

1 A bill to be entitled
2 An act relating to professional sports franchises;
3 amending ss. 14.2015, 212.20, and 218.64, F.S., relating
4 to the Office of Tourism, Trade, and Economic Development,
5 the distribution of certain tax proceeds, and the
6 allocation of a portion of the local government half-cent
7 sales tax; conforming provisions to changes made by the
8 act; conforming cross-references; amending s. 288.1162,
9 F.S.; deleting provisions relating to the certification
10 and funding of facilities for spring training baseball
11 franchises; authorizing the Auditor General to conduct
12 audits to verify whether certain funds for professional
13 sports franchises are used as required by law; requiring
14 the Auditor General to notify the Department of Revenue if
15 the funds are not used as required by law; creating s.
16 288.11621, F.S.; authorizing certain units of local
17 government and private entities to apply for certification
18 to receive state funding for a facility for a spring
19 training franchise; providing definitions; providing
20 eligibility requirements; providing criteria to
21 competitively evaluate applications for certification;
22 requiring a certified applicant to use the funds awarded
23 for specified public purposes and place unexpended funds
24 in a trust fund or separate account; authorizing a
25 certified applicant to request a suspension of the
26 distribution of funds for a specified period under certain
27 circumstances; requiring the expenditure of funds by
28 certain certified applicants within a specified period;

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

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

58
 59 Section 1. Paragraph (f) of subsection (2) of section
 60 14.2015, Florida Statutes, is amended to read:

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

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

71 (f)1. Administer the Florida Enterprise Zone Act under ss.
 72 290.001-290.016, the community contribution tax credit program
 73 under ss. 220.183 and 624.5105, the tax refund program for
 74 qualified target industry businesses under s. 288.106, the tax-
 75 refund program for qualified defense contractors and space
 76 flight business contractors under s. 288.1045, contracts for
 77 transportation projects under s. 288.063, the sports franchise
 78 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~
 79 ~~288.1162~~, the professional golf hall of fame facility program
 80 under s. 288.1168, the expedited permitting process under s.
 81 403.973, the Rural Community Development Revolving Loan Fund
 82 under s. 288.065, the Regional Rural Development Grants Program
 83 under s. 288.018, the Certified Capital Company Act under s.
 84 288.99, the Florida State Rural Development Council, the Rural

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

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

107 Section 2. Paragraph (d) of subsection (6) of section
108 212.20, Florida Statutes, is amended to read:

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

112 (6) Distribution of all proceeds under this chapter and s.

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113 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

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

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

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141 5. After the distributions under subparagraphs 1., 2., and
142 3., 1.3409 percent of the available proceeds shall be
143 transferred monthly to the Revenue Sharing Trust Fund for
144 Municipalities pursuant to s. 218.215. If the total revenue to
145 be distributed pursuant to this subparagraph is at least as
146 great as the amount due from the Revenue Sharing Trust Fund for
147 Municipalities and the former Municipal Financial Assistance
148 Trust Fund in state fiscal year 1999-2000, no municipality shall
149 receive less than the amount due from the Revenue Sharing Trust
150 Fund for Municipalities and the former Municipal Financial
151 Assistance Trust Fund in state fiscal year 1999-2000. If the
152 total proceeds to be distributed are less than the amount
153 received in combination from the Revenue Sharing Trust Fund for
154 Municipalities and the former Municipal Financial Assistance
155 Trust Fund in state fiscal year 1999-2000, each municipality
156 shall receive an amount proportionate to the amount it was due
157 in state fiscal year 1999-2000.

158 6. Of the remaining proceeds:

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

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

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

197 applicant identified in this sub-subparagraph may not ~~This~~
 198 ~~paragraph may not be construed to allow an applicant certified~~
 199 ~~pursuant to s. 288.1162 to~~ receive more in distributions than
 200 actually expended by the applicant for the public purposes
 201 provided for in s. 288.1162(5) or s. 288.11621(3) ~~s.~~
 202 ~~288.1162(6)~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

535 288.11621 Spring training baseball franchises.-

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

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

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

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

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

555 (e) "Local funds" and "local matching funds" mean funds
556 provided by a county, municipality, or other local government;
557 funds provided by a private entity; or a combination of such
558 funds.

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

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(2) CERTIFICATION PROCESS.-
(a) Before certifying an applicant to receive state
funding for a facility for a spring training franchise, the
office must verify that:
1. The applicant is responsible for the acquisition,
construction, management, or operation of the facility for a
spring training franchise or holds title to the property on
which the facility for a spring training franchise is located.
2. The applicant has a certified copy of a signed
agreement with a spring training franchise for the use of the
facility for a term of at least 20 years. The agreement also
must require the franchise to reimburse the state for state
funds expended by an applicant under this section if the
franchise relocates before the agreement expires. The agreement
may be contingent on an award of funds under this section and
other conditions precedent.
3. The applicant has made a financial commitment to
provide 50 percent or more of the funds required by an agreement
for the acquisition, construction, or renovation of the facility
for a spring training franchise. The commitment may be
contingent upon an award of funds under this section and other
conditions precedent.
4. The applicant demonstrates that the facility for a
spring training franchise will attract a paid attendance of at
least 50,000 annually to the spring training games.
5. The facility for a spring training franchise is located
in a county that levies a tourist development tax under s.
125.0104.

589 6. The applicant, if a private entity, demonstrates that
590 it can be bonded for an amount that it anticipates to be
591 required by the office and the Department of Revenue in
592 accordance with subsection (5).

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

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

605 2. The amount of the local matching funds committed to a
606 facility relative to the amount of state funding sought, with
607 priority given to applicants that commit the largest amount of
608 local matching funds relative to the amount of state funding
609 sought.

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

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

614 5. The length of time that a spring training franchise has
615 been under an agreement to conduct spring training activities
616 within an applicant's geographic location or jurisdiction, with

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617 priority given to applicants having agreements with the same
618 franchise for the longest period of time.

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

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

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

630 9. The net increase of total active recreation space owned
631 by the applicant after an acquisition of land for the facility,
632 with priority given to applicants having the largest percentage
633 increase of total active recreation space that will be available
634 for public use.

635 10. The location of the facility in a brownfield, an
636 enterprise zone, a community redevelopment area, or other area
637 of targeted development or revitalization included in an urban
638 infill redevelopment plan, with priority given to applicants
639 having facilities located in these areas.

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

642 1. Specifies the amount of the state incentive funding to
643 be distributed.

644 2. States the criteria that the certified applicant must

645 meet in order to remain certified.

646 3. States that the certified applicant is subject to
 647 decertification if the certified applicant fails to comply with
 648 this section or the agreement.

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

651 5. Specifies information that the certified applicant must
 652 report to the office.

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

654 (3) USE OF FUNDS.—

655 (a) A certified applicant may use funds provided under s.
 656 212.20(6)(d)6.b. only to:

657 1. Serve the public purpose of acquiring, constructing,
 658 reconstructing, or renovating a facility for a spring training
 659 franchise.

660 2. Pay or pledge for the payment of debt service on, or to
 661 fund debt service reserve funds, arbitrage rebate obligations,
 662 or other amounts payable with respect thereto, bonds issued for
 663 the acquisition, construction, reconstruction, or renovation of
 664 such facility, or for the reimbursement of such costs or the
 665 refinancing of bonds issued for such purposes.

666 3. Assist in the relocation of a spring training franchise
 667 from one unit of local government to another or to or from the
 668 location of a private entity to another private entity or to a
 669 unit of local government.

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

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673 used only by a spring training franchise.

674 (c) The Department of Revenue may not distribute funds to
675 an applicant certified on or after July 1, 2010, until it
676 receives notice from the office that the certified applicant has
677 encumbered funds under subparagraph (a)2. or has expended funds
678 or contractually encumbered funds for the acquisition,
679 construction, reconstruction, or renovation of a facility for
680 spring training pursuant to the contract requirements in
681 subsection (5).

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

685 2. A certified applicant may request that the Department
686 of Revenue suspend further distributions of state funds made
687 available under s. 212.20(6)(d)6.b. for 12 months after
688 expiration of an existing agreement with a spring training
689 franchise to provide the certified applicant with an opportunity
690 to enter into a new agreement with a spring training franchise,
691 at which time the distributions shall resume.

692 3. The expenditure of state funds distributed to an
693 applicant certified before July 1, 2010, must begin within 48
694 months after the initial receipt of the state funds. In
695 addition, the construction of, or capital improvements to, a
696 spring training facility must be completed within 24 months
697 after the project's commencement.

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

- 701 (a) A copy of its most recent annual audit.
- 702 (b) A detailed report on all local and state funds
 703 expended to date on the project being financed under this
 704 section.
- 705 (c) A copy of the contract between the certified local
 706 governmental entity or certified private entity and the spring
 707 training team.
- 708 (d) A cost-benefit analysis of the team's impact on the
 709 community.
- 710 (e) Evidence that the certified applicant continues to
 711 meet the criteria in effect when the applicant was certified.
- 712 (f) For purposes of a certified applicant that is a
 713 private entity, a list of all uses of the facility and
 714 appurtenant property for public purposes during the preceding
 715 calendar year.
- 716 (5) CONTRACT REQUIREMENTS FOR CERTIFIED APPLICANT THAT IS
 717 A PRIVATE ENTITY.—
- 718 (a) In order for a private entity applicant that is
 719 certified under subsection (2) to receive funding under s.
 720 212.20(6)(d), a contract must be executed between the applicant
 721 and the office to ensure the protection of the state's financial
 722 interests.
- 723 (b) The contract must, at a minimum, include the
 724 following:
- 725 1. Required maintenance of a bond by the private entity
 726 that will be sufficient to cover the funding received, ensure
 727 the proper use of funds, and ensure a mechanism for the state to
 728 recover funds if the private entity defaults on the completion

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729 of the fund use in any manner or in the case of decertification
730 as provided in this section. The amount of the bond shall be
731 determined by the office in consultation with the Department of
732 Revenue.

733 2. Information on the private entity, including, but not
734 limited to, its status as a Florida business and length of
735 operation in the state, business or organizational structure,
736 officers, and budget, including continued efforts in the area of
737 spring training.

738 3. Compliance with applicable requirements for
739 certification pursuant to subsection (2).

740 4. Compliance with requirements related to the use of
741 funds in subsection (3).

742 5. Annual compliance review and assessment as required in
743 subsection (4).

744 6. Agreement to allow the use of the facility, appurtenant
745 property, and other property, whatever is subject to the
746 contract, for public purposes.

747 (6) DECERTIFICATION.—

748 (a) The office shall decertify a certified applicant upon
749 the request of the certified applicant.

750 (b) The office shall decertify a certified applicant if
751 the certified applicant does not:

752 1. Have a valid agreement with a spring training
753 franchise;

754 2. Satisfy its commitment to provide local matching funds
755 to the facility; or

756 3. Satisfy the bond requirement in accordance with

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757 subsection (5).

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759 However, decertification proceedings against a local government
760 certified before July 1, 2010, shall be delayed until 12 months
761 after the expiration of the local government's existing
762 agreement with a spring training franchise, and without a new
763 agreement being signed, if the certified local government can
764 demonstrate to the office that it is in active negotiations with
765 a major league spring training franchise, other than the
766 franchise that was the basis for the original certification.

767 (c) A certified applicant has 60 days after it receives a
768 notice of intent to decertify from the office to petition the
769 office's director for review of the decertification. Within 45
770 days after receipt of the request for review, the director must
771 notify a certified applicant of the outcome of the review.

772 (d) The office shall notify the Department of Revenue that
773 a certified applicant is decertified within 10 days after the
774 order of decertification becomes final. The Department of
775 Revenue shall immediately stop the payment of any funds under
776 this section that were not encumbered by the certified applicant
777 under subparagraph (3) (a)2. or expended or contractually
778 encumbered as directed under paragraph (3) (c) pursuant to
779 contract requirements under subsection (5).

780 (e) The office shall order a decertified applicant to
781 repay all of the unencumbered state funds that the local
782 government or private entity received under this section and any
783 interest that accrued on those funds. The repayment must be made
784 within 60 days after the decertification order becomes final.

785 These funds shall be deposited into the General Revenue Fund.

786 (7) ADDITIONAL CERTIFICATIONS.—If the office decertifies a
 787 unit of local government or a private entity, the office may
 788 accept applications for an additional certification. A unit of
 789 local government or a private entity may not be certified for
 790 more than one spring training franchise at any time.

791 (8) STRATEGIC PLANNING.—

792 (a) The office shall request assistance from the Florida
 793 Sports Foundation and the Florida Grapefruit League Association
 794 to develop a comprehensive strategic plan to:

795 1. Finance spring training facilities.

796 2. Monitor and oversee the use of state funds awarded to
 797 applicants.

798 3. Identify the financial impact that spring training has
 799 on the state and ways in which to maintain or improve that
 800 impact.

801 4. Identify opportunities to develop public-private
 802 partnerships to engage in marketing activities and advertise
 803 spring training baseball.

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

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

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

811 (9) RULEMAKING.—The office shall adopt rules to implement
 812 the certification, decertification, and decertification review

813 processes required by this section.

814 (10) AUDITS.—The Auditor General may conduct audits as
 815 provided in s. 11.45 to verify that the distributions under this
 816 section are expended as required in this section. If the Auditor
 817 General determines that the distributions under this section are
 818 not expended as required by this section, the Auditor General
 819 shall notify the Department of Revenue, which may pursue
 820 recovery of the funds under the laws and rules governing the
 821 assessment of taxes.

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

824 288.1229 Promotion and development of sports-related
 825 industries and amateur athletics; direct-support organization;
 826 powers and duties.—

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

830 (a) The promotion and development of the sports industry
 831 and related industries for the purpose of improving the economic
 832 presence of these industries in Florida.

833 (b) The promotion of amateur athletic participation for
 834 the citizens of Florida and the promotion of Florida as a host
 835 for national and international amateur athletic competitions for
 836 the purpose of encouraging and increasing the direct and
 837 ancillary economic benefits of amateur athletic events and
 838 competitions.

839 (c) The retention of professional sports franchises,
 840 including the spring training operations of Major League

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841 Baseball.

842 Section 7. An agreement with a spring training franchise
843 relocating from one local government to another local government
844 shall be recognized as a valid agreement under this act if the
845 Office of Tourism, Trade, and Economic Development approved the
846 continuing release of funds to the local government to which the
847 franchise relocated before the effective date of this act. The
848 Legislature recognizes the validity of the agreement and
849 acknowledges the authority of the Office of Tourism, Trade, and
850 Economic Development to provide for the continuing release of
851 funds to the local government under the terms of section
852 288.1162, Florida Statutes, that were in effect before the
853 effective date of this act.

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