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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
04/14/2010	.	
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The Committee on Community Affairs (Bennett) recommended the following:

1 **Senate Substitute for Amendment (509880) (with title**
2 **amendment)**

3
4
5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Paragraph (f) of subsection (2) of section
8 14.2015, Florida Statutes, is amended to read:

9 14.2015 Office of Tourism, Trade, and Economic Development;
10 creation; powers and duties.—

11 (2) The purpose of the Office of Tourism, Trade, and
12 Economic Development is to assist the Governor in working with



13 the Legislature, state agencies, business leaders, and economic
14 development professionals to formulate and implement coherent
15 and consistent policies and strategies designed to provide
16 economic opportunities for all Floridians. To accomplish such
17 purposes, the Office of Tourism, Trade, and Economic Development
18 shall:

19 (f)1. Administer the Florida Enterprise Zone Act under ss.
20 290.001-290.016, the community contribution tax credit program
21 under ss. 220.183 and 624.5105, the tax refund program for
22 qualified target industry businesses under s. 288.106, the tax-
23 refund program for qualified defense contractors and space
24 flight business contractors under s. 288.1045, contracts for
25 transportation projects under s. 288.063, the sports franchise
26 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~
27 ~~288.1162~~, the professional golf hall of fame facility program
28 under s. 288.1168, the expedited permitting process under s.
29 403.973, the Rural Community Development Revolving Loan Fund
30 under s. 288.065, the Regional Rural Development Grants Program
31 under s. 288.018, the Certified Capital Company Act under s.
32 288.99, the Florida State Rural Development Council, the Rural
33 Economic Development Initiative, and other programs that are
34 specifically assigned to the office by law, by the
35 appropriations process, or by the Governor. Notwithstanding any
36 other provisions of law, the office may expend interest earned
37 from the investment of program funds deposited in the Grants and
38 Donations Trust Fund to contract for the administration of the
39 programs, or portions of the programs, enumerated in this
40 paragraph or assigned to the office by law, by the
41 appropriations process, or by the Governor. Such expenditures



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42 shall be subject to review under chapter 216.

43 2. The office may enter into contracts in connection with
44 the fulfillment of its duties concerning the Florida First
45 Business Bond Pool under chapter 159, tax incentives under
46 chapters 212 and 220, tax incentives under the Certified Capital
47 Company Act in chapter 288, foreign offices under chapter 288,
48 the Enterprise Zone program under chapter 290, the Seaport
49 Employment Training program under chapter 311, the Florida
50 Professional Sports Team License Plates under chapter 320,
51 Spaceport Florida under chapter 331, Expedited Permitting under
52 chapter 403, and in carrying out other functions that are
53 specifically assigned to the office by law, by the
54 appropriations process, or by the Governor.

55 Section 2. Paragraph (d) of subsection (6) of section
56 212.20, Florida Statutes, is amended to read:

57 212.20 Funds collected, disposition; additional powers of
58 department; operational expense; refund of taxes adjudicated
59 unconstitutionally collected.—

60 (6) Distribution of all proceeds under this chapter and s.
61 202.18(1)(b) and (2)(b) shall be as follows:

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

65 1. In any fiscal year, the greater of \$500 million, minus
66 an amount equal to 4.6 percent of the proceeds of the taxes
67 collected pursuant to chapter 201, or 5.2 percent of all other
68 taxes and fees imposed pursuant to this chapter or remitted
69 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
70 monthly installments into the General Revenue Fund.



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71 2. After the distribution under subparagraph 1., 8.814
72 percent of the amount remitted by a sales tax dealer located
73 within a participating county pursuant to s. 218.61 shall be
74 transferred into the Local Government Half-cent Sales Tax
75 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
76 transferred shall be reduced by 0.1 percent, and the department
77 shall distribute this amount to the Public Employees Relations
78 Commission Trust Fund less \$5,000 each month, which shall be
79 added to the amount calculated in subparagraph 3. and
80 distributed accordingly.

81 3. After the distribution under subparagraphs 1. and 2.,
82 0.095 percent shall be transferred to the Local Government Half-
83 cent Sales Tax Clearing Trust Fund and distributed pursuant to
84 s. 218.65.

85 4. After the distributions under subparagraphs 1., 2., and
86 3., 2.0440 percent of the available proceeds shall be
87 transferred monthly to the Revenue Sharing Trust Fund for
88 Counties pursuant to s. 218.215.

89 5. After the distributions under subparagraphs 1., 2., and
90 3., 1.3409 percent of the available proceeds shall be
91 transferred monthly to the Revenue Sharing Trust Fund for
92 Municipalities pursuant to s. 218.215. If the total revenue to
93 be distributed pursuant to this subparagraph is at least as
94 great as the amount due from the Revenue Sharing Trust Fund for
95 Municipalities and the former Municipal Financial Assistance
96 Trust Fund in state fiscal year 1999-2000, no municipality shall
97 receive less than the amount due from the Revenue Sharing Trust
98 Fund for Municipalities and the former Municipal Financial
99 Assistance Trust Fund in state fiscal year 1999-2000. If the



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100 total proceeds to be distributed are less than the amount
101 received in combination from the Revenue Sharing Trust Fund for
102 Municipalities and the former Municipal Financial Assistance
103 Trust Fund in state fiscal year 1999-2000, each municipality
104 shall receive an amount proportionate to the amount it was due
105 in state fiscal year 1999-2000.

106 6. Of the remaining proceeds:

107 a. In each fiscal year, the sum of \$29,915,500 shall be
108 divided into as many equal parts as there are counties in the
109 state, and one part shall be distributed to each county. The
110 distribution among the several counties must begin each fiscal
111 year on or before January 5th and continue monthly for a total
112 of 4 months. If a local or special law required that any moneys
113 accruing to a county in fiscal year 1999-2000 under the then-
114 existing provisions of s. 550.135 be paid directly to the
115 district school board, special district, or a municipal
116 government, such payment must continue until the local or
117 special law is amended or repealed. The state covenants with
118 holders of bonds or other instruments of indebtedness issued by
119 local governments, special districts, or district school boards
120 before July 1, 2000, that it is not the intent of this
121 subparagraph to adversely affect the rights of those holders or
122 relieve local governments, special districts, or district school
123 boards of the duty to meet their obligations as a result of
124 previous pledges or assignments or trusts entered into which
125 obligated funds received from the distribution to county
126 governments under then-existing s. 550.135. This distribution
127 specifically is in lieu of funds distributed under s. 550.135
128 before July 1, 2000.



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129 b. The department shall distribute \$166,667 monthly
130 pursuant to s. 288.1162 to each applicant ~~that has been~~
131 certified as a facility for a new or retained professional
132 sports franchise ~~"facility for a new professional sports~~
133 ~~franchise" or a "facility for a retained professional sports~~
134 ~~franchise"~~ pursuant to s. 288.1162. Up to \$41,667 shall be
135 distributed monthly by the department to each certified
136 applicant as defined in s. 288.11621 for a facility for a spring
137 training franchise. ~~that has been certified as a "facility for a~~
138 ~~retained spring training franchise"~~ pursuant to ~~s. 288.1162;~~
139 However, not more than \$416,670 may be distributed monthly in
140 the aggregate to all certified applicants for facilities for a
141 ~~retained~~ spring training franchises franchise. Distributions
142 ~~must~~ begin 60 days after ~~following~~ such certification and ~~shall~~
143 continue for not more than 30 years, except as otherwise
144 provided in s. 288.11621. A certified applicant identified in
145 this sub-subparagraph may not ~~This paragraph may not be~~
146 ~~construed to allow an applicant certified pursuant to s.~~
147 ~~288.1162 to~~ receive more in distributions than ~~actually~~ expended
148 by the applicant for the public purposes provided for in s.
149 288.1162(5) or s. 288.11621(3) ~~s. 288.1162(6).~~

150 c. Beginning 30 days after notice by the Office of Tourism,
151 Trade, and Economic Development to the Department of Revenue
152 that an applicant has been certified as the professional golf
153 hall of fame pursuant to s. 288.1168 and is open to the public,
154 \$166,667 shall be distributed monthly, for up to 300 months, to
155 the applicant.

156 d. Beginning 30 days after notice by the Office of Tourism,
157 Trade, and Economic Development to the Department of Revenue



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158 that the applicant has been certified as the International Game
159 Fish Association World Center facility pursuant to s. 288.1169,
160 and the facility is open to the public, \$83,333 shall be
161 distributed monthly, for up to 168 months, to the applicant.
162 This distribution is subject to reduction pursuant to s.
163 288.1169. A lump sum payment of \$999,996 shall be made, after
164 certification and before July 1, 2000.

165 7. All other proceeds must remain in the General Revenue
166 Fund.

167 Section 3. Section 218.64, Florida Statutes, is amended to
168 read:

169 218.64 Local government half-cent sales tax; uses;
170 limitations.-

171 (1) The proportion of the local government half-cent sales
172 tax received by a county government based on two-thirds of the
173 incorporated area population shall be deemed countywide revenues
174 and shall be expended only for countywide tax relief or
175 countywide programs. The remaining county government portion
176 shall be deemed county revenues derived on behalf of the
177 unincorporated area but may be expended on a countywide basis.

178 (2) Municipalities shall expend their portions of the local
179 government half-cent sales tax only for municipality-wide
180 programs or for municipality-wide property tax or municipal
181 utility tax relief. All utility tax rate reductions afforded by
182 participation in the local government half-cent sales tax shall
183 be applied uniformly across all types of taxed utility services.

184 (3) Subject to ordinances enacted by the majority of the
185 members of the county governing authority and by the majority of
186 the members of the governing authorities of municipalities



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187 representing at least 50 percent of the municipal population of
188 such county, counties may use up to \$2 million annually of the
189 local government half-cent sales tax allocated to that county
190 for funding for any of the following applicants:

191 (a) A certified applicant as a facility for a new or
192 retained professional sports franchise under ~~"facility for a new~~
193 ~~professional sports franchise,"~~ a ~~"facility for a retained~~
194 ~~professional sports franchise,"~~ or a ~~"facility for a retained~~
195 ~~spring training franchise,"~~ as provided for in s. 288.1162 or a
196 certified applicant as defined in s. 288.11621 for a facility
197 for a spring training franchise. It is the Legislature's intent
198 that the provisions of s. 288.1162, including, but not limited
199 to, the evaluation process by the Office of Tourism, Trade, and
200 Economic Development except for the limitation on the number of
201 certified applicants or facilities as provided in that section
202 and the restrictions set forth in s. 288.1162(8) ~~s. 288.1162(9)~~,
203 shall apply to an applicant's facility to be funded by local
204 government as provided in this subsection.

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

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

212 Section 4. Section 288.1162, Florida Statutes, is amended
213 to read:

214 288.1162 Professional sports franchises; ~~spring training~~
215 ~~franchises;~~ duties.-



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216 (1) The Office of Tourism, Trade, and Economic Development
217 shall serve as the state agency for screening applicants for
218 state funding under ~~pursuant to~~ s. 212.20 and for certifying an
219 applicant as a facility for a new or retained professional
220 sports franchise. ~~"facility for a new professional sports~~
221 ~~franchise," a "facility for a retained professional sports~~
222 ~~franchise," or a "facility for a retained spring training~~
223 ~~franchise."~~

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

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

228 (a) "New professional sports franchise" means a
229 professional sports franchise that was ~~is~~ not based in this
230 state before ~~prior to~~ April 1, 1987.

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

237 (4) ~~Before~~ ~~Prior to~~ certifying an applicant as a facility
238 for a new or retained professional sports franchise, ~~"facility~~
239 ~~for a new professional sports franchise" or a "facility for a~~
240 ~~retained professional sports franchise,"~~ the Office of Tourism,
241 Trade, and Economic Development must determine that:

242 (a) A "unit of local government" as defined in s. 218.369
243 is responsible for the construction, management, or operation of
244 the professional sports franchise facility or holds title to the



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245 property on which the professional sports franchise facility is
246 located.

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

252 (c) The applicant has a verified copy of the approval from
253 the governing authority of the league in which the new
254 professional sports franchise exists authorizing the location of
255 the professional sports franchise in this state after April 1,
256 1987, or in the case of a retained professional sports
257 franchise, verified evidence that it has had a league-authorized
258 location in this state on or before December 31, 1976. As used
259 in this section, the term "league" means the National League or
260 the American League of Major League Baseball, the National
261 Basketball Association, the National Football League, or the
262 National Hockey League.

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

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

273 (f) The municipality in which the facility for a new or



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274 retained professional sports franchise is located, or the county
275 if the facility for a new or retained professional sports
276 franchise is located in an unincorporated area, has certified by
277 resolution after a public hearing that the application serves a
278 public purpose.

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

283 (h) An ~~No~~ applicant previously certified under any
284 provision of this section who has received funding under such
285 certification is not shall be eligible for an additional
286 certification.

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

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

293 ~~1. A "unit of local government" as defined in s. 218.369 is~~
294 ~~responsible for the acquisition, construction, management, or~~
295 ~~operation of the facility for a retained spring training~~
296 ~~franchise or holds title to the property on which the facility~~
297 ~~for a retained spring training franchise is located.~~

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

301 ~~3. The applicant has a financial commitment to provide 50~~
302 ~~percent or more of the funds required by an agreement for the~~



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303 ~~acquisition, construction, or renovation of the facility for a~~
304 ~~retained spring training franchise. The agreement can be~~
305 ~~contingent upon the awarding of funds under this section and~~
306 ~~other conditions precedent to use by the spring training~~
307 ~~franchise.~~

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

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

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

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

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

331 ~~e. The length of time that a facility to be used by a~~



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332 ~~retained spring training franchise has been used by one or more~~
333 ~~spring training franchises, with priority given to a facility~~
334 ~~that has been in continuous use as a facility for spring~~
335 ~~training the longest.~~

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

340 ~~e. The duration of the future-use agreement with the~~
341 ~~retained spring training franchise, with priority given to the~~
342 ~~future-use agreement having the longest duration.~~

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

345 ~~g. The net increase of total active recreation space owned~~
346 ~~by the applying unit of local government following the~~
347 ~~acquisition of land for the spring training facility, with~~
348 ~~priority given to the largest percentage increase of total~~
349 ~~active recreation space.~~

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

355 ~~i. The projections on paid attendance attracted by the~~
356 ~~facility and the proposed effect on the economy of the local~~
357 ~~community, with priority given to the highest projected paid~~
358 ~~attendance.~~

359 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
360 ~~and Economic Development shall competitively evaluate~~



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361 ~~applications for funding of facilities for retained spring~~
362 ~~training franchises in addition to those certified and funded~~
363 ~~under subparagraph 1. An applicant that is a unit of government~~
364 ~~that has an agreement for a retained spring training franchise~~
365 ~~for 15 or more years which was entered into between July 1,~~
366 ~~2003, and July 1, 2004, shall be eligible for funding.~~

367 ~~Applications must be submitted by October 1, 2006, with~~
368 ~~certifications to be made by January 1, 2007. The office shall~~
369 ~~rank the applications according to selection criteria,~~
370 ~~certifying no more than five proposals. The aggregate funding~~
371 ~~request of all applicants certified shall not exceed an~~
372 ~~aggregate funding request of \$208,335 per month. The evaluation~~
373 ~~criteria shall include the following, with priority given in~~
374 ~~descending order:~~

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

377 ~~b. The intended use of the funds by the applicant to~~
378 ~~renovate a facility.~~

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

384 ~~d. For those teams leasing a spring training facility from~~
385 ~~a unit of local government, the remaining time on the lease for~~
386 ~~facilities used by the spring training franchise, with priority~~
387 ~~given to the shortest time period remaining on the lease. For~~
388 ~~consideration under this subparagraph, the remaining time on the~~
389 ~~lease shall not exceed 5 years, unless an agreement of 15 years~~



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390 ~~or more was entered into between July 1, 2003, and July 1, 2004.~~

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

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

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

401 ~~h. The location of the facility in a brownfield area, an~~
402 ~~enterprise zone, a community redevelopment area, or another area~~
403 ~~of targeted development or revitalization included in an urban~~
404 ~~infill redevelopment plan, with priority given to facilities~~
405 ~~located in those areas.~~

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

410 ~~(d) Funds may not be expended to subsidize privately owned~~
411 ~~and maintained facilities for use by the spring training~~
412 ~~franchise. Funds may be used to relocate a retained spring~~
413 ~~training franchise to another unit of local government only if~~
414 ~~the existing unit of local government with the retained spring~~
415 ~~training franchise agrees to the relocation.~~

416 ~~(5)(6) An applicant certified as a facility for a new or~~
417 ~~retained professional sports franchise ~~or a facility for a~~~~
418 ~~retained professional sports franchise ~~or as a facility for a~~~~



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419 ~~retained spring training franchise~~ may use funds provided under
420 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for
421 the acquisition, construction, reconstruction, or renovation of
422 a facility for a new or retained professional sports franchise,
423 ~~a facility for a retained professional sports franchise, or a~~
424 ~~facility for a retained spring training franchise or~~ to pay or
425 pledge for the payment of debt service on, or to fund debt
426 service reserve funds, arbitrage rebate obligations, or other
427 amounts payable with respect to, bonds issued for the
428 acquisition, construction, reconstruction, or renovation of such
429 facility or for the reimbursement of such costs or the
430 refinancing of bonds issued for such purposes.

431 (6) ~~(7)~~ (a) The Office of Tourism, Trade, and Economic
432 Development shall notify the Department of Revenue of any
433 facility certified as a facility for a new or retained
434 professional sports franchise ~~or a facility for a retained~~
435 ~~professional sports franchise or as a facility for a retained~~
436 ~~spring training franchise~~. The Office of Tourism, Trade, and
437 Economic Development shall certify no more than eight facilities
438 as facilities for a new professional sports franchise or as
439 facilities for a retained professional sports franchise,
440 including in the ~~such~~ total any facilities certified by the
441 former Department of Commerce before July 1, 1996. ~~The number of~~
442 ~~facilities certified as a retained spring training franchise~~
443 ~~shall be as provided in subsection (5)~~. The office may make no
444 more than one certification for any facility. ~~The office may not~~
445 ~~certify funding for less than the requested amount to any~~
446 ~~applicant certified as a facility for a retained spring training~~
447 ~~franchise.~~



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448 (b) The eighth certification of an applicant under this
449 section as a facility for a new or retained professional sports
450 franchise ~~or a facility for a retained professional sports~~
451 ~~franchise~~ shall be for a franchise that is a member of the
452 National Basketball Association, has been located within the
453 state since 1987, and has not been previously certified. This
454 paragraph is repealed July 1, 2010.

455 ~~(7)-(8)~~ The Auditor General ~~Department of Revenue~~ may
456 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
457 that the distributions under ~~pursuant to~~ this section are ~~have~~
458 ~~been~~ expended as required in this section. ~~Such information is~~
459 ~~subject to the confidentiality requirements of chapter 213.~~ If
460 the Auditor General ~~Department of Revenue~~ determines that the
461 distributions under ~~pursuant to~~ this section are ~~have not been~~
462 expended as required by this section, the Auditor General shall
463 notify the Department of Revenue, which ~~it~~ may pursue recovery
464 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
465 the assessment of taxes.

466 ~~(8)-(9)~~ An applicant is not qualified for certification
467 under this section if the franchise formed the basis for a
468 previous certification, unless the previous certification was
469 withdrawn by the facility or invalidated by the Office of
470 Tourism, Trade, and Economic Development or the former
471 Department of Commerce before any funds were distributed under
472 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
473 applicant if the previous certification occurred between May 23,
474 1993, and May 25, 1993; however, any funds to be distributed
475 under ~~pursuant to~~ s. 212.20 for the second certification shall
476 be offset by the amount distributed to the previous certified



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477 facility. Distribution of funds for the second certification
478 shall not be made until all amounts payable for the first
479 certification are ~~have been~~ distributed.

480 Section 5. Section 288.11621, Florida Statutes, is created
481 to read:

482 288.11621 Spring training baseball franchises.-

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

484 (a) "Agreement" means a certified, signed lease between an
485 applicant that applies for certification on or after July 1,
486 2010, and the spring training franchise for the use of a
487 facility.

488 (b) "Applicant" means a unit of local government as defined
489 in s. 218.369, including local governments located in the same
490 county that have partnered with a certified applicant before the
491 effective date of this section or with an applicant for a new
492 certification, for purposes of sharing in the responsibilities
493 of a facility.

494 (c) "Certified applicant" means a facility for a spring
495 training franchise that was certified before July 1, 2010, under
496 s. 288.1162(5), Florida Statutes 2009, or a unit of local
497 government that is certified under this section.

498 (d) "Facility" means a spring training stadium, playing
499 fields, and appurtenances intended to support spring training
500 activities.

501 (e) "Local funds" and "local matching funds" mean funds
502 provided by a county, municipality, or other local government.

503 (f) "Office" means the Office of Tourism, Trade, and
504 Economic Development.

505 (2) CERTIFICATION PROCESS.-



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506 (a) Before certifying an applicant to receive state funding
507 for a facility for a spring training franchise, the office must
508 verify that:

509 1. The applicant is responsible for the acquisition,
510 construction, management, or operation of the facility for a
511 spring training franchise or holds title to the property on
512 which the facility for a spring training franchise is located.

513 2. The applicant has a certified copy of a signed agreement
514 with a spring training franchise for the use of the facility for
515 a term of at least 20 years. The agreement also must require the
516 franchise to reimburse the state for state funds expended by an
517 applicant under this section if the franchise relocates before
518 the agreement expires. The agreement may be contingent on an
519 award of funds under this section and other conditions
520 precedent.

521 3. The applicant has made a financial commitment to provide
522 50 percent or more of the funds required by an agreement for the
523 acquisition, construction, or renovation of the facility for a
524 spring training franchise. The commitment may be contingent upon
525 an award of funds under this section and other conditions
526 precedent.

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

530 5. The facility for a spring training franchise is located
531 in a county that levies a tourist development tax under s.
532 125.0104.

533 (b) The office shall competitively evaluate applications
534 for state funding of a facility for a spring training franchise.



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535 The total number of certifications may not exceed 10 at any
536 time. The evaluation criteria must include, with priority given
537 in descending order to, the following items:

538 1. The anticipated effect on the economy of the local
539 community where the spring training facility is to be built,
540 including projections on paid attendance, local and state tax
541 collections generated by spring training games, and direct and
542 indirect job creation resulting from the spring training
543 activities. Priority shall be given to applicants who can
544 demonstrate the largest projected economic impact.

545 2. The amount of the local matching funds committed to a
546 facility relative to the amount of state funding sought, with
547 priority given to applicants that commit the largest amount of
548 local matching funds relative to the amount of state funding
549 sought.

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

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

554 5. The length of time that a spring training franchise has
555 been under an agreement to conduct spring training activities
556 within an applicant's geographic location or jurisdiction, with
557 priority given to applicants having agreements with the same
558 franchise for the longest period of time.

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

563 7. The term remaining on a lease between an applicant and a



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564 spring training franchise for a facility, with priority given to
565 applicants having the shortest lease terms remaining.

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

570 9. The net increase of total active recreation space owned
571 by the applicant after an acquisition of land for the facility,
572 with priority given to applicants having the largest percentage
573 increase of total active recreation space that will be available
574 for public use.

575 10. The location of the facility in a brownfield, an
576 enterprise zone, a community redevelopment area, or other area
577 of targeted development or revitalization included in an urban
578 infill redevelopment plan, with priority given to applicants
579 having facilities located in these areas.

580 (c) Each applicant certified on or after July 1, 2010,
581 shall enter into an agreement with the office that:

582 1. Specifies the amount of the state incentive funding to
583 be distributed.

584 2. States the criteria that the certified applicant must
585 meet in order to remain certified.

586 3. States that the certified applicant is subject to
587 decertification if the certified applicant fails to comply with
588 this section or the agreement.

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

591 5. Specifies information that the certified applicant must
592 report to the office.



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

594 (3) USE OF FUNDS.—

595 (a) A certified applicant may use funds provided under s.
596 212.20(6)(d)6.b. only to:

597 1. Serve the public purpose of acquiring, constructing,
598 reconstructing, or renovating a facility for a spring training
599 franchise.

600 2. Pay or pledge for the payment of debt service on, or to
601 fund debt service reserve funds, arbitrage rebate obligations,
602 or other amounts payable with respect thereto, bonds issued for
603 the acquisition, construction, reconstruction, or renovation of
604 such facility, or for the reimbursement of such costs or the
605 refinancing of bonds issued for such purposes.

606 3. Assist in the relocation of a spring training franchise
607 from one unit of local government to another only if the
608 governing board of the current host local government by a
609 majority vote agrees to relocation.

610 (b) State funds awarded to a certified applicant for a
611 facility for a spring training franchise may not be used to
612 subsidize facilities that are privately owned, maintained, and
613 used only by a spring training franchise.

614 (c) The Department of Revenue may not distribute funds to
615 an applicant certified on or after July 1, 2010, until it
616 receives notice from the office that the certified applicant has
617 encumbered funds under subparagraph (a)2.

618 (d)1. All certified applicants must place unexpended state
619 funds received pursuant to s. 212.20(6)(d)6.b. in a trust fund
620 or separate account for use only as authorized in this section.

621 2. A certified applicant may request that the Department of



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622 Revenue suspend further distributions of state funds made
623 available under s. 212.20(6)(d)6.b. for 12 months after
624 expiration of an existing agreement with a spring training
625 franchise to provide the certified applicant with an opportunity
626 to enter into a new agreement with a spring training franchise,
627 at which time the distributions shall resume.

628 3. The expenditure of state funds distributed to an
629 applicant certified before July 1, 2010, must begin within 48
630 months after the initial receipt of the state funds. In
631 addition, the construction of, or capital improvements to, a
632 spring training facility must be completed within 24 months
633 after the project's commencement.

634 (4) ANNUAL REPORTS.—On or before September 1 of each year,
635 a certified applicant shall submit to the office a report that
636 includes, but is not limited to:

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

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

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

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

644 (e) Evidence that the certified applicant continues to meet
645 the criteria in effect when the applicant was certified.

646 (5) DECERTIFICATION.—

647 (a) The office shall decertify a certified applicant upon
648 the request of the certified applicant.

649 (b) The office shall decertify a certified applicant if the
650 certified applicant does not:



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- 651 1. Have a valid agreement with a spring training franchise;
652 2. Satisfy its commitment to provide local matching funds
653 to the facility; or

654
655 However, decertification proceedings against a local government
656 certified before July 1, 2010, shall be delayed until 12 months
657 after the expiration of the local government's existing
658 agreement with a spring training franchise, and without a new
659 agreement being signed, if the certified local government can
660 demonstrate to the office that it is in active negotiations with
661 a major league spring training franchise, other than the
662 franchise that was the basis for the original certification.

663 (c) A certified applicant has 60 days after it receives a
664 notice of intent to decertify from the office to petition the
665 office's director for review of the decertification. Within 45
666 days after receipt of the request for review, the director must
667 notify a certified applicant of the outcome of the review.

668 (d) The office shall notify the Department of Revenue that
669 a certified applicant is decertified within 10 days after the
670 order of decertification becomes final. The Department of
671 Revenue shall immediately stop the payment of any funds under
672 this section that were not encumbered by the certified applicant
673 under subparagraph (3) (a) 2.

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



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680 (f) A local government as defined in s. 218.369 may not be
681 decertified if it has paid or pledged for the payment of debt
682 service on, or to fund debt service reserve funds, arbitrage
683 rebate obligations, or other amounts payable with respect
684 thereto, bonds issued for the acquisition, construction,
685 reconstruction, or renovation of the facility for which the
686 local government was certified, or for the reimbursement of such
687 costs or the refinancing of bonds issued for the acquisition,
688 construction, reconstruction, or renovation of the facility for
689 which the local government was certified, or for the
690 reimbursement of such costs or the refinancing of bonds issued
691 for such purpose. This subsection does not preclude or restrict
692 the ability of a certified local government to refinance,
693 refund, or defease such bonds.

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



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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 to
717 the Governor, the President of the Senate, and the Speaker of
718 the House of Representatives by December 31, 2010.

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:



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

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

749 Section 7. An agreement with a spring training franchise
750 relocating from one local government to another local government
751 shall be recognized as a valid agreement under this act if the
752 Office of Tourism, Trade, and Economic Development approved the
753 continuing release of funds to the local government to which the
754 franchise relocated before the effective date of this act. The
755 Legislature recognizes the validity of the agreement and
756 acknowledges the authority of the Office of Tourism, Trade, and
757 Economic Development to provide for the continuing release of
758 funds to the local government under the terms of s. 288.1162,
759 Florida Statutes, which were in effect before the effective date
760 of this act.

761 Section 8. This act shall take effect upon becoming a law.

762
763 ===== T I T L E A M E N D M E N T =====

764 And the title is amended as follows:

765 Delete everything before the enacting clause
766 and insert:



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767 A bill to be entitled
768 An act relating to professional sports franchises;
769 amending ss. 14.2015, 212.20, and 218.64, F.S.,
770 relating to the Office of Tourism, Trade, and Economic
771 Development, the distribution of certain tax proceeds,
772 and the allocation of a portion of the local
773 government half-cent sales tax; conforming provisions
774 to changes made by the act; conforming cross-
775 references; amending s. 288.1162, F.S.; deleting
776 provisions relating to the certification and funding
777 of facilities for spring training baseball franchises;
778 authorizing the Auditor General to conduct audits to
779 verify whether certain funds for professional sports
780 franchises are used as required by law; requiring the
781 Auditor General to notify the Department of Revenue if
782 the funds are not used as required by law; creating s.
783 288.11621, F.S.; authorizing certain units of local
784 government to apply for certification to receive state
785 funding for a facility for a spring training
786 franchise; providing definitions; providing
787 eligibility requirements; providing criteria to
788 competitively evaluate applications for certification;
789 requiring a certified applicant to use the funds
790 awarded for specified public purposes and place
791 unexpended funds in a trust fund or separate account;
792 authorizing a certified applicant to request a
793 suspension of the distribution of funds for a
794 specified period under certain circumstances;
795 requiring the expenditure of funds by certain



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796 certified applicants within a specified period;
797 requiring the completion of certain spring training
798 facility projects within a specified period; requiring
799 certified applicants to submit annual reports to the
800 Office of Tourism, Trade, and Economic Development;
801 requiring the office to decertify applicants under
802 certain circumstances; providing for delay in
803 decertification proceedings for local governments
804 certified before a specified date under certain
805 circumstances; providing for review of the office's
806 notice of intent to decertify an applicant; requiring
807 an applicant to repay unencumbered state funds and
808 interest after decertification; specifying
809 circumstances under which a certified applicant that
810 is a local government may not be decertified under
811 certain circumstances; requiring the office to develop
812 a strategic plan relating to baseball spring training
813 activities; requiring the office to adopt rules;
814 authorizing the Auditor General to conduct audits to
815 verify whether certified funds for baseball spring
816 training facilities are used as required by law;
817 requiring the Auditor General to notify the Department
818 of Revenue if the funds are not used as required by
819 law; amending s. 288.1229, F.S.; providing that the
820 Office of Tourism, Trade, and Economic Development may
821 authorize a direct-support organization to assist in
822 the retention of professional sports franchises;
823 recognizing the validity of specified agreements under
824 certain circumstances; providing an effective date.