

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

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.

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.

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 spring
 189 training franchise. ~~that has been certified as a "facility for a~~
 190 ~~retained spring training franchise" pursuant to s. 288.1162;~~
 191 However, not more than \$416,670 may be distributed monthly in
 192 the aggregate to all certified applicants for facilities for a
 193 ~~retained spring training franchises franchise.~~ Distributions
 194 ~~must~~ begin 60 days after ~~following~~ such certification and ~~shall~~
 195 continue for not more than 30 years, except as otherwise
 196 provided in s. 288.11621. A certified applicant identified in

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

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

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

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

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

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

223 (1) The proportion of the local government half-cent sales
 224 tax received by a county government based on two-thirds of the

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

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

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

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

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

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

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

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

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

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

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

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

280 (a) "New professional sports franchise" means a

281 professional sports franchise that was ~~is~~ not based in this
 282 state before ~~prior to~~ April 1, 1987.

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

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

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

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

304 (c) The applicant has a verified copy of the approval from
 305 the governing authority of the league in which the new
 306 professional sports franchise exists authorizing the location of
 307 the professional sports franchise in this state after April 1,
 308 1987, or in the case of a retained professional sports

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

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

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

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

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

335 (h) An ~~No~~ applicant previously certified under any
336 provision of this section who has received funding under such

337 certification is not ~~shall be~~ eligible for an additional
338 certification.

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

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

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

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

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

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

364 ~~5. The facility for a retained spring training franchise~~

365 ~~is located in a county that is levying a tourist development tax~~
366 ~~pursuant to s. 125.0104.~~

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

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

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

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

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

392 ~~e. The duration of the future use agreement with the~~

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

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

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

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

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

411 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
412 ~~and Economic Development shall competitively evaluate~~
413 ~~applications for funding of facilities for retained spring~~
414 ~~training franchises in addition to those certified and funded~~
415 ~~under subparagraph 1. An applicant that is a unit of government~~
416 ~~that has an agreement for a retained spring training franchise~~
417 ~~for 15 or more years which was entered into between July 1,~~
418 ~~2003, and July 1, 2004, shall be eligible for funding.~~
419 ~~Applications must be submitted by October 1, 2006, with~~
420 ~~certifications to be made by January 1, 2007. The office shall~~

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

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

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

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

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

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

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

448 ~~g. The net increase of total active recreation space owned~~

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

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

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

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

468 ~~(5)(6)~~ An applicant certified as a facility for a new or
469 retained professional sports franchise ~~or a facility for a~~
470 ~~retained professional sports franchise or as a facility for a~~
471 ~~retained spring training franchise may use funds provided under~~
472 ~~pursuant to s. 212.20 only for the public purpose of paying for~~
473 ~~the acquisition, construction, reconstruction, or renovation of~~
474 ~~a facility for a new or retained~~ professional sports franchise,
475 ~~a facility for a retained professional sports franchise, or a~~
476 ~~facility for a retained spring training franchise or to pay or~~

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

483 | (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic
484 | Development shall notify the Department of Revenue of any
485 | facility certified as a facility for a new or retained
486 | professional sports franchise ~~or a facility for a retained~~
487 | ~~professional sports franchise or as a facility for a retained~~
488 | ~~spring training franchise~~. The Office of Tourism, Trade, and
489 | Economic Development shall certify no more than eight facilities
490 | as facilities for a new professional sports franchise or as
491 | facilities for a retained professional sports franchise,
492 | including in the ~~such~~ total any facilities certified by the
493 | former Department of Commerce before July 1, 1996. ~~The number of~~
494 | ~~facilities certified as a retained spring training franchise~~
495 | ~~shall be as provided in subsection (5)~~. The office may make no
496 | more than one certification for any facility. ~~The office may not~~
497 | ~~certify funding for less than the requested amount to any~~
498 | ~~applicant certified as a facility for a retained spring training~~
499 | ~~franchise.~~

500 | (b) The eighth certification of an applicant under this
501 | section as a facility for a new or retained professional sports
502 | franchise ~~or a facility for a retained professional sports~~
503 | ~~franchise~~ shall be for a franchise that is a member of the
504 | National Basketball Association, has been located within the

505 state since 1987, and has not been previously certified. This
 506 paragraph is repealed July 1, 2010.

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

518 ~~(8)(9)~~ An applicant is not qualified for certification
 519 under this section if the franchise formed the basis for a
 520 previous certification, unless the previous certification was
 521 withdrawn by the facility or invalidated by the Office of
 522 Tourism, Trade, and Economic Development or the former
 523 Department of Commerce before any funds were distributed under
 524 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
 525 applicant if the previous certification occurred between May 23,
 526 1993, and May 25, 1993; however, any funds to be distributed
 527 under ~~pursuant to~~ s. 212.20 for the second certification shall
 528 be offset by the amount distributed to the previous certified
 529 facility. Distribution of funds for the second certification
 530 shall not be made until all amounts payable for the first
 531 certification are ~~have been~~ distributed.

532 Section 5. Section 288.11621, Florida Statutes, is created

533 to read:

534 288.11621 Spring training baseball franchises.-

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

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

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

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

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

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

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

560 (2) CERTIFICATION PROCESS.-

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

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

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

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

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

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

588 6. The applicant, if a private entity, demonstrates that

589 it can be bonded for an amount that it anticipates to be
 590 required by the office and the Department of Revenue in
 591 accordance with subsection (5).

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

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

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

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

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

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

617 franchise for the longest period of time.

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

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

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

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

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

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

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

643 2. States the criteria that the certified applicant must
644 meet in order to remain certified.

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

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

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

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

653 (3) USE OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

704 (c) A copy of the contract between the certified local
 705 governmental entity or certified private entity and the spring
 706 training team.

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

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

711 (f) For purposes of a certified applicant that is a
 712 private entity, a list of all uses of the facility and
 713 appurtenant property for public purposes during the preceding
 714 calendar year.

715 (5) CONTRACT REQUIREMENTS FOR CERTIFIED APPLICANT THAT IS
 716 A PRIVATE ENTITY.—

717 (a) In order for a private entity applicant that is
 718 certified under subsection (2) to receive funding under s.
 719 212.20(6)(d), a contract must be executed between the applicant
 720 and the office to ensure the protection of the state's financial
 721 interests.

722 (b) The contract must, at a minimum, include the
 723 following:

724 1. Required maintenance of a bond by the private entity
 725 that will be sufficient to cover the funding received, ensure
 726 the proper use of funds, and ensure a mechanism for the state to
 727 recover funds if the private entity defaults on the completion
 728 of the fund use in any manner or in the case of decertification

729 as provided in this section. The amount of the bond shall be
 730 determined by the office in consultation with the Department of
 731 Revenue.

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

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

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

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

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

746 (6) DECERTIFICATION.—

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

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

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

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

755 3. Satisfy the bond requirement in accordance with
 756 subsection (5).

757
758 However, decertification proceedings against a local government
759 certified before July 1, 2010, shall be delayed until 12 months
760 after the expiration of the local government's existing
761 agreement with a spring training franchise, and without a new
762 agreement being signed, if the certified local government can
763 demonstrate to the office that it is in active negotiations with
764 a major league spring training franchise, other than the
765 franchise that was the basis for the original certification.

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

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

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

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

790 (8) STRATEGIC PLANNING.—

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

794 1. Finance spring training facilities.

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

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

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

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

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

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

810 (9) RULEMAKING.—The office shall adopt rules to implement
811 the certification, decertification, and decertification review
812 processes required by this section.

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

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

823 288.1229 Promotion and development of sports-related
 824 industries and amateur athletics; direct-support organization;
 825 powers and duties.—

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

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

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

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

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

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