

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 to apply for certification to receive state
18 funding for a facility for a spring training franchise;
19 providing definitions; providing eligibility requirements;
20 providing criteria to competitively evaluate applications
21 for certification; requiring a certified applicant to use
22 the funds awarded for specified public purposes and place
23 unexpended funds in a trust fund or separate account;
24 authorizing a certified applicant to request a suspension
25 of the distribution of funds for a specified period under
26 certain circumstances; requiring the expenditure of funds
27 by certain certified applicants within a specified period;
28 requiring the completion of certain spring training

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

54
55 Be It Enacted by the Legislature of the State of Florida:
56

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

59 14.2015 Office of Tourism, Trade, and Economic
 60 Development; creation; powers and duties.—

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

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

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

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

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

107 212.20 Funds collected, disposition; additional powers of
 108 department; operational expense; refund of taxes adjudicated
 109 unconstitutionally collected.—

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

112 (d) The proceeds of all other taxes and fees imposed

113 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 114 and (2)(b) shall be distributed as follows:

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

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

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

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

139 5. After the distributions under subparagraphs 1., 2., and
 140 3., 1.3409 percent of the available proceeds shall be

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

156 6. Of the remaining proceeds:

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

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

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

197 ~~288.1162~~ to receive more in distributions than ~~actually~~ expended
 198 by the applicant for the public purposes provided for in s.
 199 288.1162(5) or s. 288.11621(3) ~~s. 288.1162(6)~~.

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

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

215 7. All other proceeds must remain in the General Revenue
 216 Fund.

217 Section 3. Section 218.64, Florida Statutes, is amended to
 218 read:

219 218.64 Local government half-cent sales tax; uses;
 220 limitations.—

221 (1) The proportion of the local government half-cent sales
 222 tax received by a county government based on two-thirds of the
 223 incorporated area population shall be deemed countywide revenues
 224 and shall be expended only for countywide tax relief or

225 countywide programs. The remaining county government portion
 226 shall be deemed county revenues derived on behalf of the
 227 unincorporated area but may be expended on a countywide basis.

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

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

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

253 shall apply to an applicant's facility to be funded by local
 254 government as provided in this subsection.

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

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

262 Section 4. Section 288.1162, Florida Statutes, is amended
 263 to read:

264 288.1162 Professional sports franchises; ~~spring training~~
 265 ~~franchises;~~ duties.—

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

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

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

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

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

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

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

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

302 (c) The applicant has a verified copy of the approval from
 303 the governing authority of the league in which the new
 304 professional sports franchise exists authorizing the location of
 305 the professional sports franchise in this state after April 1,
 306 1987, or in the case of a retained professional sports
 307 franchise, verified evidence that it has had a league-authorized
 308 location in this state on or before December 31, 1976. As used

309 in this section, the term "league" means the National League or
 310 the American League of Major League Baseball, the National
 311 Basketball Association, the National Football League, or the
 312 National Hockey League.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

409 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
 410 ~~and Economic Development shall competitively evaluate~~
 411 ~~applications for funding of facilities for retained spring~~
 412 ~~training franchises in addition to those certified and funded~~
 413 ~~under subparagraph 1. An applicant that is a unit of government~~
 414 ~~that has an agreement for a retained spring training franchise~~
 415 ~~for 15 or more years which was entered into between July 1,~~
 416 ~~2003, and July 1, 2004, shall be eligible for funding.~~
 417 ~~Applications must be submitted by October 1, 2006, with~~
 418 ~~certifications to be made by January 1, 2007. The office shall~~
 419 ~~rank the applications according to selection criteria,~~
 420 ~~certifying no more than five proposals. The aggregate funding~~

421 ~~request of all applicants certified shall not exceed an~~
422 ~~aggregate funding request of \$208,335 per month. The evaluation~~
423 ~~criteria shall include the following, with priority given in~~
424 ~~descending order:~~

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

427 ~~b. The intended use of the funds by the applicant to~~
428 ~~renovate a facility.~~

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

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

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

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

446 ~~g. The net increase of total active recreation space owned~~
447 ~~by the applying unit of local government following the~~
448 ~~acquisition of land for the spring training facility, with~~

449 ~~priority given to the largest percentage increase of total~~
450 ~~active recreation space.~~

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

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

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

466 ~~(5)(6)~~ An applicant certified as a facility for a new or
467 retained professional sports franchise ~~or a facility for a~~
468 ~~retained professional sports franchise or as a facility for a~~
469 ~~retained spring training franchise~~ may use funds provided under
470 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for
471 the acquisition, construction, reconstruction, or renovation of
472 a facility for a new or retained professional sports franchise,
473 ~~a facility for a retained professional sports franchise, or a~~
474 ~~facility for a retained spring training franchise~~ or to pay or
475 pledge for the payment of debt service on, or to fund debt
476 service reserve funds, arbitrage rebate obligations, or other

477 amounts payable with respect to, bonds issued for the
478 acquisition, construction, reconstruction, or renovation of such
479 facility or for the reimbursement of such costs or the
480 refinancing of bonds issued for such purposes.

481 (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic
482 Development shall notify the Department of Revenue of any
483 facility certified as a facility for a new or retained
484 professional sports franchise ~~or a facility for a retained~~
485 ~~professional sports franchise or as a facility for a retained~~
486 ~~spring training franchise~~. The Office of Tourism, Trade, and
487 Economic Development shall certify no more than eight facilities
488 as facilities for a new professional sports franchise or as
489 facilities for a retained professional sports franchise,
490 including in the ~~such~~ total any facilities certified by the
491 former Department of Commerce before July 1, 1996. ~~The number of~~
492 ~~facilities certified as a retained spring training franchise~~
493 ~~shall be as provided in subsection (5)~~. The office may make no
494 more than one certification for any facility. ~~The office may not~~
495 ~~certify funding for less than the requested amount to any~~
496 ~~applicant certified as a facility for a retained spring training~~
497 ~~franchise~~.

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

505 ~~(7)-(8)~~ The Auditor General ~~Department of Revenue~~ may
 506 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
 507 that the distributions under ~~pursuant to~~ this section are ~~have~~
 508 ~~been~~ expended as required in this section. ~~Such information is~~
 509 ~~subject to the confidentiality requirements of chapter 213.~~ If
 510 the Auditor General ~~Department of Revenue~~ determines that the
 511 distributions under ~~pursuant to~~ this section are ~~have~~ not ~~been~~
 512 expended as required by this section, the Auditor General shall
 513 notify the Department of Revenue, which ~~it~~ may pursue recovery
 514 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
 515 the assessment of taxes.

516 ~~(8)-(9)~~ An applicant is not qualified for certification
 517 under this section if the franchise formed the basis for a
 518 previous certification, unless the previous certification was
 519 withdrawn by the facility or invalidated by the Office of
 520 Tourism, Trade, and Economic Development or the former
 521 Department of Commerce before any funds were distributed under
 522 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
 523 applicant if the previous certification occurred between May 23,
 524 1993, and May 25, 1993; however, any funds to be distributed
 525 under ~~pursuant to~~ s. 212.20 for the second certification shall
 526 be offset by the amount distributed to the previous certified
 527 facility. Distribution of funds for the second certification
 528 shall not be made until all amounts payable for the first
 529 certification are ~~have been~~ distributed.

530 Section 5. Section 288.11621, Florida Statutes, is created
 531 to read:

532 288.11621 Spring training baseball franchises.-

533 (1) DEFINITIONS.—As used in this section, the term:
 534 (a) "Agreement" means a certified, signed lease between an
 535 applicant that applies for certification on or after July 1,
 536 2010, and the spring training franchise for the use of a
 537 facility.
 538 (b) "Applicant" means a unit of local government as
 539 defined in s. 218.369, including local governments located in
 540 the same county that have partnered with a certified applicant
 541 before the effective date of this section or with an applicant
 542 for a new certification, for purposes of sharing in the
 543 responsibilities of a facility.
 544 (c) "Certified applicant" means a facility for a spring
 545 training franchise that was certified before July 1, 2010, under
 546 s. 288.1162(5), Florida Statutes 2009, or a unit of local
 547 government that is certified under this section.
 548 (d) "Facility" means a spring training stadium, playing
 549 fields, and appurtenances intended to support spring training
 550 activities.
 551 (e) "Local funds" and "local matching funds" mean funds
 552 provided by a county, municipality, or other local government.
 553 (f) "Office" means the Office of Tourism, Trade, and
 554 Economic Development.
 555 (2) CERTIFICATION PROCESS.—
 556 (a) Before certifying an applicant to receive state
 557 funding for a facility for a spring training franchise, the
 558 office must verify that:
 559 1. The applicant is responsible for the acquisition,
 560 construction, management, or operation of the facility for a

561 spring training franchise or holds title to the property on
562 which the facility for a spring training franchise is located.

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

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

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

580 5. The facility for a spring training franchise is located
581 in a county that levies a tourist development tax under s.
582 125.0104.

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

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

589 community where the spring training facility is to be built,
 590 including projections on paid attendance, local and state tax
 591 collections generated by spring training games, and direct and
 592 indirect job creation resulting from the spring training
 593 activities. Priority shall be given to applicants who can
 594 demonstrate the largest projected economic impact.

595 2. The amount of the local matching funds committed to a
 596 facility relative to the amount of state funding sought, with
 597 priority given to applicants that commit the largest amount of
 598 local matching funds relative to the amount of state funding
 599 sought.

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

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

604 5. The length of time that a spring training franchise has
 605 been under an agreement to conduct spring training activities
 606 within an applicant's geographic location or jurisdiction, with
 607 priority given to applicants having agreements with the same
 608 franchise for the longest period of time.

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

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

616 8. The length of time that a spring training franchise

617 agrees to use an applicant's facility if an application is
 618 granted under this section, with priority given to applicants
 619 having agreements for the longest future use.

620 9. The net increase of total active recreation space owned
 621 by the applicant after an acquisition of land for the facility,
 622 with priority given to applicants having the largest percentage
 623 increase of total active recreation space that will be available
 624 for public use.

625 10. The location of the facility in a brownfield, an
 626 enterprise zone, a community redevelopment area, or other area
 627 of targeted development or revitalization included in an urban
 628 infill redevelopment plan, with priority given to applicants
 629 having facilities located in these areas.

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

632 1. Specifies the amount of the state incentive funding to
 633 be distributed.

634 2. States the criteria that the certified applicant must
 635 meet in order to remain certified.

636 3. States that the certified applicant is subject to
 637 decertification if the certified applicant fails to comply with
 638 this section or the agreement.

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

641 5. Specifies information that the certified applicant must
 642 report to the office.

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

644 (3) USE OF FUNDS.—

645 (a) A certified applicant may use funds provided under s.
646 212.20(6)(d)6.b. only to:

647 1. Serve the public purpose of acquiring, constructing,
648 reconstructing, or renovating a facility for a spring training
649 franchise.

650 2. Pay or pledge for the payment of debt service on, or to
651 fund debt service reserve funds, arbitrage rebate obligations,
652 or other amounts payable with respect thereto, bonds issued for
653 the acquisition, construction, reconstruction, or renovation of
654 such facility, or for the reimbursement of such costs or the
655 refinancing of bonds issued for such purposes.

656 3. Assist in the relocation of a spring training franchise
657 from one unit of local government to another only if the
658 governing board of the current host local government by a
659 majority vote agrees to relocation.

660 (b) State funds awarded to a certified applicant for a
661 facility for a spring training franchise may not be used to
662 subsidize facilities that are privately owned, maintained, and
663 used only by a spring training franchise.

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

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

671 2. A certified applicant may request that the Department
672 of Revenue suspend further distributions of state funds made

673 available under s. 212.20(6)(d)6.b. for 12 months after
674 expiration of an existing agreement with a spring training
675 franchise to provide the certified applicant with an opportunity
676 to enter into a new agreement with a spring training franchise,
677 at which time the distributions shall resume.

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

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

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

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

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

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

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

697 (5) DECERTIFICATION.—

698 (a) The office shall decertify a certified applicant upon
699 the request of the certified applicant.

700 (b) The office shall decertify a certified applicant if

701 the certified applicant does not:

702 1. Have a valid agreement with a spring training
 703 franchise;

704 2. Satisfy its commitment to provide local matching funds
 705 to the facility; or

706
 707 However, decertification proceedings against a local government
 708 certified before July 1, 2010, shall be delayed until 12 months
 709 after the expiration of the local government's existing
 710 agreement with a spring training franchise, and without a new
 711 agreement being signed, if the certified local government can
 712 demonstrate to the office that it is in active negotiations with
 713 a major league spring training franchise, other than the
 714 franchise that was the basis for the original certification.

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

720 (d) The office shall notify the Department of Revenue that
 721 a certified applicant is decertified within 10 days after the
 722 order of decertification becomes final. The Department of
 723 Revenue shall immediately stop the payment of any funds under
 724 this section that were not encumbered by the certified applicant
 725 under subparagraph (3) (a) 2.

726 (e) The office shall order a decertified applicant to
 727 repay all of the unencumbered state funds that the local
 728 government received under this section and any interest that

729 accrued on those funds. The repayment must be made within 60
 730 days after the decertification order becomes final. These funds
 731 shall be deposited into the General Revenue Fund.

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

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

751 (7) STRATEGIC PLANNING.—

752 (a) The office shall request assistance from the Florida
 753 Sports Foundation and the Florida Grapefruit League Association
 754 to develop a comprehensive strategic plan to:

- 755 1. Finance spring training facilities.
- 756 2. Monitor and oversee the use of state funds awarded to

757 applicants.

758 3. Identify the financial impact that spring training has
759 on the state and ways in which to maintain or improve that
760 impact.

761 4. Identify opportunities to develop public-private
762 partnerships to engage in marketing activities and advertise
763 spring training baseball.

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

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

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

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

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

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

784 288.1229 Promotion and development of sports-related

785 industries and amateur athletics; direct-support organization;
 786 powers and duties.—

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

790 (a) The promotion and development of the sports industry
 791 and related industries for the purpose of improving the economic
 792 presence of these industries in Florida.

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

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

802 Section 7. An agreement with a spring training franchise
 803 relocating from one local government to another local government
 804 shall be recognized as a valid agreement under this act if the
 805 Office of Tourism, Trade, and Economic Development approved the
 806 continuing release of funds to the local government to which the
 807 franchise relocated before the effective date of this act. The
 808 Legislature recognizes the validity of the agreement and
 809 acknowledges the authority of the Office of Tourism, Trade, and
 810 Economic Development to provide for the continuing release of
 811 funds to the local government under the terms of s. 288.1162,
 812 Florida Statutes, which were in effect before the effective date

813 | of this act.

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