

II. Present Situation:

Section 288.1166, F.S., provides that any professional sports facility constructed with financial assistance from the state of Florida shall be designated as a shelter site for the homeless in accordance with the criteria of locally existing homeless shelter programs except when the facility is otherwise contractually obligated for a specific event or activity.

Facilities for New Professional Sports, Retained Professional Sports, or Retained Spring Training Franchise

The Catalog of State Financial Assistance identifies CSFA No. 73.016, Facilities for New Professional Sports, Retained Professional Sports, or Retained Spring Training Franchise as the State financial assistance program relating to professional sports facilities.¹ Local government, non-profit, and for-profit entities may apply to the program. Section 288.1162(6), F.S., provides for no more than eight new or retained sports franchise facilities in the program. Section 288.11621(2)(b), F.S., caps the number of retained spring training facilities at 10.

Program Restrictions

The applicant must have a signed agreement with a new professional sports franchise or retained professional sports franchise for a term of at least 10 years or 20 years, respectively. There must be existing projections and independent studies demonstrating that the new or retained sports franchise will attract a paid attendance of more than 300,000 annually and generate sales tax revenue equal to or greater than \$2 million annually.

The applicant must have a signed agreement with a retained spring training franchise for a term of at least 15 years. There must be existing projections and independent studies demonstrating that the facility for retained spring training franchise will attract a paid attendance of at least 50,000. Funds may not be expended to subsidize privately owned and maintained facilities for use by the spring training franchise.

No more than \$416,670 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. No applicant may receive more in distributions than he/she actually expended for the public purposes provided in s. 288.1162(6), F.S. No applicant previously certified under any provision of s. 288.1162, F.S., shall be eligible for an additional certification.

The Department of Revenue (DOR) may audit as provided in s. 213.34, F.S., to verify that the distributions pursuant to this section have been expended as required in this section.

¹ Florida Department of Financial Services, The Catalog of State Financial Assistance, *Facilities for New Professional Sports, Retained Professional Sports, or Retained Spring Training Franchise*, available at <https://apps.fldfs.com/fsaa/searchCatalogResultsDetail.aspx?id=40376> (last visited Jan. 17, 2012). Authorization for the program is provided under s. 212.20, F.S. and s. 288.1162, F.S.

Award Procedures

Applications for the program are filed with the Division of Strategic Business Development (DSBD) in the Department of Economic Opportunity (DEO).² DSDB shall competitively evaluate applications and certify applicants as a facility for a new professional sports franchise or as a facility for a retained spring training franchise and notify the DOR.

Upon certification by DSDB, the DOR shall distribute monthly, \$166,667 to facilities for new professional sports franchise or for retained professional sports franchises. The DOR shall distribute up to \$41,667 monthly to facilities for retained spring training franchise. Distributions shall begin 60 days following certification and shall continue for not more than 30 years. DSDB shall certify no more than eight facilities for a retained professional sports franchise and the eighth shall be a franchise of the NBA and located in Florida since 1987 and not previously certified.

DISTRIBUTION TO PRO SPORTS FACILITIES³

Professional Sports Franchise Facility	Name of Team/Facility	Type of Facility	First Distribution	Total \$ Paid to Date
Dolphin Stadium /South Florida Stadium (Joe Robbie Stadium, Pro Player Stadium)	Florida Marlins (baseball) Dolphins (football)	Pro	06/94	37,000,074
City of Jacksonville	Jacksonville Jaguars (football)	Pro	06/94	35,166,737
City of St. Petersburg	Tampa Bay Rays (baseball)	Pro	06/95	33,000,066
Tampa Sports Authority	Tampa Bay Lightning (hockey)	Pro	09/95	32,666,732
Broward County	Florida Panthers (hockey)	Pro	08/96	30,833,395
Hillsborough County	Tampa Bay Buccaneers (football)	Pro	01/97	30,000,060
CitiBank, NA as Trustee	Miami Heat (Basketball Properties, Ltd.)	Pro	03/98	27,500,055
City of Orlando	Orlando Magic (basketball)	Pro	02/08	7,833,349
City of Clearwater	Philadelphia Phillies (baseball)	Spring Training	02/01	5,416,710
City of Dunedin	Toronto Bluejays (baseball)	Spring Training	02/01	5,416,710
Indian River County	L.A. Dodgers (baseball)	Spring Training	02/01	5,416,710
Osceola County	Houston Astros (baseball)	Spring Training	02/01	5,416,710
City of Lakeland	Detroit Tigers (baseball)	Spring Training	02/01	5,055,570

² See ch. 2011-142, L.O.F., regarding the transfer of responsibilities from the Office of Tourism, Trade and Economic Development to the DSBD.

³ E-mail from Lynne Moeller, Legislative and Cabinet Services, Florida Department of Revenue (Jan. 18, 2012) (on file with the Senate Committee on Community Affairs). The original data from DOR has been reformatted to fit within this document.

Charlotte County BOCC	Tampa Bay Rays (baseball)	Spring Training	03/07	2,416,686
City of Bradenton	Pittsburgh Pirates (baseball)	Spring Training	03/07	2,416,686
City of Fort Lauderdale	Currently without a team	Spring Training	03/07	2,291,685
City of Sarasota	Baltimore Orioles (baseball)	Spring Training	03/07	2,416,686
St. Lucie County	New York Mets (baseball)	Spring Training	03/07	1,275,157
TOTAL				271,539,778

Local Coalitions for the Homeless

Section 420.623, F.S., provides that the DEO shall establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless. The local coalitions address local issues related to homelessness and the needs of the homeless.

III. Effect of Proposed Changes:

Section 1 amends s. 288.1166, F.S., to require a professional sports franchise that plays in a facility that benefited from financial assistance from the state and the county in which the facility is located to, by January 1, 2013, document with the Auditor General that a homeless shelter has been operating at the sports facility from the effective date of the contract between the county and the professional sports franchise. If the professional sports franchise that plays in a facility that benefited from financial assistance cannot demonstrate to the Auditor General that a homeless shelter has been operating at the sports facility from the effective date of the contract between the county and the professional sports franchise until July 1, 2012, or has only been operating for a portion of that time, the county and the professional sports franchise shall refund to the state all funds advanced to the county and the professional sports franchise by the state, less the sum representing any month in which the facility has operated as a homeless shelter. Such refund shall be made no later than December 31, 2012.

The bill also requires that a county commission establish a local homeless coalition under s. 420.623, F.S., to oversee the operation of the shelter site if a local homeless program does not exist in the county where a facility is located.

This bill requires that if, after January 1, 2013, the Auditor General determines that a homeless shelter is still not operating at a facility that benefited from financial assistance from the state, the Auditor General shall fine the professional sports franchise that plays in the facility and the county in which the facility is located an amount going forward equal to 150 percent of any financial assistance received each month from the state until the professional sports franchise and the county are operating a homeless shelter at the sports facility.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sports franchises that are not in compliance with the provisions of the bill will be required to refund all financial assistance funds advanced to them by the state. If the sports franchise remains in noncompliance, it will be fined additional amounts until it satisfies the provisions of the bill. The extent of the refund and/or fine will be linked to the financial assistance received. It is unclear how many of the affected sports franchises have been operating homeless shelters.

C. Government Sector Impact:

A county with a sports franchise that is not in compliance with the provisions of the bill will be required to refund all financial assistance funds advanced to it by the state. If the county and sports franchise remain in noncompliance, the county will be fined additional amounts until it satisfies the provisions of the bill. The extent of the refund and/or fine will be linked to the financial assistance received. It is unclear how many of the affected sports franchise have been operating homeless shelters.

The Auditor General will need to deploy agency resources related to the compliance reporting, collection of refunds, and assessment and collection of fines provided in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

Barcode 362006 by Community Affairs on January 23, 2012:

Prohibits a new or retained professional sports franchise facility that receives state funds -
- or the franchise's league -- from administering a broadcast blackout due to insufficient
ticket sales. Provides a fine if a blackout occurs and requires that the fine proceeds be
used to purchase tickets to games of the sports franchise for specified individuals and
their families. (WITH TITLE AMENDMENT)