

## ENROLLED

CS/HB 7205, Engrossed 1

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1                   A bill to be entitled  
2           An act relating to professional sports franchises;  
3           amending ss. 14.2015, 212.20, and 218.64, F.S., 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

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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:  
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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

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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

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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

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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

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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.~~

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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



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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),~~

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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.

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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

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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.

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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.~~

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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.~~

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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~~

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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~~



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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

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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.

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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.-

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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

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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

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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

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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.—

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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



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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

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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

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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

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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

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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

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813 | of this act.

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