

By Senator Fasano

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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.,
4 relating to the Office of Tourism, Trade, and Economic
5 Development, the distribution of certain tax proceeds,
6 and the allocation of a portion of the local
7 government half-cent sales tax; conforming provisions
8 to changes made by the act; conforming cross-
9 references; amending s. 288.1162, F.S.; deleting
10 provisions relating to the certification and funding
11 of facilities for spring training franchises;
12 authorizing the Auditor General to conduct audits to
13 verify whether certain funds for professional sports
14 franchises are used as required by law; requiring the
15 Auditor General to notify the Department of Revenue if
16 the funds are not used as required by law; creating s.
17 288.11621, F.S.; authorizing certain units of local
18 government to apply for certification to receive state
19 funding for a facility for a spring training
20 franchise; providing definitions; providing
21 eligibility requirements; providing criteria to
22 competitively evaluate applications for certification;
23 requiring a certified applicant to use the funds
24 awarded for specified public purposes and place
25 unexpended funds in a trust fund; authorizing a
26 certified applicant to request a suspension of the
27 distribution of funds for a specified period under
28 certain circumstances; requiring the expenditure of
29 funds by certain certified applicants within a

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

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Paragraph (f) of subsection (2) of section

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59 14.2015, Florida Statutes, is amended to read:

60 14.2015 Office of Tourism, Trade, and Economic Development;
61 creation; powers and duties.—

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

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

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88 from the investment of program funds deposited in the Grants and
89 Donations Trust Fund to contract for the administration of the
90 programs, or portions of the programs, enumerated in this
91 paragraph or assigned to the office by law, by the
92 appropriations process, or by the Governor. Such expenditures
93 shall be subject to review under chapter 216.

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

106 Section 2. Paragraph (d) of subsection (6) of section
107 212.20, Florida Statutes, is amended to read:

108 212.20 Funds collected, disposition; additional powers of
109 department; operational expense; refund of taxes adjudicated
110 unconstitutionally collected.—

111 (6) Distribution of all proceeds under this chapter and s.
112 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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117 an amount equal to 4.6 percent of the proceeds of the taxes
118 collected pursuant to chapter 201, or 5.2 percent of all other
119 taxes and fees imposed pursuant to this chapter or remitted
120 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
121 monthly installments into the General Revenue Fund.

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

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

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

140 5. After the distributions under subparagraphs 1., 2., and
141 3., 1.3409 percent of the available proceeds shall be
142 transferred monthly to the Revenue Sharing Trust Fund for
143 Municipalities pursuant to s. 218.215. If the total revenue to
144 be distributed pursuant to this subparagraph is at least as
145 great as the amount due from the Revenue Sharing Trust Fund for

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146 Municipalities and the former Municipal Financial Assistance
147 Trust Fund in state fiscal year 1999-2000, no municipality shall
148 receive less than the amount due from the Revenue Sharing Trust
149 Fund for Municipalities and the former Municipal Financial
150 Assistance Trust Fund in state fiscal year 1999-2000. If the
151 total proceeds to be distributed are less than the amount
152 received in combination from the Revenue Sharing Trust Fund for
153 Municipalities and the former Municipal Financial Assistance
154 Trust Fund in state fiscal year 1999-2000, each municipality
155 shall receive an amount proportionate to the amount it was due
156 in state fiscal year 1999-2000.

157 6. Of the remaining proceeds:

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

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175 previous pledges or assignments or trusts entered into which
176 obligated funds received from the distribution to county
177 governments under then-existing s. 550.135. This distribution
178 specifically is in lieu of funds distributed under s. 550.135
179 before July 1, 2000.

180 b. The department shall distribute \$166,667 monthly
181 pursuant to s. 288.1162 to each applicant that has been
182 certified as a facility for a new or retained professional
183 sports franchise ~~"facility for a new professional sports~~
184 ~~franchise"~~ or a ~~"facility for a retained professional sports~~
185 ~~franchise"~~ pursuant to s. 288.1162. Up to \$41,667 shall be
186 distributed monthly by the department to each certified
187 applicant as defined in s. 288.11621 for a facility for a
188 retained spring training franchise. ~~that has been certified as a~~
189 ~~"facility for a retained spring training franchise"~~ pursuant to
190 ~~s. 288.1162;~~ However, not more than \$416,670 may be distributed
191 monthly in the aggregate to all certified applicants for
192 facilities for a retained spring training franchises franchise.
193 Distributions ~~must~~ begin 60 days after ~~following~~ such
194 certification and ~~shall~~ continue for not more than 30 years,
195 except as otherwise provided in s. 288.11621. A certified
196 applicant identified in this sub-subparagraph may not ~~This~~
197 ~~paragraph may not be construed to allow an applicant certified~~
198 ~~pursuant to s. 288.1162 to receive more in distributions than~~
199 ~~actually~~ expended by the applicant for the public purposes
200 provided for in s. 288.1162(5) or s. 288.11621(3) ~~s.~~
201 ~~288.1162(6).~~

202 c. Beginning 30 days after notice by the Office of Tourism,
203 Trade, and Economic Development to the Department of Revenue

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204 that an applicant has been certified as the professional golf
205 hall of fame pursuant to s. 288.1168 and is open to the public,
206 \$166,667 shall be distributed monthly, for up to 300 months, to
207 the applicant.

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

217 7. All other proceeds must remain in the General Revenue
218 Fund.

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

221 218.64 Local government half-cent sales tax; uses;
222 limitations.—

223 (1) The proportion of the local government half-cent sales
224 tax received by a county government based on two-thirds of the
225 incorporated area population shall be deemed countywide revenues
226 and shall be expended only for countywide tax relief or
227 countywide programs. The remaining county government portion
228 shall be deemed county revenues derived on behalf of the
229 unincorporated area but may be expended on a countywide basis.

230 (2) Municipalities shall expend their portions of the local
231 government half-cent sales tax only for municipality-wide
232 programs or for municipality-wide property tax or municipal

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

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

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

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

261 (4) A local government is authorized to pledge proceeds of

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262 the local government half-cent sales tax for the payment of
263 principal and interest on any capital project.

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

266 288.1162 Professional sports franchises; ~~spring training~~
267 ~~franchises;~~ duties.—

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

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

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

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

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

289 (4) Before ~~Prior to~~ certifying an applicant as a facility
290 for a new or retained professional sports franchise, ~~“facility~~

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291 ~~for a new professional sports franchise" or a "facility for a~~
292 ~~retained professional sports franchise,"~~ the Office of Tourism,
293 Trade, and Economic Development must determine that:

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

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

304 (c) The applicant has a verified copy of the approval from
305 the governing authority of the league in which the new
306 professional sports franchise exists authorizing the location of
307 the professional sports franchise in this state after April 1,
308 1987, or in the case of a retained professional sports
309 franchise, verified evidence that it has had a league-authorized
310 location in this state on or before December 31, 1976. As used
311 in this section, the term "league" means the National League or
312 the American League of Major League Baseball, the National
313 Basketball Association, the National Football League, or the
314 National Hockey League.

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

319 (e) The applicant has an independent analysis or study,

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320 verified by the Office of Tourism, Trade, and Economic
321 Development, which demonstrates that the amount of the revenues
322 generated by the taxes imposed under chapter 212 with respect to
323 the use and operation of the professional sports franchise
324 facility will equal or exceed \$2 million annually.

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

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

335 (h) An ~~No~~ applicant previously certified under any
336 provision of this section who has received funding under such
337 certification is not ~~shall be~~ eligible for an additional
338 certification.

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

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

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

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349 ~~for a retained spring training franchise is located.~~

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

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

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

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

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

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- 378 ~~a. The intended use of the funds by the applicant, with~~
379 ~~priority given to the construction of a new facility.~~
- 380 ~~b. The length of time that the existing franchise has been~~
381 ~~located in the state, with priority given to retaining~~
382 ~~franchises that have been in the same location the longest.~~
- 383 ~~e. The length of time that a facility to be used by a~~
384 ~~retained spring training franchise has been used by one or more~~
385 ~~spring training franchises, with priority given to a facility~~
386 ~~that has been in continuous use as a facility for spring~~
387 ~~training the longest.~~
- 388 ~~d. For those teams leasing a spring training facility from~~
389 ~~a unit of local government, the remaining time on the lease for~~
390 ~~facilities used by the spring training franchise, with priority~~
391 ~~given to the shortest time period remaining on the lease.~~
- 392 ~~e. The duration of the future-use agreement with the~~
393 ~~retained spring training franchise, with priority given to the~~
394 ~~future-use agreement having the longest duration.~~
- 395 ~~f. The amount of the local match, with priority given to~~
396 ~~the largest percentage of local match proposed.~~
- 397 ~~g. The net increase of total active recreation space owned~~
398 ~~by the applying unit of local government following the~~
399 ~~acquisition of land for the spring training facility, with~~
400 ~~priority given to the largest percentage increase of total~~
401 ~~active recreation space.~~
- 402 ~~h. The location of the facility in a brownfield, an~~
403 ~~enterprise zone, a community redevelopment area, or other area~~
404 ~~of targeted development or revitalization included in an Urban~~
405 ~~Infill Redevelopment Plan, with priority given to facilities~~
406 ~~located in these areas.~~

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

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

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

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

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

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

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

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

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

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

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

462 ~~(d) Funds may not be expended to subsidize privately owned~~
463 ~~and maintained facilities for use by the spring training~~
464 ~~franchise. Funds may be used to relocate a retained spring~~

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465 ~~training franchise to another unit of local government only if~~
466 ~~the existing unit of local government with the retained spring~~
467 ~~training franchise agrees to the relocation.~~

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

483 (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic
484 Development shall notify the Department of Revenue of any
485 facility certified as a facility for a new or retained
486 professional sports franchise ~~or a facility for a retained~~
487 ~~professional sports franchise or as a facility for a retained~~
488 ~~spring training franchise~~. The Office of Tourism, Trade, and
489 Economic Development shall certify no more than eight facilities
490 as facilities for a new professional sports franchise or as
491 facilities for a retained professional sports franchise,
492 including in the ~~such~~ total any facilities certified by the
493 former Department of Commerce before July 1, 1996. ~~The number of~~

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494 ~~facilities certified as a retained spring training franchise~~
495 ~~shall be as provided in subsection (5).~~ The office may make no
496 more than one certification for any facility. ~~The office may not~~
497 ~~certify funding for less than the requested amount to any~~
498 ~~applicant certified as a facility for a retained spring training~~
499 ~~franchise.~~

500 (b) The eighth certification of an applicant under this
501 section as a facility for a new or retained professional sports
502 franchise ~~or a facility for a retained professional sports~~
503 ~~franchise~~ shall be for a franchise that is a member of the
504 National Basketball Association, has been located within the
505 state since 1987, and has not been previously certified. This
506 paragraph is repealed July 1, 2010.

507 ~~(7)(8)~~ The Auditor General ~~Department of Revenue~~ may
508 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
509 that the distributions under ~~pursuant to~~ this section are ~~have~~
510 ~~been~~ expended as required in this section. ~~Such information is~~
511 ~~subject to the confidentiality requirements of chapter 213.~~ If
512 the Auditor General ~~Department of Revenue~~ determines that the
513 distributions under ~~pursuant to~~ this section are ~~have not been~~
514 expended as required by this section, the Auditor General shall
515 notify the Department of Revenue, which ~~it~~ may pursue recovery
516 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
517 the assessment of taxes.

518 ~~(8)(9)~~ An applicant is not qualified for certification
519 under this section if the franchise formed the basis for a
520 previous certification, unless the previous certification was
521 withdrawn by the facility or invalidated by the Office of
522 Tourism, Trade, and Economic Development or the former

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523 Department of Commerce before any funds were distributed under
524 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
525 applicant if the previous certification occurred between May 23,
526 1993, and May 25, 1993; however, any funds to be distributed
527 under ~~pursuant to~~ s. 212.20 for the second certification shall
528 be offset by the amount distributed to the previous certified
529 facility. Distribution of funds for the second certification
530 shall not be made until all amounts payable for the first
531 certification are ~~have been~~ distributed.

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

534 288.11621 Spring training baseball facilities.-

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

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

538 (b) "Certified applicant" means a facility for a spring
539 training franchise that was certified before July 1, 2010, under
540 s. 288.1162(5), Florida Statutes 2009, or a unit of local
541 government that is certified under this section.

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

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

547 (2) CERTIFICATION PROCESS.-

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

551 1. The applicant is responsible for the acquisition,

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

555 2. The applicant has a certified copy of a signed agreement
556 with a spring training franchise for the use of the facility for
557 a term of at least 20 years. The agreement also must require the
558 franchise to reimburse the state for state funds expended by an
559 applicant under this section if the franchise relocates before
560 the agreement expires. The agreement may be contingent on an
561 award of funds under this section and other conditions
562 precedent.

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

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

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

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

580 1. The anticipated effect on the economy of the local

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

587 2. The amount of the local matching funds committed to a
588 facility relative to the amount of state funding sought, with
589 priority given to applicants that commit the largest amount of
590 local matching funds relative to the amount of state funding
591 sought.

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

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

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

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

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

608 8. The length of time that a spring training franchise
609 agrees to use an applicant's facility if an application is

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

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

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

621 (c) Applicants that are certified on or after July 1, 2010,
622 shall enter into an agreement with the office that:

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

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

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

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

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

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

635 (3) USE OF FUNDS.—

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

638 1. Serve the public purpose of acquiring, constructing,

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639 reconstructing, or renovating a facility for a spring training
640 franchise.

641 2. Pay or pledge for the payment of debt service on, or to
642 fund debt service reserve funds, arbitrage rebate obligations,
643 or other amounts payable with respect thereto, bonds issued for
644 the acquisition, construction, reconstruction, or renovation of
645 such facility, or for the reimbursement of such costs or the
646 refinancing of bonds issued for such purposes.

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

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

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

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

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

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668 baseball franchise, at which time the distributions shall
669 resume.

670 3. The expenditure of state funds distributed to an
671 applicant certified before July 1, 2010, must begin within 48
672 months after the initial receipt of the state funds. In
673 addition, the construction of, or capital improvements to, a
674 spring training facility must be completed within 24 months
675 after the project's commencement.

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

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

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

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

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

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

688 (5) DECERTIFICATION.—

689 (a) The office shall decertify a certified applicant upon
690 the request of the certified applicant.

691 (b) The office shall decertify a certified applicant if the
692 certified applicant does not:

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

694 or

695 2. Satisfy its commitment to provide local matching funds
696 to the facility. However, decertification proceedings against a

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697 local government certified prior to July 1, 2010, shall be
698 delayed until 12 months after the expiration of the local
699 government's existing agreement with a spring training baseball
700 franchise and without a new agreement being signed if the
701 certified local government can demonstrate to the office that it
702 is in active negotiations with a major league spring training
703 franchise, other than the franchise that was the basis for the
704 original certification.

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

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

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

723 (6) ADDITIONAL CERTIFICATIONS. If the office decertifies a
724 unit of local government, the office may accept applications for
725 an additional certification. A unit of local government may not

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726 be certified for more than one spring training franchise at a
727 time.

728 (7) STRATEGIC PLANNING.—

729 (a) The office shall request assistance from the Florida
730 Sports Foundation and the Florida Grapefruit League Association
731 to develop a comprehensive strategic plan to:

732 1. Finance spring training facilities.

733 2. Monitor and oversee the use of state funds awarded to
734 applicants.

735 3. Identify the financial impact that spring training has
736 on the state and ways in which to maintain or improve that
737 impact.

738 4. Identify opportunities to develop public-private
739 partnerships to engage in marketing activities and advertise
740 spring training baseball.

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

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

745 (b) The office shall submit a copy of the strategic plan to
746 the Governor, the President of the Senate, and the Speaker of
747 the House of Representatives by December 31, 2010.

748 (8) RULEMAKING.—The office shall adopt rules to implement
749 the certification, decertification, and decertification review
750 processes required by this section.

751 (9) AUDITS.—The Auditor General may conduct audits as
752 provided in s. 11.45 to verify that the distributions under this
753 section are expended as required in this section. If the Auditor
754 General determines that the distributions under this section are

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755 not expended as required by this section, the Auditor General
756 shall notify the Department of Revenue, which may pursue
757 recovery of the funds under the laws and rules governing the
758 assessment of taxes.

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

761 288.1229 Promotion and development of sports-related
762 industries and amateur athletics; direct-support organization;
763 powers and duties.—

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

767 (a) The promotion and development of the sports industry
768 and related industries for the purpose of improving the economic
769 presence of these industries in Florida.

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

775 (c) The retention of professional sports franchises,
776 including the spring training operations of Major League
777 Baseball.

778 Section 7. This act shall take effect July 1, 2010.