

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 and place
23 unexpended funds in a trust fund; authorizing a certified
24 applicant to request a suspension of the distribution of
25 funds for a specified period under certain circumstances;
26 requiring the expenditure of funds by certain certified
27 applicants within a specified period; requiring the
28 completion of certain spring training facility projects

29 within a specified period; requiring certified applicants
30 to submit annual reports to the Office of Tourism, Trade,
31 and Economic Development; requiring the office to
32 decertify applicants under certain circumstances;
33 providing for delay in decertification proceedings for
34 local governments certified before a specified date under
35 certain circumstances; providing for review of the
36 office's notice of intent to decertify an applicant;
37 requiring an applicant to repay unencumbered state funds
38 and interest after decertification; requiring the office
39 to develop a strategic plan relating to baseball spring
40 training activities; requiring the office to adopt rules;
41 authorizing the Auditor General to conduct audits to
42 verify whether certified funds for baseball spring
43 training facilities are used as required by law; requiring
44 the Auditor General to notify the Department of Revenue if
45 the funds are not used as required by law; amending s.
46 288.1229, F.S.; providing that the Office of Tourism,
47 Trade, and Economic Development may authorize a direct-
48 support organization to assist in the retention of
49 professional sports franchises; providing an effective
50 date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Paragraph (f) of subsection (2) of section
55 14.2015, Florida Statutes, is amended to read:

56 14.2015 Office of Tourism, Trade, and Economic

57 Development; creation; powers and duties.--

58 (2) The purpose of the Office of Tourism, Trade, and
 59 Economic Development is to assist the Governor in working with
 60 the Legislature, state agencies, business leaders, and economic
 61 development professionals to formulate and implement coherent
 62 and consistent policies and strategies designed to provide
 63 economic opportunities for all Floridians. To accomplish such
 64 purposes, the Office of Tourism, Trade, and Economic Development
 65 shall:

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

85 Donations Trust Fund to contract for the administration of the
 86 programs, or portions of the programs, enumerated in this
 87 paragraph or assigned to the office by law, by the
 88 appropriations process, or by the Governor. Such expenditures
 89 shall be subject to review under chapter 216.

90 2. The office may enter into contracts in connection with
 91 the fulfillment of its duties concerning the Florida First
 92 Business Bond Pool under chapter 159, tax incentives under
 93 chapters 212 and 220, tax incentives under the Certified Capital
 94 Company Act in chapter 288, foreign offices under chapter 288,
 95 the Enterprise Zone program under chapter 290, the Seaport
 96 Employment Training program under chapter 311, the Florida
 97 Professional Sports Team License Plates under chapter 320,
 98 Spaceport Florida under chapter 331, Expedited Permitting under
 99 chapter 403, and in carrying out other functions that are
 100 specifically assigned to the office by law, by the
 101 appropriations process, or by the Governor.

102 Section 2. Paragraph (d) of subsection (6) of section
 103 212.20, Florida Statutes, is amended to read:

104 212.20 Funds collected, disposition; additional powers of
 105 department; operational expense; refund of taxes adjudicated
 106 unconstitutionally collected.--

107 (6) Distribution of all proceeds under this chapter and s.
 108 202.18(1)(b) and (2)(b) shall be as follows:

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

112 1. In any fiscal year, the greater of \$500 million, minus

CS/HB 7045

2009

113 an amount equal to 4.6 percent of the proceeds of the taxes
114 collected pursuant to chapter 201, or 5 percent of all other
115 taxes and fees imposed pursuant to this chapter or remitted
116 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
117 monthly installments into the General Revenue Fund.

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

121 3. After the distribution under subparagraphs 1. and 2.,
122 8.814 percent of the amount remitted by a sales tax dealer
123 located within a participating county pursuant to s. 218.61
124 shall be transferred into the Local Government Half-cent Sales
125 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
126 be transferred pursuant to this subparagraph to the Local
127 Government Half-cent Sales Tax Clearing Trust Fund shall be
128 reduced by 0.1 percent, and the department shall distribute this
129 amount to the Public Employees Relations Commission Trust Fund
130 less \$5,000 each month, which shall be added to the amount
131 calculated in subparagraph 4. and distributed accordingly.

132 4. After the distribution under subparagraphs 1., 2., and
133 3., 0.095 percent shall be transferred to the Local Government
134 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
135 to s. 218.65.

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

140 6. After the distributions under subparagraphs 1., 2., 3.,

CS/HB 7045

2009

141 and 4., 1.3409 percent of the available proceeds pursuant to
142 this paragraph shall be transferred monthly to the Revenue
143 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
144 the total revenue to be distributed pursuant to this
145 subparagraph is at least as great as the amount due from the
146 Revenue Sharing Trust Fund for Municipalities and the former
147 Municipal Financial Assistance Trust Fund in state fiscal year
148 1999-2000, no municipality shall receive less than the amount
149 due from the Revenue Sharing Trust Fund for Municipalities and
150 the former Municipal Financial Assistance Trust Fund in state
151 fiscal year 1999-2000. If the total proceeds to be distributed
152 are less than the amount received in combination from the
153 Revenue Sharing Trust Fund for Municipalities and the former
154 Municipal Financial Assistance Trust Fund in state fiscal year
155 1999-2000, each municipality shall receive an amount
156 proportionate to the amount it was due in state fiscal year
157 1999-2000.

158 7. Of the remaining proceeds:

159 a. In each fiscal year, the sum of \$29,915,500 shall be
160 divided into as many equal parts as there are counties in the
161 state, and one part shall be distributed to each county. The
162 distribution among the several counties shall begin each fiscal
163 year on or before January 5th and shall continue monthly for a
164 total of 4 months. If a local or special law required that any
165 moneys accruing to a county in fiscal year 1999-2000 under the
166 then-existing provisions of s. 550.135 be paid directly to the
167 district school board, special district, or a municipal
168 government, such payment shall continue until such time that the

169 local or special law is amended or repealed. The state covenants
 170 with holders of bonds or other instruments of indebtedness
 171 issued by local governments, special districts, or district
 172 school boards prior to July 1, 2000, that it is not the intent
 173 of this subparagraph to adversely affect the rights of those
 174 holders or relieve local governments, special districts, or
 175 district school boards of the duty to meet their obligations as
 176 a result of previous pledges or assignments or trusts entered
 177 into which obligated funds received from the distribution to
 178 county governments under then-existing s. 550.135. This
 179 distribution specifically is in lieu of funds distributed under
 180 s. 550.135 prior to July 1, 2000.

181 b. The department shall distribute \$166,667 monthly
 182 pursuant to s. 288.1162 to each applicant that has been
 183 certified as a facility for a new or retained professional
 184 sports franchise "~~facility for a new professional sports~~
 185 ~~franchise~~" or a "~~facility for a retained professional sports~~
 186 ~~franchise~~" pursuant to s. 288.1162. Up to \$41,667 shall be
 187 distributed monthly by the department to each certified
 188 applicant as defined in s. 288.11621 for a facility for a
 189 retained spring training franchise. ~~that has been certified as a~~
 190 ~~"facility for a retained spring training franchise"~~ pursuant to
 191 ~~s. 288.1162;~~ However, not more than \$416,670 may be distributed
 192 monthly in the aggregate to all certified applicants for
 193 facilities for a ~~retained~~ spring training franchises franchise.
 194 Distributions ~~shall~~ begin 60 days after ~~following~~ such
 195 certification and ~~shall~~ continue for not more than 30 years,
 196 except as otherwise provided by law. A certified applicant

197 identified in this sub-subparagraph may not ~~Nothing contained in~~
 198 ~~this paragraph shall be construed to allow an applicant~~
 199 ~~certified pursuant to s. 288.1162 to~~ receive more in
 200 distributions than ~~actually~~ expended by the applicant for the
 201 public purposes provided for in s. 288.1162(5) or s.
 202 288.11621(3) ~~s. 288.1162(6)~~.

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

209 d. Beginning 30 days after notice by the Office of
 210 Tourism, Trade, and Economic Development to the Department of
 211 Revenue that the applicant has been certified as the
 212 International Game Fish Association World Center facility
 213 pursuant to s. 288.1169, and the facility is open to the public,
 214 \$83,333 shall be distributed monthly, for up to 168 months, to
 215 the applicant. This distribution is subject to reduction
 216 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
 217 made, after certification and before July 1, 2000.

218 8. All other proceeds shall remain with the General
 219 Revenue Fund.

220 Section 3. Section 218.64, Florida Statutes, is amended to
 221 read:

222 218.64 Local government half-cent sales tax; uses;
 223 limitations.--

224 (1) The proportion of the local government half-cent sales

225 tax received by a county government based on two-thirds of the
 226 incorporated area population shall be deemed countywide revenues
 227 and shall be expended only for countywide tax relief or
 228 countywide programs. The remaining county government portion
 229 shall be deemed county revenues derived on behalf of the
 230 unincorporated area but may be expended on a countywide basis.

231 (2) Municipalities shall expend their portions of the
 232 local government half-cent sales tax only for municipality-wide
 233 programs or for municipality-wide property tax or municipal
 234 utility tax relief. All utility tax rate reductions afforded by
 235 participation in the local government half-cent sales tax shall
 236 be applied uniformly across all types of taxed utility services.

237 (3) Subject to ordinances enacted by the majority of the
 238 members of the county governing authority and by the majority of
 239 the members of the governing authorities of municipalities
 240 representing at least 50 percent of the municipal population of
 241 such county, counties may use up to \$2 million annually of the
 242 local government half-cent sales tax allocated to that county
 243 for funding for any of the following applicants:

244 (a) A certified applicant as a facility for a new or
 245 retained professional sports franchise under ~~"facility for a new~~
 246 ~~professional sports franchise,"~~ a ~~"facility for a retained~~
 247 ~~professional sports franchise,"~~ or a ~~"facility for a retained~~
 248 ~~spring training franchise,"~~ as provided for in s. 288.1162 or a
 249 certified applicant as defined s. 288.11621 for a facility for a
 250 spring training franchise. It is the Legislature's intent that
 251 the provisions of s. 288.1162, including, but not limited to,
 252 the evaluation process by the Office of Tourism, Trade, and

253 Economic Development except for the limitation on the number of
 254 certified applicants or facilities as provided in that section
 255 and the restrictions set forth in s. 288.1162(8) ~~s. 288.1162(9)~~,
 256 shall apply to an applicant's facility to be funded by local
 257 government as provided in this subsection.

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

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

265 Section 4. Section 288.1162, Florida Statutes, is amended
 266 to read:

267 288.1162 Professional sports franchises; ~~spring training~~
 268 ~~franchises~~; duties.--

269 (1) The Office of Tourism, Trade, and Economic Development
 270 shall serve as the state agency for screening applicants for
 271 state funding under ~~pursuant to~~ s. 212.20 and for certifying an
 272 applicant as a facility for a new or retained professional
 273 sports franchise. ~~"facility for a new professional sports~~
 274 ~~franchise," a "facility for a retained professional sports~~
 275 ~~franchise," or a "facility for a retained spring training~~
 276 ~~franchise."~~

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

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

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

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

290 (4) Before ~~Prior to~~ certifying an applicant as a facility
 291 for a new or retained professional sports franchise, "~~facility~~
 292 ~~for a new professional sports franchise~~" or a "~~facility for a~~
 293 ~~retained professional sports franchise,~~" the Office of Tourism,
 294 Trade, and Economic Development must determine that:

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

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

305 (c) The applicant has a verified copy of the approval from
 306 the governing authority of the league in which the new
 307 professional sports franchise exists authorizing the location of
 308 the professional sports franchise in this state after April 1,

309 | 1987, or in the case of a retained professional sports
 310 | franchise, verified evidence that it has had a league-authorized
 311 | location in this state on or before December 31, 1976. As used
 312 | in this section, the term "league" means the National League or
 313 | the American League of Major League Baseball, the National
 314 | Basketball Association, the National Football League, or the
 315 | National Hockey League.

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

320 | (e) The applicant has an independent analysis or study,
 321 | verified by the Office of Tourism, Trade, and Economic
 322 | Development, which demonstrates that the amount of the revenues
 323 | generated by the taxes imposed under chapter 212 with respect to
 324 | the use and operation of the professional sports franchise
 325 | facility will equal or exceed \$2 million annually.

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

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

336 | (h) An ~~No~~ applicant previously certified under any

337 provision of this section who has received funding under such
 338 certification is not ~~shall be~~ eligible for an additional
 339 certification.

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

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

346 1. ~~A "unit of local government" as defined in s. 218.369~~
 347 ~~is responsible for the acquisition, construction, management, or~~
 348 ~~operation of the facility for a retained spring training~~
 349 ~~franchise or holds title to the property on which the facility~~
 350 ~~for a retained spring training franchise is located.~~

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

354 3. ~~The applicant has a financial commitment to provide 50~~
 355 ~~percent or more of the funds required by an agreement for the~~
 356 ~~acquisition, construction, or renovation of the facility for a~~
 357 ~~retained spring training franchise. The agreement can be~~
 358 ~~contingent upon the awarding of funds under this section and~~
 359 ~~other conditions precedent to use by the spring training~~
 360 ~~franchise.~~

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

CS/HB 7045

2009

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

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

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

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

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

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

393 ~~e. The duration of the future use agreement with the~~
 394 ~~retained spring training franchise, with priority given to the~~
 395 ~~future use agreement having the longest duration.~~

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

398 ~~g. The net increase of total active recreation space owned~~
 399 ~~by the applying unit of local government following the~~
 400 ~~acquisition of land for the spring training facility, with~~
 401 ~~priority given to the largest percentage increase of total~~
 402 ~~active recreation space.~~

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

408 ~~i. The projections on paid attendance attracted by the~~
 409 ~~facility and the proposed effect on the economy of the local~~
 410 ~~community, with priority given to the highest projected paid~~
 411 ~~attendance.~~

412 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
 413 ~~and Economic Development shall competitively evaluate~~
 414 ~~applications for funding of facilities for retained spring~~
 415 ~~training franchises in addition to those certified and funded~~
 416 ~~under subparagraph 1. An applicant that is a unit of government~~
 417 ~~that has an agreement for a retained spring training franchise~~
 418 ~~for 15 or more years which was entered into between July 1,~~
 419 ~~2003, and July 1, 2004, shall be eligible for funding.~~
 420 ~~Applications must be submitted by October 1, 2006, with~~

421 ~~certifications to be made by January 1, 2007. The office shall~~
422 ~~rank the applications according to selection criteria,~~
423 ~~certifying no more than five proposals. The aggregate funding~~
424 ~~request of all applicants certified shall not exceed an~~
425 ~~aggregate funding request of \$208,335 per month. The evaluation~~
426 ~~criteria shall include the following, with priority given in~~
427 ~~descending order:~~

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

430 ~~b. The intended use of the funds by the applicant to~~
431 ~~renovate a facility.~~

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

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

444 ~~e. The duration of the future-use agreement with the~~
445 ~~retained spring training franchise, with priority given to the~~
446 ~~future-use agreement having the longest duration.~~

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

449 ~~g. The net increase of total active recreation space owned~~
 450 ~~by the applying unit of local government following the~~
 451 ~~acquisition of land for the spring training facility, with~~
 452 ~~priority given to the largest percentage increase of total~~
 453 ~~active recreation space.~~

454 ~~h. The location of the facility in a brownfield area, an~~
 455 ~~enterprise zone, a community redevelopment area, or another area~~
 456 ~~of targeted development or revitalization included in an urban~~
 457 ~~infill redevelopment plan, with priority given to facilities~~
 458 ~~located in those areas.~~

459 ~~i. The projections on paid attendance attracted by the~~
 460 ~~facility and the proposed effect on the economy of the local~~
 461 ~~community, with priority given to the highest projected paid~~
 462 ~~attendance.~~

463 ~~(d) Funds may not be expended to subsidize privately owned~~
 464 ~~and maintained facilities for use by the spring training~~
 465 ~~franchise. Funds may be used to relocate a retained spring~~
 466 ~~training franchise to another unit of local government only if~~
 467 ~~the existing unit of local government with the retained spring~~
 468 ~~training franchise agrees to the relocation.~~

469 ~~(5) (6)~~ An applicant certified as a facility for a new or
 470 retained professional sports franchise ~~or a facility for a~~
 471 ~~retained professional sports franchise or as a facility for a~~
 472 ~~retained spring training franchise~~ may use funds provided under
 473 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for
 474 the acquisition, construction, reconstruction, or renovation of
 475 a facility for a new or retained professional sports franchise,
 476 ~~a facility for a retained professional sports franchise, or a~~

CS/HB 7045

2009

477 ~~facility for a retained spring training franchise~~ or to pay or
478 pledge for the payment of debt service on, or to fund debt
479 service reserve funds, arbitrage rebate obligations, or other
480 amounts payable with respect to, bonds issued for the
481 acquisition, construction, reconstruction, or renovation of such
482 facility or for the reimbursement of such costs or the
483 refinancing of bonds issued for such purposes.

484 (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic
485 Development shall notify the Department of Revenue of any
486 facility certified as a facility for a new or retained
487 professional sports franchise ~~or a facility for a retained~~
488 ~~professional sports franchise or as a facility for a retained~~
489 ~~spring training franchise~~. The Office of Tourism, Trade, and
490 Economic Development shall certify no more than eight facilities
491 as facilities for a new professional sports franchise or as
492 facilities for a retained professional sports franchise,
493 including in the ~~such~~ total any facilities certified by the
494 Department of Commerce before July 1, 1996. ~~The number of~~
495 ~~facilities certified as a retained spring training franchise~~
496 ~~shall be as provided in subsection (5)~~. The office may make no
497 more than one certification for any facility. ~~The office may not~~
498 ~~certify funding for less than the requested amount to any~~
499 ~~applicant certified as a facility for a retained spring training~~
500 ~~franchise.~~

501 (b) The eighth certification of an applicant under this
502 section as a facility for a new or retained professional sports
503 franchise ~~or a facility for a retained professional sports~~
504 ~~franchise~~ shall be for a franchise that is a member of the

CS/HB 7045

2009

505 National Basketball Association, has been located within the
506 state since 1987, and has not been previously certified. This
507 paragraph is repealed July 1, 2010.

508 ~~(7)(8)~~ The Auditor General ~~Department of Revenue~~ may
509 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
510 that the distributions under ~~pursuant to~~ this section are ~~have~~
511 ~~been~~ expended as required in this section. ~~Such information is~~
512 ~~subject to the confidentiality requirements of chapter 213.~~ If
513 the Auditor General ~~Department of Revenue~~ determines that the
514 distributions under ~~pursuant to~~ this section are ~~have not been~~
515 expended as required by this section, the Auditor General shall
516 notify the Department of Revenue, which ~~it~~ may pursue recovery
517 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
518 the assessment of taxes.

519 ~~(8)(9)~~ An applicant is not qualified for certification
520 under this section if the franchise formed the basis for a
521 previous certification, unless the previous certification was
522 withdrawn by the facility or invalidated by the Office of
523 Tourism, Trade, and Economic Development or the Department of
524 Commerce before any funds were distributed under ~~pursuant to~~ s.
525 212.20. This subsection does not disqualify an applicant if the
526 previous certification occurred between May 23, 1993, and May
527 25, 1993; however, any funds to be distributed under ~~pursuant to~~
528 s. 212.20 for the second certification shall be offset by the
529 amount distributed to the previous certified facility.
530 Distribution of funds for the second certification shall not be
531 made until all amounts payable for the first certification are
532 ~~have been~~ distributed.

CS/HB 7045

2009

533 Section 5. Section 288.11621, Florida Statutes, is created
534 to read:

535 288.11621 Spring training baseball facilities.--

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

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

539 (b) "Certified applicant" means a facility for a spring
540 training franchise that was certified before July 1, 2009, under
541 s. 288.1162(5), Florida Statutes 2008, or a unit of local
542 government that is certified under this section.

543 (c) "Facility" means a spring training stadium, playing
544 fields, and appurtenances intended to support spring training
545 activities.

546 (d) "Office" means the Office of Tourism, Trade, and
547 Economic Development.

548 (2) CERTIFICATION PROCESS.--

549 (a) Before certifying an applicant to receive state
550 funding for a facility for a spring training franchise, the
551 office must verify that:

552 1. The applicant is responsible for the acquisition,
553 construction, management, or operation of the facility for a
554 spring training franchise or holds title to the property on
555 which the facility for a spring training franchise is located.

556 2. The applicant has a certified copy of a signed
557 agreement with a spring training franchise for the use of the
558 facility for a term of at least 20 years. The agreement also
559 must require the franchise to reimburse the state for state
560 funds expended by an applicant under this section if the

561 franchise relocates before the agreement expires. The agreement
562 may be contingent on an award of funds under this section and
563 other conditions precedent.

564 3. The applicant has made a financial commitment to
565 provide 50 percent or more of the funds required by an agreement
566 for the acquisition, construction, or renovation of the facility
567 for a spring training franchise. The commitment may be
568 contingent upon an award of funds under this section and other
569 conditions precedent.

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

573 5. The facility for a spring training franchise is located
574 in a county that levies a tourist development tax under s.
575 125.0104.

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

581 1. The anticipated effect on the economy of the local
582 community where the spring training facility is to be built,
583 including projections on paid attendance, local and state tax
584 collections generated by spring training games, and direct and
585 indirect job creation resulting from the spring training
586 activities. Priority shall be given to applicants who can
587 demonstrate the largest projected economic impact.

588 2. The amount of the local matching funds committed to a

589 facility relative to the amount of state funding sought, with
590 priority given to applicants that commit the largest amount of
591 local matching funds relative to the amount of state funding
592 sought.

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

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

597 5. The length of time that a spring training franchise has
598 been under an agreement to conduct spring training activities
599 within an applicant's geographical jurisdiction, with priority
600 given to applicants having agreements with the same franchise
601 for the longest period of time.

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

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

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

613 9. The net increase of total active recreation space owned
614 by the applicant after an acquisition of land for the facility,
615 with priority given to applicants having the largest percentage
616 increase of total active recreation space.

CS/HB 7045

2009

617 10. The location of the facility in a brownfield, an
618 enterprise zone, a community redevelopment area, or other area
619 of targeted development or revitalization included in an urban
620 infill redevelopment plan, with priority given to applicants
621 having facilities located in these areas.

622 (c) Applicants that are certified on or after July 1,
623 2009, shall enter into an agreement with the office that:

624 1. Specifies the amount of the state incentive funding to
625 be distributed.

626 2. States the criteria that the certified applicant must
627 meet in order to remain certified.

628 3. States that the certified applicant is subject to
629 decertification if the certified applicant fails to comply with
630 this section or the agreement.

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

633 5. Specifies information that the certified applicant must
634 report to the office.

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

636 (3) USE OF FUNDS.--

637 (a) A certified applicant may use funds provided under s.
638 212.20(6)(d)7.b. only to:

639 1. Serve the public purpose of acquiring, constructing,
640 reconstructing, or renovating a facility for a spring training
641 franchise.

642 2. Pay or pledge for the payment of debt service on, or to
643 fund debt service reserve funds, arbitrage rebate obligations,
644 or other amounts payable with respect thereto, bonds issued for

CS/HB 7045

2009

645 the acquisition, construction, reconstruction, or renovation of
646 such facility, or for the reimbursement of such costs or the
647 refinancing of bonds issued for such purposes.

648 3. Assist in the relocation of a spring training franchise
649 from one unit of local government to another only if the
650 governing board of the current host local government by a
651 majority vote agrees to the relocation.

652 (b) State funds awarded to a certified applicant for a
653 facility for a spring training franchise may not be used to
654 subsidize facilities that are privately owned and maintained and
655 that are used only by a spring training franchise.

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

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

663 2. A certified applicant may request that the Department
664 of Revenue suspend further distributions of state funds made
665 available under s. 212.20(6)(d)7.b. for 12 months after
666 expiration of an existing agreement with a spring training
667 baseball franchise to provide the certified applicant with an
668 opportunity to enter into a new agreement with a spring training
669 baseball franchise, at which time the distributions shall
670 resume.

671 3. The expenditure of state funds distributed to an
672 applicant certified before July 1, 2009, must begin within 48

673 months after the initial receipt of the state funds. In
 674 addition, the construction of, or capital improvements to, a
 675 spring training facility must be completed within 24 months
 676 after the project's commencement.

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

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

681 (b) A detailed report on all local and state funds
 682 expended to date on the project being financed under this
 683 section.

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

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

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

690 (5) DECERTIFICATION.--

691 (a) The office shall decertify a certified applicant upon
 692 the request of the certified applicant.

693 (b) The office shall decertify a certified applicant if
 694 the certified applicant does not:

695 1. Have a valid agreement with a spring training
 696 franchise; or

697 2. Satisfy its commitment to provide local matching funds
 698 to the facility.

699
 700 However, decertification proceedings against a local government

701 certified prior to July 1, 2009, shall be delayed until 12
702 months after the expiration of the local government's existing
703 agreement with a spring training baseball franchise and without
704 a new agreement being signed if the certified local government
705 can demonstrate to the office that it is in active negotiations
706 with a major league spring training franchise, other than the
707 franchise that was the basis for the original certification.

708 (c) A certified applicant has 60 days after it receives a
709 notice of intent to decertify from the office to petition the
710 office's executive director for review of the decertification.
711 Within 45 days after receipt of the request for review, the
712 executive director must notify a certified applicant of the
713 outcome of the review.

714 (d) The office shall notify the Department of Revenue that
715 a certified applicant is decertified within 10 days after the
716 order of decertification becomes final. The Department of
717 Revenue shall immediately stop the payment of any funds under
718 this section that were not encumbered by the certified applicant
719 under subparagraph (3) (a)2.

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

726 (6) ADDITIONAL CERTIFICATIONS.--If the office decertifies
727 a unit of local government, the office may accept applications
728 for an additional certification. A unit of local government may

729 not be certified for more than one spring training franchise at
 730 a time.

731 (7) STRATEGIC PLANNING.--

732 (a) The office shall request assistance from the Florida
 733 Sports Foundation and the Florida Grapefruit League Association
 734 to develop a comprehensive strategic plan to:

735 1. Finance spring training facilities.

736 2. Monitor and oversee the use of state funds awarded to
 737 applicants.

738 3. Identify the financial impact that spring training has
 739 on the state and ways in which to maintain or improve that
 740 impact.

741 4. Identify opportunities to develop public-private
 742 partnerships to engage in marketing activities and advertise
 743 spring training baseball.

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

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

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

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

754 (9) AUDITS.--The Auditor General may conduct audits as
 755 provided in s. 11.45 to verify that the distributions under this
 756 section are expended as required in this section. If the Auditor

CS/HB 7045

2009

757 General determines that the distributions under this section are
758 not expended as required by this section, the Auditor General
759 shall notify the Department of Revenue, which may pursue
760 recovery of the funds under the laws and rules governing the
761 assessment of taxes.

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

764 288.1229 Promotion and development of sports-related
765 industries and amateur athletics; direct-support organization;
766 powers and duties.--

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

770 (a) The promotion and development of the sports industry
771 and related industries for the purpose of improving the economic
772 presence of these industries in Florida.

773 (b) The promotion of amateur athletic participation for
774 the citizens of Florida and the promotion of Florida as a host
775 for national and international amateur athletic competitions for
776 the purpose of encouraging and increasing the direct and
777 ancillary economic benefits of amateur athletic events and
778 competitions.

779 (c) The retention of professional sports franchises,
780 including the spring training operations of Major League
781 Baseball.

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