways in which to maintain or improve that  
 708 impact.

709 4. Identify opportunities to develop public-private  
 710 partnerships to engage in marketing activities and advertise  
 711 spring training baseball.

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

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

716 (b) The office shall submit a copy of the strategic plan  
 717 to the Governor, the President of the Senate, and the Speaker of  
 718 the House of Representatives by December 31, 2009.

719 (8) RULEMAKING.--The office shall adopt rules to implement  
 720 the certification, decertification, and decertification review  
 721 processes required by this section.

722 (9) AUDITS.--The Auditor General may conduct audits as  
 723 provided in s. 11.45 to verify that the distributions under this  
 724 section are expended as required in this section. If the Auditor  
 725 General determines that the distributions under this section are  
 726 not expended as required by this section, the Auditor General  
 727 shall notify the Department of Revenue, which may pursue  
 728 recovery of the funds under the laws and rules governing the

729 assessment of taxes.

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

732 288.1229 Promotion and development of sports-related  
733 industries and amateur athletics; direct-support organization;  
734 powers and duties.--

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

738 (a) The promotion and development of the sports industry  
739 and related industries for the purpose of improving the economic  
740 presence of these industries in Florida.

741 (b) The promotion of amateur athletic participation for  
742 the citizens of Florida and the promotion of Florida as a host  
743 for national and international amateur athletic competitions for  
744 the purpose of encouraging and increasing the direct and  
745 ancillary economic benefits of amateur athletic events and  
746 competitions.

747 (c) The retention of professional sports franchises,  
748 including the spring training operations of Major League  
749 Baseball.

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