

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Schenck offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (f) of subsection (2) of section
6 14.2015, Florida Statutes, is amended to read:

7 14.2015 Office of Tourism, Trade, and Economic
8 Development; creation; powers and duties.-

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

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17 (f)1. Administer the Florida Enterprise Zone Act under ss.
18 290.001-290.016, the community contribution tax credit program
19 under ss. 220.183 and 624.5105, the tax refund program for
20 qualified target industry businesses under s. 288.106, the tax-
21 refund program for qualified defense contractors and space
22 flight business contractors under s. 288.1045, contracts for
23 transportation projects under s. 288.063, the sports franchise
24 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~
25 ~~288.1162~~, the professional golf hall of fame facility program
26 under s. 288.1168, the expedited permitting process under s.
27 403.973, the Rural Community Development Revolving Loan Fund
28 under s. 288.065, the Regional Rural Development Grants Program
29 under s. 288.018, the Certified Capital Company Act under s.
30 288.99, the Florida State Rural Development Council, the Rural
31 Economic Development Initiative, and other programs that are
32 specifically assigned to the office by law, by the
33 appropriations process, or by the Governor. Notwithstanding any
34 other provisions of law, the office may expend interest earned
35 from the investment of program funds deposited in the Grants and
36 Donations Trust Fund to contract for the administration of the
37 programs, or portions of the programs, enumerated in this
38 paragraph or assigned to the office by law, by the
39 appropriations process, or by the Governor. Such expenditures
40 shall be subject to review under chapter 216.

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

53 Section 2. Paragraph (d) of subsection (6) of section
54 212.20, Florida Statutes, is amended to read:

55 212.20 Funds collected, disposition; additional powers of
56 department; operational expense; refund of taxes adjudicated
57 unconstitutionally collected.—

58 (6) Distribution of all proceeds under this chapter and s.
59 202.18(1)(b) and (2)(b) shall be as follows:

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

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

69 2. After the distribution under subparagraph 1., 8.814
70 percent of the amount remitted by a sales tax dealer located
71 within a participating county pursuant to s. 218.61 shall be
72 transferred into the Local Government Half-cent Sales Tax

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73 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
74 transferred shall be reduced by 0.1 percent, and the department
75 shall distribute this amount to the Public Employees Relations
76 Commission Trust Fund less \$5,000 each month, which shall be
77 added to the amount calculated in subparagraph 3. and
78 distributed accordingly.

79 3. After the distribution under subparagraphs 1. and 2.,
80 0.095 percent shall be transferred to the Local Government Half-
81 cent Sales Tax Clearing Trust Fund and distributed pursuant to
82 s. 218.65.

83 4. After the distributions under subparagraphs 1., 2., and
84 3., 2.0440 percent of the available proceeds shall be
85 transferred monthly to the Revenue Sharing Trust Fund for
86 Counties pursuant to s. 218.215.

87 5. After the distributions under subparagraphs 1., 2., and
88 3., 1.3409 percent of the available proceeds shall be
89 transferred monthly to the Revenue Sharing Trust Fund for
90 Municipalities pursuant to s. 218.215. If the total revenue to
91 be distributed pursuant to this subparagraph is at least as
92 great as the amount due from the Revenue Sharing Trust Fund for
93 Municipalities and the former Municipal Financial Assistance
94 Trust Fund in state fiscal year 1999-2000, no municipality shall
95 receive less than the amount due from the Revenue Sharing Trust
96 Fund for Municipalities and the former Municipal Financial
97 Assistance Trust Fund in state fiscal year 1999-2000. If the
98 total proceeds to be distributed are less than the amount
99 received in combination from the Revenue Sharing Trust Fund for
100 Municipalities and the former Municipal Financial Assistance

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101 Trust Fund in state fiscal year 1999-2000, each municipality
102 shall receive an amount proportionate to the amount it was due
103 in state fiscal year 1999-2000.

104 6. Of the remaining proceeds:

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

127 b. The department shall distribute \$166,667 monthly
128 pursuant to s. 288.1162 to each applicant ~~that has been~~

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

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

154 d. Beginning 30 days after notice by the Office of
155 Tourism, Trade, and Economic Development to the Department of
156 Revenue that the applicant has been certified as the

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

163 7. All other proceeds must remain in the General Revenue
164 Fund.

165 Section 3. Section 218.64, Florida Statutes, is amended to
166 read:

167 218.64 Local government half-cent sales tax; uses;
168 limitations.—

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

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

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

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

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

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

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

210 Section 4. Section 288.1162, Florida Statutes, is amended
211 to read:

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212 288.1162 Professional sports franchises; ~~spring training~~
213 ~~franchises~~; duties.-

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

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

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

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

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

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

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

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

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

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

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

271 (f) The municipality in which the facility for a new or
272 retained professional sports franchise is located, or the county
273 if the facility for a new or retained professional sports
274 franchise is located in an unincorporated area, has certified by
275 resolution after a public hearing that the application serves a
276 public purpose.

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

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

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

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

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

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

299 ~~3. The applicant has a financial commitment to provide 50~~
300 ~~percent or more of the funds required by an agreement for the~~
301 ~~acquisition, construction, or renovation of the facility for a~~
302 ~~retained spring training franchise. The agreement can be~~
303 ~~contingent upon the awarding of funds under this section and~~
304 ~~other conditions precedent to use by the spring training~~
305 ~~franchise.~~

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

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

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

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

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

329 ~~e. The length of time that a facility to be used by a~~
330 ~~retained spring training franchise has been used by one or more~~
331 ~~spring training franchises, with priority given to a facility~~
332 ~~that has been in continuous use as a facility for spring~~
333 ~~training the longest.~~

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

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

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

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

348 ~~h. The location of the facility in a brownfield, an~~
349 ~~enterprise zone, a community redevelopment area, or other area~~
350 ~~of targeted development or revitalization included in an Urban~~

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351 ~~Infill Redevelopment Plan, with priority given to facilities~~
352 ~~located in these areas.~~

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

357 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
358 ~~and Economic Development shall competitively evaluate~~
359 ~~applications for funding of facilities for retained spring~~
360 ~~training franchises in addition to those certified and funded~~
361 ~~under subparagraph 1. An applicant that is a unit of government~~
362 ~~that has an agreement for a retained spring training franchise~~
363 ~~for 15 or more years which was entered into between July 1,~~
364 ~~2003, and July 1, 2004, shall be eligible for funding.~~
365 ~~Applications must be submitted by October 1, 2006, with~~
366 ~~certifications to be made by January 1, 2007. The office shall~~
367 ~~rank the applications according to selection criteria,~~
368 ~~certifying no more than five proposals. The aggregate funding~~
369 ~~request of all applicants certified shall not exceed an~~
370 ~~aggregate funding request of \$208,335 per month. The evaluation~~
371 ~~criteria shall include the following, with priority given in~~
372 ~~deseending order:~~

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

375 ~~b. The intended use of the funds by the applicant to~~
376 ~~renovate a facility.~~

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

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

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

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

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

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

404 ~~i. The projections on paid attendance attracted by the~~
405 ~~facility and the proposed effect on the economy of the local~~

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406 ~~community, with priority given to the highest projected paid~~
407 ~~attendance.~~

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

414 ~~(5)(6)~~ An applicant certified as a facility for a new or
415 retained professional sports franchise ~~or a facility for a~~
416 ~~retained professional sports franchise or as a facility for a~~
417 ~~retained spring training franchise~~ may use funds provided under
418 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for
419 the acquisition, construction, reconstruction, or renovation of
420 a facility for a new or retained professional sports franchise,
421 ~~a facility for a retained professional sports franchise, or a~~
422 ~~facility for a retained spring training franchise or to pay or~~
423 ~~pledge for the payment of debt service on, or to fund debt~~
424 ~~service reserve funds, arbitrage rebate obligations, or other~~
425 ~~amounts payable with respect to, bonds issued for the~~
426 ~~acquisition, construction, reconstruction, or renovation of such~~
427 ~~facility or for the reimbursement of such costs or the~~
428 ~~refinancing of bonds issued for such purposes.~~

429 ~~(6)(7)(a)~~ The Office of Tourism, Trade, and Economic
430 Development shall notify the Department of Revenue of any
431 facility certified as a facility for a new or retained
432 ~~professional sports franchise or a facility for a retained~~
433 ~~professional sports franchise or as a facility for a retained~~

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

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

453 ~~(7)-(8)~~ The Auditor General ~~Department of Revenue~~ may
454 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
455 that the distributions under ~~pursuant to~~ this section are ~~have~~
456 ~~been~~ expended as required in this section. ~~Such information is~~
457 ~~subject to the confidentiality requirements of chapter 213.~~ If
458 the Auditor General ~~Department of Revenue~~ determines that the
459 distributions under ~~pursuant to~~ this section are ~~have not been~~
460 expended as required by this section, the Auditor General shall
461 notify the Department of Revenue, which ~~it~~ may pursue recovery

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462 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
463 the assessment of taxes.

464 ~~(8)-(9)~~ An applicant is not qualified for certification
465 under this section if the franchise formed the basis for a
466 previous certification, unless the previous certification was
467 withdrawn by the facility or invalidated by the Office of
468 Tourism, Trade, and Economic Development or the former
469 Department of Commerce before any funds were distributed under
470 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
471 applicant if the previous certification occurred between May 23,
472 1993, and May 25, 1993; however, any funds to be distributed
473 under ~~pursuant to~~ s. 212.20 for the second certification shall
474 be offset by the amount distributed to the previous certified
475 facility. Distribution of funds for the second certification
476 shall not be made until all amounts payable for the first
477 certification are ~~have been~~ distributed.

478 Section 5. Section 288.11621, Florida Statutes, is created
479 to read:

480 288.11621 Spring training baseball franchises.-

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

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

486 (b) "Applicant" means a unit of local government as
487 defined in s. 218.369, including local governments located in
488 the same county that have partnered with a certified applicant
489 before the effective date of this section or with an applicant

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490 for a new certification, for purposes of sharing in the
491 responsibilities of a facility.

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

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

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

501 (f) "Office" means the Office of Tourism, Trade, and
502 Economic Development.

503 (2) CERTIFICATION PROCESS.-

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

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

511 2. The applicant has a certified copy of a signed
512 agreement with a spring training franchise for the use of the
513 facility for a term of at least 20 years. The agreement also
514 must require the franchise to reimburse the state for state
515 funds expended by an applicant under this section if the
516 franchise relocates before the agreement expires. The agreement

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517 may be contingent on an award of funds under this section and
518 other conditions precedent.

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

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

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

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

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

543 2. The amount of the local matching funds committed to a
544 facility relative to the amount of state funding sought, with

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545 priority given to applicants that commit the largest amount of
546 local matching funds relative to the amount of state funding
547 sought.

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

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

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

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

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

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

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

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

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

580 1. Specifies the amount of the state incentive funding to
581 be distributed.

582 2. States the criteria that the certified applicant must
583 meet in order to remain certified.

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

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

589 5. Specifies information that the certified applicant must
590 report to the office.

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

592 (3) USE OF FUNDS.—

593 (a) A certified applicant may use funds provided under s.
594 212.20(6)(d)6.b. only to:

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

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

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

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

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

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

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

626 3. The expenditure of state funds distributed to an
627 applicant certified before July 1, 2010, must begin within 48
628 months after the initial receipt of the state funds. In

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629 addition, the construction of, or capital improvements to, a
630 spring training facility must be completed within 24 months
631 after the project's commencement.

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

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

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

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

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

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

645 (5) DECERTIFICATION.—

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

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

650 1. Have a valid agreement with a spring training
651 franchise;

652 2. Satisfy its commitment to provide local matching funds
653 to the facility; or

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655 However, decertification proceedings against a local government
656 certified before July 1, 2010, shall be delayed until 12 months

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657 after the expiration of the local government's existing
658 agreement with a spring training franchise, and without a new
659 agreement being signed, if the certified local government can
660 demonstrate to the office that it is in active negotiations with
661 a major league spring training franchise, other than the
662 franchise that was the basis for the original certification.

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

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

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

680 (f) A local government as defined in s. 218.369 may not be
681 decertified if it has paid or pledged for the payment of debt
682 service on, or to fund debt service reserve funds, arbitrage
683 rebate obligations, or other amounts payable with respect
684 thereto, bonds issued for the acquisition, construction,

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685 reconstruction, or renovation of the facility for which the
686 local government was certified, or for the reimbursement of such
687 costs or the refinancing of bonds issued for the acquisition,
688 construction, reconstruction, or renovation of the facility for
689 which the local government was certified, or for the
690 reimbursement of such costs or the refinancing of bonds issued
691 for such purpose. This subsection does not preclude or restrict
692 the ability of a certified local government to refinance,
693 refund, or defease such bonds.

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

699 (7) STRATEGIC PLANNING.—

700 (a) The office shall request assistance from the Florida
701 Sports Foundation and the Florida Grapefruit League Association
702 to develop a comprehensive strategic plan to:

703 1. Finance spring training facilities.

704 2. Monitor and oversee the use of state funds awarded to
705 applicants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

762 Section 8. This act shall take effect upon becoming a law.
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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to professional sports franchises;
amending ss. 14.2015, 212.20, and 218.64, F.S., relating
to the Office of Tourism, Trade, and Economic Development,
the distribution of certain tax proceeds, and the
allocation of a portion of the local government half-cent
sales tax; conforming provisions to changes made by the
act; conforming cross-references; amending s. 288.1162,
F.S.; deleting provisions relating to the certification
and funding of facilities for spring training baseball
franchises; authorizing the Auditor General to conduct
audits to verify whether certain funds for professional
sports franchises are used as required by law; requiring
the Auditor General to notify the Department of Revenue if
the funds are not used as required by law; creating s.
288.11621, F.S.; authorizing certain units of local
government to apply for certification to receive state
funding for a facility for a spring training franchise;
providing definitions; providing eligibility requirements;
providing criteria to competitively evaluate applications
for certification; requiring a certified applicant to use
the funds awarded for specified public purposes and place
unexpended funds in a trust fund or separate account;
authorizing a certified applicant to request a suspension
of the distribution of funds for a specified period under
certain circumstances; requiring the expenditure of funds

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

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