

By the Committee on Community Affairs; and 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 baseball 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 or separate account;
26 authorizing a certified applicant to request a
27 suspension of the distribution of funds for a
28 specified period under certain circumstances;
29 requiring the expenditure of funds by certain

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

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

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

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

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

(f)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors and space flight business contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s. 288.1162~~, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural

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88 Economic Development Initiative, and other programs that are
89 specifically assigned to the office by law, by the
90 appropriations process, or by the Governor. Notwithstanding any
91 other provisions of law, the office may expend interest earned
92 from the investment of program funds deposited in the Grants and
93 Donations Trust Fund to contract for the administration of the
94 programs, or portions of the programs, enumerated in this
95 paragraph or assigned to the office by law, by the
96 appropriations process, or by the Governor. Such expenditures
97 shall be subject to review under chapter 216.

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

110 Section 2. Paragraph (d) of subsection (6) of section
111 212.20, Florida Statutes, is amended to read:

112 212.20 Funds collected, disposition; additional powers of
113 department; operational expense; refund of taxes adjudicated
114 unconstitutionally collected.—

115 (6) Distribution of all proceeds under this chapter and s.
116 202.18(1) (b) and (2) (b) shall be as follows:

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

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

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

136 3. After the distribution under subparagraphs 1. and 2.,
137 0.095 percent shall be transferred to the Local Government Half-
138 cent Sales Tax Clearing Trust Fund and distributed pursuant to
139 s. 218.65.

140 4. After the distributions under subparagraphs 1., 2., and
141 3., 2.0440 percent of the available proceeds shall be
142 transferred monthly to the Revenue Sharing Trust Fund for
143 Counties pursuant to s. 218.215.

144 5. After the distributions under subparagraphs 1., 2., and
145 3., 1.3409 percent of the available proceeds shall be

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

161 6. Of the remaining proceeds:

162 a. In each fiscal year, the sum of \$29,915,500 shall be
163 divided into as many equal parts as there are counties in the
164 state, and one part shall be distributed to each county. The
165 distribution among the several counties must begin each fiscal
166 year on or before January 5th and continue monthly for a total
167 of 4 months. If a local or special law required that any moneys
168 accruing to a county in fiscal year 1999-2000 under the then-
169 existing provisions of s. 550.135 be paid directly to the
170 district school board, special district, or a municipal
171 government, such payment must continue until the local or
172 special law is amended or repealed. The state covenants with
173 holders of bonds or other instruments of indebtedness issued by
174 local governments, special districts, or district school boards

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175 before July 1, 2000, that it is not the intent of this
176 subparagraph to adversely affect the rights of those holders or
177 relieve local governments, special districts, or district school
178 boards of the duty to meet their obligations as a result of
179 previous pledges or assignments or trusts entered into which
180 obligated funds received from the distribution to county
181 governments under then-existing s. 550.135. This distribution
182 specifically is in lieu of funds distributed under s. 550.135
183 before July 1, 2000.

184 b. The department shall distribute \$166,667 monthly
185 pursuant to s. 288.1162 to each applicant ~~that has been~~
186 certified as a facility for a new or retained professional
187 sports franchise ~~"facility for a new professional sports~~
188 ~~franchise" or a "facility for a retained professional sports~~
189 ~~franchise"~~ pursuant to s. 288.1162. Up to \$41,667 shall be
190 distributed monthly by the department to each certified
191 applicant as defined in s. 288.11621 for a facility for a spring
192 training franchise. ~~that has been certified as a "facility for a~~
193 ~~retained spring training franchise" pursuant to s. 288.1162;~~
194 However, not more than \$416,670 may be distributed monthly in
195 the aggregate to all certified applicants for facilities for a
196 ~~retained~~ spring training franchises franchise. Distributions
197 ~~must~~ begin 60 days after ~~following~~ such certification and ~~shall~~
198 continue for not more than 30 years, except as otherwise
199 provided in s. 288.11621. A certified applicant identified in
200 this sub-subparagraph may not ~~This paragraph may not be~~
201 ~~construed to allow an applicant certified pursuant to s.~~
202 ~~288.1162 to~~ receive more in distributions than actually expended
203 by the applicant for the public purposes provided for in s.

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204 288.1162(5) or s. 288.11621(3) ~~s. 288.1162(6)~~.

205 c. Beginning 30 days after notice by the Office of Tourism,
206 Trade, and Economic Development to the Department of Revenue
207 that an applicant has been certified as the professional golf
208 hall of fame pursuant to s. 288.1168 and is open to the public,
209 \$166,667 shall be distributed monthly, for up to 300 months, to
210 the applicant.

211 d. Beginning 30 days after notice by the Office of Tourism,
212 Trade, and Economic Development to the Department of Revenue
213 that the applicant has been certified as the International Game
214 Fish Association World Center facility pursuant to s. 288.1169,
215 and the facility is open to the public, \$83,333 shall be
216 distributed monthly, for up to 168 months, to the applicant.
217 This distribution is subject to reduction pursuant to s.
218 288.1169. A lump sum payment of \$999,996 shall be made, after
219 certification and before July 1, 2000.

220 7. All other proceeds must remain in the General Revenue
221 Fund.

222 Section 3. Section 218.64, Florida Statutes, is amended to
223 read:

224 218.64 Local government half-cent sales tax; uses;
225 limitations.—

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

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

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

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

260 (b) A certified applicant as a "motorsport entertainment
261 complex," as provided for in s. 288.1171. Funding for each

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262 franchise or motorsport complex shall begin 60 days after
263 certification and shall continue for not more than 30 years.

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

267 Section 4. Section 288.1162, Florida Statutes, is amended
268 to read:

269 288.1162 Professional sports franchises; ~~spring training~~
270 ~~franchises~~; duties.—

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

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

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

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

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

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291 any provision of this section.

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

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

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

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

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

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

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

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

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

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

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

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

348 ~~1. A "unit of local government" as defined in s. 218.369 is~~

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349 ~~responsible for the acquisition, construction, management, or~~
350 ~~operation of the facility for a retained spring training~~
351 ~~franchise or holds title to the property on which the facility~~
352 ~~for a retained spring training franchise is located.~~

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

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

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

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

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

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378 ~~the highest ranked proposals. The evaluation criteria shall~~
379 ~~include, with priority given in descending order to the~~
380 ~~following items:~~

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

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

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

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

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

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

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

405 ~~h. The location of the facility in a brownfield, an~~
406 ~~enterprise zone, a community redevelopment area, or other area~~

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407 ~~of targeted development or revitalization included in an Urban~~
408 ~~Infill Redevelopment Plan, with priority given to facilities~~
409 ~~located in these areas.~~

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

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

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

432 ~~b. The intended use of the funds by the applicant to~~
433 ~~renovate a facility.~~

434 ~~e. The length of time that a facility to be used by a~~
435 ~~retained spring training franchise has been used by one or more~~

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436 ~~spring training franchises, with priority given to a facility~~
437 ~~that has been in continuous use as a facility for spring~~
438 ~~training the longest.~~

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

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

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

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

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

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

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

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

486 (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic
487 Development shall notify the Department of Revenue of any
488 facility certified as a facility for a new or retained
489 ~~professional sports franchise or a facility for a retained~~
490 ~~professional sports franchise or as a facility for a retained~~
491 ~~spring training franchise~~. The Office of Tourism, Trade, and
492 Economic Development shall certify no more than eight facilities
493 as facilities for a new professional sports franchise or as

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494 facilities for a retained professional sports franchise,
495 including in the ~~such~~ total any facilities certified by the
496 former Department of Commerce before July 1, 1996. ~~The number of~~
497 ~~facilities certified as a retained spring training franchise~~
498 ~~shall be as provided in subsection (5).~~ The office may make no
499 more than one certification for any facility. ~~The office may not~~
500 ~~certify funding for less than the requested amount to any~~
501 ~~applicant certified as a facility for a retained spring training~~
502 ~~franchise.~~

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

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

521 ~~(8)(9)~~ An applicant is not qualified for certification
522 under this section if the franchise formed the basis for a

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

535 Section 5. Section 288.11621, Florida Statutes, is created
536 to read:

537 288.11621 Spring training baseball franchises.-

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

539 (a) "Agreement" means a certified, signed lease between an
540 applicant that applies for certification on or after July 1,
541 2010, and the spring training franchise for the use of a
542 facility.

543 (b) "Applicant" means a unit of local government as defined
544 in s. 218.369, including local governments located in the same
545 county that have partnered with a certified applicant before the
546 effective date of this section or with an applicant for a new
547 certification, for purposes of sharing in the responsibilities
548 of a facility.

549 (c) "Certified applicant" means a facility for a spring
550 training franchise that was certified before July 1, 2010, under
551 s. 288.1162(5), Florida Statutes 2009, or a unit of local

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552 government that is certified under this section.

553 (d) "Facility" means a spring training stadium, playing
554 fields, and appurtenances intended to support spring training
555 activities.

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

558 (f) "Office" means the Office of Tourism, Trade, and
559 Economic Development.

560 (2) CERTIFICATION PROCESS.-

561 (a) Before certifying an applicant to receive state funding
562 for a facility for a spring training franchise, the office must
563 verify that:

564 1. The applicant is responsible for the acquisition,
565 construction, management, or operation of the facility for a
566 spring training franchise or holds title to the property on
567 which the facility for a spring training franchise is located.

568 2. The applicant has a certified copy of a signed agreement
569 with a spring training franchise for the use of the facility for
570 a term of at least 20 years. The agreement also must require the
571 franchise to reimburse the state for state funds expended by an
572 applicant under this section if the franchise relocates before
573 the agreement expires. The agreement may be contingent on an
574 award of funds under this section and other conditions
575 precedent.

576 3. The applicant has made a financial commitment to provide
577 50 percent or more of the funds required by an agreement for the
578 acquisition, construction, or renovation of the facility for a
579 spring training franchise. The commitment may be contingent upon
580 an award of funds under this section and other conditions

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581 precedent.

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

585 5. The facility for a spring training franchise is located
586 in a county that levies a tourist development tax under s.
587 125.0104.

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

593 1. The anticipated effect on the economy of the local
594 community where the spring training facility is to be built,
595 including projections on paid attendance, local and state tax
596 collections generated by spring training games, and direct and
597 indirect job creation resulting from the spring training
598 activities. Priority shall be given to applicants who can
599 demonstrate the largest projected economic impact.

600 2. The amount of the local matching funds committed to a
601 facility relative to the amount of state funding sought, with
602 priority given to applicants that commit the largest amount of
603 local matching funds relative to the amount of state funding
604 sought.

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

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

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

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610 been under an agreement to conduct spring training activities
611 within an applicant's geographic location or jurisdiction, with
612 priority given to applicants having agreements with the same
613 franchise for the longest period of time.

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

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

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

625 9. The net increase of total active recreation space owned
626 by the applicant after an acquisition of land for the facility,
627 with priority given to applicants having the largest percentage
628 increase of total active recreation space that will be available
629 for public use.

630 10. The location of the facility in a brownfield, an
631 enterprise zone, a community redevelopment area, or other area
632 of targeted development or revitalization included in an urban
633 infill redevelopment plan, with priority given to applicants
634 having facilities located in these areas.

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

637 1. Specifies the amount of the state incentive funding to
638 be distributed.

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639 2. States the criteria that the certified applicant must
640 meet in order to remain certified.

641 3. States that the certified applicant is subject to
642 decertification if the certified applicant fails to comply with
643 this section or the agreement.

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

646 5. Specifies information that the certified applicant must
647 report to the office.

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

649 (3) USE OF FUNDS.—

650 (a) A certified applicant may use funds provided under s.
651 212.20(6)(d)6.b. only to:

652 1. Serve the public purpose of acquiring, constructing,
653 reconstructing, or renovating a facility for a spring training
654 franchise.

655 2. Pay or pledge for the payment of debt service on, or to
656 fund debt service reserve funds, arbitrage rebate obligations,
657 or other amounts payable with respect thereto, bonds issued for
658 the acquisition, construction, reconstruction, or renovation of
659 such facility, or for the reimbursement of such costs or the
660 refinancing of bonds issued for such purposes.

661 3. Assist in the relocation of a spring training franchise
662 from one unit of local government to another only if the
663 governing board of the current host local government by a
664 majority vote agrees to relocation.

665 (b) State funds awarded to a certified applicant for a
666 facility for a spring training franchise may not be used to
667 subsidize facilities that are privately owned, maintained, and

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668 used only by a spring training franchise.

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

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

676 2. A certified applicant may request that the Department of
677 Revenue suspend further distributions of state funds made
678 available under s. 212.20(6)(d)6.b. for 12 months after
679 expiration of an existing agreement with a spring training
680 franchise to provide the certified applicant with an opportunity
681 to enter into a new agreement with a spring training franchise,
682 at which time the distributions shall resume.

683 3. The expenditure of state funds distributed to an
684 applicant certified before July 1, 2010, must begin within 48
685 months after the initial receipt of the state funds. In
686 addition, the construction of, or capital improvements to, a
687 spring training facility must be completed within 24 months
688 after the project's commencement.

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

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

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

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

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

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

701 (5) DECERTIFICATION.—

702 (a) The office shall decertify a certified applicant upon
703 the request of the certified applicant.

704 (b) The office shall decertify a certified applicant if the
705 certified applicant does not:

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

707 2. Satisfy its commitment to provide local matching funds

708 to the facility; or

709

710 However, decertification proceedings against a local government
711 certified before July 1, 2010, shall be delayed until 12 months
712 after the expiration of the local government's existing
713 agreement with a spring training franchise, and without a new
714 agreement being signed, if the certified local government can
715 demonstrate to the office that it is in active negotiations with
716 a major league spring training franchise, other than the
717 franchise that was the basis for the original certification.

718 (c) A certified applicant has 60 days after it receives a
719 notice of intent to decertify from the office to petition the
720 office's director for review of the decertification. Within 45
721 days after receipt of the request for review, the director must
722 notify a certified applicant of the outcome of the review.

723 (d) The office shall notify the Department of Revenue that
724 a certified applicant is decertified within 10 days after the
725 order of decertification becomes final. The Department of

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726 Revenue shall immediately stop the payment of any funds under
727 this section that were not encumbered by the certified applicant
728 under subparagraph (3) (a)2.

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

735 (f) A local government as defined in s. 218.369 may not be
736 decertified if it has paid or pledged for the payment of debt
737 service on, or to fund debt service reserve funds, arbitrage
738 rebate obligations, or other amounts payable with respect
739 thereto, bonds issued for the acquisition, construction,
740 reconstruction, or renovation of the facility for which the
741 local government was certified, or for the reimbursement of such
742 costs or the refinancing of bonds issued for the acquisition,
743 construction, reconstruction, or renovation of the facility for
744 which the local government was certified, or for the
745 reimbursement of such costs or the refinancing of bonds issued
746 for such purpose. This subsection does not preclude or restrict
747 the ability of a certified local government to refinance,
748 refund, or defease such bonds.

749 (6) ADDITIONAL CERTIFICATIONS.—If the office decertifies a
750 unit of local government, the office may accept applications for
751 an additional certification. A unit of local government may not
752 be certified for more than one spring training franchise at any
753 time.

754 (7) STRATEGIC PLANNING.—

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755 (a) The office shall request assistance from the Florida
756 Sports Foundation and the Florida Grapefruit League Association
757 to develop a comprehensive strategic plan to:

758 1. Finance spring training facilities.

759 2. Monitor and oversee the use of state funds awarded to
760 applicants.

761 3. Identify the financial impact that spring training has
762 on the state and ways in which to maintain or improve that
763 impact.

764 4. Identify opportunities to develop public-private
765 partnerships to engage in marketing activities and advertise
766 spring training baseball.

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

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

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

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

777 (9) AUDITS.—The Auditor General may conduct audits as
778 provided in s. 11.45 to verify that the distributions under this
779 section are expended as required in this section. If the Auditor
780 General determines that the distributions under this section are
781 not expended as required by this section, the Auditor General
782 shall notify the Department of Revenue, which may pursue
783 recovery of the funds under the laws and rules governing the

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784 assessment of taxes.

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

787 288.1229 Promotion and development of sports-related
788 industries and amateur athletics; direct-support organization;
789 powers and duties.—

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

793 (a) The promotion and development of the sports industry
794 and related industries for the purpose of improving the economic
795 presence of these industries in Florida.

796 (b) The promotion of amateur athletic participation for the
797 citizens of Florida and the promotion of Florida as a host for
798 national and international amateur athletic competitions for the
799 purpose of encouraging and increasing the direct and ancillary
800 economic benefits of amateur athletic events and competitions.

801 (c) The retention of professional sports franchises,
802 including the spring training operations of Major League
803 Baseball.

804 Section 7. An agreement with a spring training franchise
805 relocating from one local government to another local government
806 shall be recognized as a valid agreement under this act if the
807 Office of Tourism, Trade, and Economic Development approved the
808 continuing release of funds to the local government to which the
809 franchise relocated before the effective date of this act. The
810 Legislature recognizes the validity of the agreement and
811 acknowledges the authority of the Office of Tourism, Trade, and
812 Economic Development to provide for the continuing release of

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813 funds to the local government under the terms of s. 288.1162,
814 Florida Statutes, which were in effect before the effective date
815 of this act.

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