

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 franchises;  
11      authorizing the Auditor General to conduct audits to  
12      verify whether certain funds for professional sports  
13      franchises are used as required by law; requiring the  
14      Auditor General to notify the Department of Revenue if the  
15      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; requiring  
23      certified applicants to submit annual reports to the  
24      Office of Tourism, Trade, and Economic Development;  
25      requiring the office to decertify applicants under certain  
26      circumstances; providing for a review; requiring an  
27      applicant to repay unencumbered state funds and interest  
28      after decertification; requiring the office to develop a

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29 | strategic plan relating to baseball spring training  
 30 | activities; requiring the office to adopt rules;  
 31 | authorizing the Auditor General to conduct audits to  
 32 | verify whether certified funds for baseball spring  
 33 | training facilities are used as required by law; requiring  
 34 | the Auditor General to notify the Department of Revenue if  
 35 | the funds are not used as required by law; amending s.  
 36 | 288.1229, F.S.; providing that the Office of Tourism,  
 37 | Trade, and Economic Development may authorize a direct-  
 38 | support organization to assist in the retention of  
 39 | professional sports franchises; providing an effective  
 40 | date.

41

42 | Be It Enacted by the Legislature of the State of Florida:

43

44 | Section 1. Paragraph (f) of subsection (2) of section  
 45 | 14.2015, Florida Statutes, is amended to read:

46 | 14.2015 Office of Tourism, Trade, and Economic  
 47 | Development; creation; powers and duties.--

48 | (2) The purpose of the Office of Tourism, Trade, and  
 49 | Economic Development is to assist the Governor in working with  
 50 | the Legislature, state agencies, business leaders, and economic  
 51 | development professionals to formulate and implement coherent  
 52 | and consistent policies and strategies designed to provide  
 53 | economic opportunities for all Floridians. To accomplish such  
 54 | purposes, the Office of Tourism, Trade, and Economic Development  
 55 | shall:

56 | (f)1. Administer the Florida Enterprise Zone Act under ss.

57 | 290.001-290.016, the community contribution tax credit program  
 58 | under ss. 220.183 and 624.5105, the tax refund program for  
 59 | qualified target industry businesses under s. 288.106, the tax-  
 60 | refund program for qualified defense contractors and space  
 61 | flight business contractors under s. 288.1045, contracts for  
 62 | transportation projects under s. 288.063, the sports franchise  
 63 | facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~  
 64 | ~~288.1162~~, the professional golf hall of fame facility program  
 65 | under s. 288.1168, the expedited permitting process under s.  
 66 | 403.973, the Rural Community Development Revolving Loan Fund  
 67 | under s. 288.065, the Regional Rural Development Grants Program  
 68 | under s. 288.018, the Certified Capital Company Act under s.  
 69 | 288.99, the Florida State Rural Development Council, the Rural  
 70 | Economic Development Initiative, and other programs that are  
 71 | specifically assigned to the office by law, by the  
 72 | appropriations process, or by the Governor. Notwithstanding any  
 73 | other provisions of law, the office may expend interest earned  
 74 | from the investment of program funds deposited in the Grants and  
 75 | Donations Trust Fund to contract for the administration of the  
 76 | programs, or portions of the programs, enumerated in this  
 77 | paragraph or assigned to the office by law, by the  
 78 | appropriations process, or by the Governor. Such expenditures  
 79 | shall be subject to review under chapter 216.

80 |         2. The office may enter into contracts in connection with  
 81 | the fulfillment of its duties concerning the Florida First  
 82 | Business Bond Pool under chapter 159, tax incentives under  
 83 | chapters 212 and 220, tax incentives under the Certified Capital  
 84 | Company Act in chapter 288, foreign offices under chapter 288,

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85 the Enterprise Zone program under chapter 290, the Seaport  
 86 Employment Training program under chapter 311, the Florida  
 87 Professional Sports Team License Plates under chapter 320,  
 88 Spaceport Florida under chapter 331, Expedited Permitting under  
 89 chapter 403, and in carrying out other functions that are  
 90 specifically assigned to the office by law, by the  
 91 appropriations process, or by the Governor.

92 Section 2. Paragraph (d) of subsection (6) of section  
 93 212.20, Florida Statutes, is amended to read:

94 212.20 Funds collected, disposition; additional powers of  
 95 department; operational expense; refund of taxes adjudicated  
 96 unconstitutionally collected.--

97 (6) Distribution of all proceeds under this chapter and s.  
 98 202.18(1)(b) and (2)(b) shall be as follows:

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

102 1. In any fiscal year, the greater of \$500 million, minus  
 103 an amount equal to 4.6 percent of the proceeds of the taxes  
 104 collected pursuant to chapter 201, or 5 percent of all other  
 105 taxes and fees imposed pursuant to this chapter or remitted  
 106 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 107 monthly installments into the General Revenue Fund.

108 2. Two-tenths of one percent shall be transferred to the  
 109 Ecosystem Management and Restoration Trust Fund to be used for  
 110 water quality improvement and water restoration projects.

111 3. After the distribution under subparagraphs 1. and 2.,  
 112 8.814 percent of the amount remitted by a sales tax dealer

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113 | located within a participating county pursuant to s. 218.61  
 114 | shall be transferred into the Local Government Half-cent Sales  
 115 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
 116 | be transferred pursuant to this subparagraph to the Local  
 117 | Government Half-cent Sales Tax Clearing Trust Fund shall be  
 118 | reduced by 0.1 percent, and the department shall distribute this  
 119 | amount to the Public Employees Relations Commission Trust Fund  
 120 | less \$5,000 each month, which shall be added to the amount  
 121 | calculated in subparagraph 4. and distributed accordingly.

122 |         4. After the distribution under subparagraphs 1., 2., and  
 123 | 3., 0.095 percent shall be transferred to the Local Government  
 124 | Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 125 | to s. 218.65.

126 |         5. After the distributions under subparagraphs 1., 2., 3.,  
 127 | and 4., 2.0440 percent of the available proceeds pursuant to  
 128 | this paragraph shall be transferred monthly to the Revenue  
 129 | Sharing Trust Fund for Counties pursuant to s. 218.215.

130 |         6. After the distributions under subparagraphs 1., 2., 3.,  
 131 | and 4., 1.3409 percent of the available proceeds pursuant to  
 132 | this paragraph shall be transferred monthly to the Revenue  
 133 | Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
 134 | the total revenue to be distributed pursuant to this  
 135 | subparagraph is at least as great as the amount due from the  
 136 | Revenue Sharing Trust Fund for Municipalities and the former  
 137 | Municipal Financial Assistance Trust Fund in state fiscal year  
 138 | 1999-2000, no municipality shall receive less than the amount  
 139 | due from the Revenue Sharing Trust Fund for Municipalities and  
 140 | the former Municipal Financial Assistance Trust Fund in state

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141 fiscal year 1999-2000. If the total proceeds to be distributed  
142 are less than the amount received in combination from the  
143 Revenue Sharing Trust Fund for Municipalities and the former  
144 Municipal Financial Assistance Trust Fund in state fiscal year  
145 1999-2000, each municipality shall receive an amount  
146 proportionate to the amount it was due in state fiscal year  
147 1999-2000.

148 7. Of the remaining proceeds:

149 a. In each fiscal year, the sum of \$29,915,500 shall be  
150 divided into as many equal parts as there are counties in the  
151 state, and one part shall be distributed to each county. The  
152 distribution among the several counties shall begin each fiscal  
153 year on or before January 5th and shall continue monthly for a  
154 total of 4 months. If a local or special law required that any  
155 moneys accruing to a county in fiscal year 1999-2000 under the  
156 then-existing provisions of s. 550.135 be paid directly to the  
157 district school board, special district, or a municipal  
158 government, such payment shall continue until such time that the  
159 local or special law is amended or repealed. The state covenants  
160 with holders of bonds or other instruments of indebtedness  
161 issued by local governments, special districts, or district  
162 school boards prior to July 1, 2000, that it is not the intent  
163 of this subparagraph to adversely affect the rights of those  
164 holders or relieve local governments, special districts, or  
165 district school boards of the duty to meet their obligations as  
166 a result of previous pledges or assignments or trusts entered  
167 into which obligated funds received from the distribution to  
168 county governments under then-existing s. 550.135. This

169 distribution specifically is in lieu of funds distributed under  
 170 s. 550.135 prior to July 1, 2000.

171 b. The department shall distribute \$166,667 monthly  
 172 pursuant to s. 288.1162 to each applicant that has been  
 173 certified as a facility for a new or retained professional  
 174 sports franchise "~~facility for a new professional sports~~  
 175 ~~franchise" or a "facility for a retained professional sports~~  
 176 ~~franchise"~~ pursuant to s. 288.1162. Up to \$41,667 shall be  
 177 distributed monthly by the department to each certified  
 178 applicant as defined in s. 288.11621 for a facility for a  
 179 retained spring training franchise. ~~that has been certified as a~~  
 180 ~~"facility for a retained spring training franchise" pursuant to~~  
 181 ~~s. 288.1162;~~ However, not more than \$416,670 may be distributed  
 182 monthly in the aggregate to all certified applicants for  
 183 facilities for ~~a retained spring training franchises~~ franchise.  
 184 Distributions ~~shall~~ begin 60 days after following such  
 185 certification and ~~shall~~ continue for not more than 30 years,  
 186 except as otherwise provided by law. A certified applicant  
 187 identified in this sub-subparagraph may not ~~Nothing contained in~~  
 188 ~~this paragraph shall be construed to allow an applicant~~  
 189 ~~certified pursuant to s. 288.1162 to receive more in~~  
 190 distributions than ~~actually~~ expended by the applicant for the  
 191 public purposes provided for in s. 288.1162(5) or s.  
 192 288.11621(3) ~~s. 288.1162(6)~~.

193 c. Beginning 30 days after notice by the Office of  
 194 Tourism, Trade, and Economic Development to the Department of  
 195 Revenue that an applicant has been certified as the professional  
 196 golf hall of fame pursuant to s. 288.1168 and is open to the

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197 public, \$166,667 shall be distributed monthly, for up to 300  
 198 months, to the applicant.

199 d. Beginning 30 days after notice by the Office of  
 200 Tourism, Trade, and Economic Development to the Department of  
 201 Revenue that the applicant has been certified as the  
 202 International Game Fish Association World Center facility  
 203 pursuant to s. 288.1169, and the facility is open to the public,  
 204 \$83,333 shall be distributed monthly, for up to 168 months, to  
 205 the applicant. This distribution is subject to reduction  
 206 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
 207 made, after certification and before July 1, 2000.

208 8. All other proceeds shall remain with the General  
 209 Revenue Fund.

210 Section 3. Section 218.64, Florida Statutes, is amended to  
 211 read:

212 218.64 Local government half-cent sales tax; uses;  
 213 limitations.--

214 (1) The proportion of the local government half-cent sales  
 215 tax received by a county government based on two-thirds of the  
 216 incorporated area population shall be deemed countywide revenues  
 217 and shall be expended only for countywide tax relief or  
 218 countywide programs. The remaining county government portion  
 219 shall be deemed county revenues derived on behalf of the  
 220 unincorporated area but may be expended on a countywide basis.

221 (2) Municipalities shall expend their portions of the  
 222 local government half-cent sales tax only for municipality-wide  
 223 programs or for municipality-wide property tax or municipal  
 224 utility tax relief. All utility tax rate reductions afforded by



225 participation in the local government half-cent sales tax shall  
 226 be applied uniformly across all types of taxed utility services.

227 (3) Subject to ordinances enacted by the majority of the  
 228 members of the county governing authority and by the majority of  
 229 the members of the governing authorities of municipalities  
 230 representing at least 50 percent of the municipal population of  
 231 such county, counties may use up to \$2 million annually of the  
 232 local government half-cent sales tax allocated to that county  
 233 for funding for any of the following applicants:

234 (a) A certified applicant as a facility for a new or  
 235 retained professional sports franchise under ~~"facility for a new~~  
 236 ~~professional sports franchise,"~~ a ~~"facility for a retained~~  
 237 ~~professional sports franchise,"~~ or a ~~"facility for a retained~~  
 238 ~~spring training franchise,"~~ as provided for in s. 288.1162 or a  
 239 certified applicant as defined s. 288.11621 for a facility for a  
 240 spring training franchise. It is the Legislature's intent that  
 241 the provisions of s. 288.1162, including, but not limited to,  
 242 the evaluation process by the Office of Tourism, Trade, and  
 243 Economic Development except for the limitation on the number of  
 244 certified applicants or facilities as provided in that section  
 245 and the restrictions set forth in s. 288.1162(8) ~~s. 288.1162(9)~~,  
 246 shall apply to an applicant's facility to be funded by local  
 247 government as provided in this subsection.

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

252 (4) A local government is authorized to pledge proceeds of

253 the local government half-cent sales tax for the payment of  
 254 principal and interest on any capital project.

255 Section 4. Section 288.1162, Florida Statutes, is amended  
 256 to read:

257 288.1162 Professional sports franchises; ~~spring training~~  
 258 ~~franchises~~; duties.--

259 (1) The Office of Tourism, Trade, and Economic Development  
 260 shall serve as the state agency for screening applicants for  
 261 state funding under ~~pursuant to~~ s. 212.20 and for certifying an  
 262 applicant as a facility for a new or retained professional  
 263 sports franchise. ~~"facility for a new professional sports~~  
 264 ~~franchise," a "facility for a retained professional sports~~  
 265 ~~franchise," or a "facility for a retained spring training~~  
 266 ~~franchise."~~

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

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

271 (a) "New professional sports franchise" means a  
 272 professional sports franchise that is not based in this state  
 273 before ~~prior to~~ April 1, 1987.

274 (b) "Retained professional sports franchise" means a  
 275 professional sports franchise that has had a league-authorized  
 276 location in this state on or before December 31, 1976, and has  
 277 continuously remained at that location, and has never been  
 278 located at a facility that has been previously certified under  
 279 any provision of this section.

280 (4) Before ~~Prior to~~ certifying an applicant as a facility

281 for a new or retained professional sports franchise, "facility  
 282 ~~for a new professional sports franchise" or a "facility for a~~  
 283 ~~retained professional sports franchise,"~~ the Office of Tourism,  
 284 Trade, and Economic Development must determine that:

285 (a) A "unit of local government" as defined in s. 218.369  
 286 is responsible for the construction, management, or operation of  
 287 the professional sports franchise facility or holds title to the  
 288 property on which the professional sports franchise facility is  
 289 located.

290 (b) The applicant has a verified copy of a signed  
 291 agreement with a new professional sports franchise for the use  
 292 of the facility for a term of at least 10 years, or in the case  
 293 of a retained professional sports franchise, an agreement for  
 294 use of the facility for a term of at least 20 years.

295 (c) The applicant has a verified copy of the approval from  
 296 the governing authority of the league in which the new  
 297 professional sports franchise exists authorizing the location of  
 298 the professional sports franchise in this state after April 1,  
 299 1987, or in the case of a retained professional sports  
 300 franchise, verified evidence that it has had a league-authorized  
 301 location in this state on or before December 31, 1976. As used  
 302 in this section, the term "league" means the National League or  
 303 the American League of Major League Baseball, the National  
 304 Basketball Association, the National Football League, or the  
 305 National Hockey League.

306 (d) The applicant has projections, verified by the Office  
 307 of Tourism, Trade, and Economic Development, which demonstrate  
 308 that the new or retained professional sports franchise will

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309 attract a paid attendance of more than 300,000 annually.

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

316 (f) The municipality in which the facility for a new or  
 317 retained professional sports franchise is located, or the county  
 318 if the facility for a new or retained professional sports  
 319 franchise is located in an unincorporated area, has certified by  
 320 resolution after a public hearing that the application serves a  
 321 public purpose.

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

326 (h) An ~~No~~ applicant previously certified under any  
 327 provision of this section who has received funding under such  
 328 certification is not ~~shall be~~ eligible for an additional  
 329 certification.

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

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

336 ~~1. A "unit of local government" as defined in s. 218.369~~

337 ~~is responsible for the acquisition, construction, management, or~~  
 338 ~~operation of the facility for a retained spring training~~  
 339 ~~franchise or holds title to the property on which the facility~~  
 340 ~~for a retained spring training franchise is located.~~

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

344 ~~3. The applicant has a financial commitment to provide 50~~  
 345 ~~percent or more of the funds required by an agreement for the~~  
 346 ~~acquisition, construction, or renovation of the facility for a~~  
 347 ~~retained spring training franchise. The agreement can be~~  
 348 ~~contingent upon the awarding of funds under this section and~~  
 349 ~~other conditions precedent to use by the spring training~~  
 350 ~~franchise.~~

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

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

358 ~~(c)1. The Office of Tourism, Trade, and Economic~~  
 359 ~~Development shall competitively evaluate applications for~~  
 360 ~~funding of a facility for a retained spring training franchise.~~  
 361 ~~Applications must be submitted by October 1, 2000, with~~  
 362 ~~certifications to be made by January 1, 2001. If the number of~~  
 363 ~~applicants exceeds five and the aggregate funding request of all~~  
 364 ~~applications exceeds \$208,335 per month, the office shall rank~~

365 ~~the applications according to a selection criteria, certifying~~  
 366 ~~the highest ranked proposals. The evaluation criteria shall~~  
 367 ~~include, with priority given in descending order to the~~  
 368 ~~following items:~~

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

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

374 ~~e. The length of time that a facility to be used by a~~  
 375 ~~retained spring training franchise has been used by one or more~~  
 376 ~~spring training franchises, with priority given to a facility~~  
 377 ~~that has been in continuous use as a facility for spring~~  
 378 ~~training the longest.~~

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

383 ~~e. The duration of the future-use agreement with the~~  
 384 ~~retained spring training franchise, with priority given to the~~  
 385 ~~future-use agreement having the longest duration.~~

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

388 ~~g. The net increase of total active recreation space owned~~  
 389 ~~by the applying unit of local government following the~~  
 390 ~~acquisition of land for the spring training facility, with~~  
 391 ~~priority given to the largest percentage increase of total~~  
 392 ~~active recreation space.~~

393 ~~h. The location of the facility in a brownfield, an~~  
 394 ~~enterprise zone, a community redevelopment area, or other area~~  
 395 ~~of targeted development or revitalization included in an Urban~~  
 396 ~~Infill Redevelopment Plan, with priority given to facilities~~  
 397 ~~located in these areas.~~

398 ~~i. The projections on paid attendance attracted by the~~  
 399 ~~facility and the proposed effect on the economy of the local~~  
 400 ~~community, with priority given to the highest projected paid~~  
 401 ~~attendance.~~

402 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~  
 403 ~~and Economic Development shall competitively evaluate~~  
 404 ~~applications for funding of facilities for retained spring~~  
 405 ~~training franchises in addition to those certified and funded~~  
 406 ~~under subparagraph 1. An applicant that is a unit of government~~  
 407 ~~that has an agreement for a retained spring training franchise~~  
 408 ~~for 15 or more years which was entered into between July 1,~~  
 409 ~~2003, and July 1, 2004, shall be eligible for funding.~~  
 410 ~~Applications must be submitted by October 1, 2006, with~~  
 411 ~~certifications to be made by January 1, 2007. The office shall~~  
 412 ~~rank the applications according to selection criteria,~~  
 413 ~~certifying no more than five proposals. The aggregate funding~~  
 414 ~~request of all applicants certified shall not exceed an~~  
 415 ~~aggregate funding request of \$208,335 per month. The evaluation~~  
 416 ~~criteria shall include the following, with priority given in~~  
 417 ~~descending order:~~

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

420 ~~b. The intended use of the funds by the applicant to~~

421 ~~renovate a facility.~~

422 ~~e. The length of time that a facility to be used by a~~  
 423 ~~retained spring training franchise has been used by one or more~~  
 424 ~~spring training franchises, with priority given to a facility~~  
 425 ~~that has been in continuous use as a facility for spring~~  
 426 ~~training the longest.~~

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

434 ~~e. The duration of the future use agreement with the~~  
 435 ~~retained spring training franchise, with priority given to the~~  
 436 ~~future use agreement having the longest duration.~~

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

439 ~~g. The net increase of total active recreation space owned~~  
 440 ~~by the applying unit of local government following the~~  
 441 ~~acquisition of land for the spring training facility, with~~  
 442 ~~priority given to the largest percentage increase of total~~  
 443 ~~active recreation space.~~

444 ~~h. The location of the facility in a brownfield area, an~~  
 445 ~~enterprise zone, a community redevelopment area, or another area~~  
 446 ~~of targeted development or revitalization included in an urban~~  
 447 ~~infill redevelopment plan, with priority given to facilities~~  
 448 ~~located in those areas.~~



449 ~~i. The projections on paid attendance attracted by the~~  
 450 ~~facility and the proposed effect on the economy of the local~~  
 451 ~~community, with priority given to the highest projected paid~~  
 452 ~~attendance.~~

453 ~~(d) Funds may not be expended to subsidize privately owned~~  
 454 ~~and maintained facilities for use by the spring training~~  
 455 ~~franchise. Funds may be used to relocate a retained spring~~  
 456 ~~training franchise to another unit of local government only if~~  
 457 ~~the existing unit of local government with the retained spring~~  
 458 ~~training franchise agrees to the relocation.~~

459 (5) ~~(6)~~ An applicant certified as a facility for a new or  
 460 retained professional sports franchise ~~or a facility for a~~  
 461 ~~retained professional sports franchise or as a facility for a~~  
 462 ~~retained spring training franchise~~ may use funds provided under  
 463 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for  
 464 the acquisition, construction, reconstruction, or renovation of  
 465 a facility for a new or retained professional sports franchise,  
 466 ~~a facility for a retained professional sports franchise, or a~~  
 467 ~~facility for a retained spring training franchise~~ or to pay or  
 468 pledge for the payment of debt service on, or to fund debt  
 469 service reserve funds, arbitrage rebate obligations, or other  
 470 amounts payable with respect to, bonds issued for the  
 471 acquisition, construction, reconstruction, or renovation of such  
 472 facility or for the reimbursement of such costs or the  
 473 refinancing of bonds issued for such purposes.

474 (6) ~~(7)~~ (a) The Office of Tourism, Trade, and Economic  
 475 Development shall notify the Department of Revenue of any  
 476 facility certified as a facility for a new or retained

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

491 (b) The eighth certification of an applicant under this  
 492 section as a facility for a new or retained professional sports  
 493 franchise ~~or a facility for a retained professional sports~~  
 494 ~~franchise~~ shall be for a franchise that is a member of the  
 495 National Basketball Association, has been located within the  
 496 state since 1987, and has not been previously certified. This  
 497 paragraph is repealed July 1, 2010.

498 ~~(7)(8)~~ The Auditor General ~~Department of Revenue~~ may  
 499 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify  
 500 that the distributions under ~~pursuant to~~ this section are ~~have~~  
 501 ~~been~~ expended as required in this section. ~~Such information is~~  
 502 ~~subject to the confidentiality requirements of chapter 213~~. If  
 503 the Auditor General ~~Department of Revenue~~ determines that the  
 504 distributions under ~~pursuant to~~ this section are ~~have not been~~

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505 expended as required by this section, the Auditor General shall  
 506 notify the Department of Revenue, which ~~it~~ may pursue recovery  
 507 of the such funds under ~~pursuant to~~ the laws and rules governing  
 508 the assessment of taxes.

509 ~~(8)(9)~~ An applicant is not qualified for certification  
 510 under this section if the franchise formed the basis for a  
 511 previous certification, unless the previous certification was  
 512 withdrawn by the facility or invalidated by the Office of  
 513 Tourism, Trade, and Economic Development or the Department of  
 514 Commerce before any funds were distributed under ~~pursuant to~~ s.  
 515 212.20. This subsection does not disqualify an applicant if the  
 516 previous certification occurred between May 23, 1993, and May  
 517 25, 1993; however, any funds to be distributed under ~~pursuant to~~  
 518 s. 212.20 for the second certification shall be offset by the  
 519 amount distributed to the previous certified facility.  
 520 Distribution of funds for the second certification shall not be  
 521 made until all amounts payable for the first certification are  
 522 ~~have been~~ distributed.

523 Section 5. Section 288.11621, Florida Statutes, is created  
 524 to read:

525 288.11621 Spring training baseball facilities.--

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

527 (a) "Applicant" means a unit of local government as  
 528 defined in s. 218.369.

529 (b) "Certified applicant" means a facility for a spring  
 530 training franchise that was certified before July 1, 2009, under  
 531 s. 288.1162(5), Florida Statutes 2008, or a unit of local  
 532 government that is certified under this section.

533 (c) "Facility" means a spring training stadium, playing  
 534 fields, and appurtenances intended to support spring training  
 535 activities.

536 (d) "Office" means the Office of Tourism, Trade, and  
 537 Economic Development.

538 (2) CERTIFICATION PROCESS.--

539 (a) Before certifying an applicant to receive state  
 540 funding for a facility for a spring training franchise, the  
 541 office must verify that:

542 1. The applicant is responsible for the acquisition,  
 543 construction, management, or operation of the facility for a  
 544 spring training franchise or holds title to the property on  
 545 which the facility for a spring training franchise is located.

546 2. The applicant has a certified copy of a signed  
 547 agreement with a spring training franchise for the use of the  
 548 facility for a term of at least 20 years. The agreement also  
 549 must require the franchise to reimburse the state for state  
 550 funds expended by an applicant under this section if the  
 551 franchise relocates before the agreement expires. The agreement  
 552 may be contingent on an award of funds under this section and  
 553 other conditions precedent.

554 3. The applicant has made a financial commitment to  
 555 provide 50 percent or more of the funds required by an agreement  
 556 for the acquisition, construction, or renovation of the facility  
 557 for a spring training franchise. The commitment may be  
 558 contingent upon an award of funds under this section and other  
 559 conditions precedent.

560 4. The applicant demonstrates that the facility for a

561 spring training franchise will attract a paid attendance of at  
 562 least 50,000 annually to the spring training games.

563 5. The facility for a spring training franchise is located  
 564 in a county that levies a tourist development tax under s.  
 565 125.0104.

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

571 1. The anticipated effect on the economy of the local  
 572 community where the spring training facility will be built,  
 573 including projections on paid attendance, local and state tax  
 574 collections generated by spring training games, and direct and  
 575 indirect job creation resulting from the spring training  
 576 activities. Priority shall be given to applicants who can  
 577 demonstrate the largest projected economic impact.

578 2. The amount of the local matching funds committed to a  
 579 facility relative to the amount of state funding sought, with  
 580 priority given to applicants that commit the largest amount of  
 581 local matching funds relative to the amount of state funding  
 582 sought.

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

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

587 5. The length of time that a spring training franchise has  
 588 been under an agreement to conduct spring training activities

589 within an applicant's geographical jurisdiction, with priority  
 590 given to applicants having agreements with the same franchise  
 591 for the longest period of time.

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

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

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

603 9. The net increase of total active recreation space owned  
 604 by the applicant following an acquisition of land for the  
 605 facility, with priority given to applicants having the largest  
 606 percentage increase of total active recreation space.

607 10. The location of the facility in a brownfield, an  
 608 enterprise zone, a community redevelopment area, or other area  
 609 of targeted development or revitalization included in an urban  
 610 infill redevelopment plan, with priority given to applicants  
 611 having facilities located in these areas.

612 (c) Applicants that are certified on or after July 1,  
 613 2009, shall enter into an agreement with the office that:

614 1. Specifies the amount of the state incentive funding to  
 615 be distributed.

616 2. States the criteria that the certified applicant must

617 meet in order to remain certified.

618 3. States that the certified applicant is subject to  
 619 decertification if the certified applicant fails to comply with  
 620 this section or the agreement.

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

623 5. Specifies information that the certified applicant must  
 624 report to the office.

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

626 (3) USE OF FUNDS.--

627 (a) A certified applicant may use funds provided under s.  
 628 212.20(6)(d)7.b. only to:

629 1. Serve the public purpose of acquiring, constructing,  
 630 reconstructing, or renovating a facility for a spring training  
 631 franchise.

632 2. Pay or pledge for the payment of debt service on, or to  
 633 fund debt service reserve funds, arbitrage rebate obligations,  
 634 or other amounts payable with respect thereto, bonds issued for  
 635 the acquisition, construction, reconstruction, or renovation of  
 636 such facility, or for the reimbursement of such costs or the  
 637 refinancing of bonds issued for such purposes.

638 3. Assist in the relocation of a spring training franchise  
 639 from one unit of local government to another only if the  
 640 governing board of the current host local government by a  
 641 majority vote agrees to the relocation.

642 (b) State funds awarded to a certified applicant for a  
 643 facility for a spring training franchise may not be used to  
 644 subsidize facilities that are privately owned and maintained and

645 that are used only by a spring training franchise.

646 (c) The Department of Revenue may not distribute funds to  
 647 an applicant certified on or after July 1, 2009, until it  
 648 receives notice from the office that the certified applicant has  
 649 encumbered funds under subparagraph (a)2.

650 (d) All certified applicants must place unexpended funds  
 651 received under s. 212.20(6)(d)7.b. in a trust fund for use only  
 652 as authorized in this section.

653 (4) ANNUAL REPORTS.--On or before September 1 of each  
 654 year, a certified applicant shall submit to the office a report  
 655 that includes, but is not limited to:

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

657 (b) A detailed report on all local and state funds  
 658 expended to date on the project being financed under this  
 659 section.

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

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

664 (e) Evidence that the certified applicant continues to  
 665 meet the criteria in paragraph (2)(a).

666 (5) DECERTIFICATION.--

667 (a) The office shall decertify a certified applicant upon  
 668 the request of the certified applicant.

669 (b) The office shall decertify a certified applicant if  
 670 the certified applicant does not:

671 1. Have a valid agreement with a spring training  
 672 franchise; or



673 2. Satisfy its commitment to provide local matching funds  
 674 to the facility.

675 (c) A certified applicant has 60 days after it receives a  
 676 notice of intent to decertify from the office to petition the  
 677 office's executive director for review of the notice of intent  
 678 to decertify. Within 45 days of the request for review, the  
 679 executive director must notify a certified applicant of the  
 680 outcome of the review.

681 (d) The office shall notify the Department of Revenue that  
 682 a certified applicant is decertified within 10 days after the  
 683 order of decertification becomes final. The Department of  
 684 Revenue shall immediately stop the payment of any funds under  
 685 this section that were not encumbered by the certified applicant  
 686 under subparagraph (3) (a)2.

687 (e) The office shall order a decertified applicant to  
 688 repay all of the unencumbered state funds that the local  
 689 government received under this section and any interest that  
 690 accrued on those funds. The repayment must be made within 60  
 691 days after the decertification order becomes final. These funds  
 692 shall be deposited into the General Revenue Fund.

693 (6) ADDITIONAL CERTIFICATIONS.--If the office decertifies  
 694 a unit of local government, the office may accept applications  
 695 for an additional certification. A unit of local government may  
 696 not be certified for more than one spring training franchise at  
 697 a time.

698 (7) STRATEGIC PLANNING.--

699 (a) The office shall request assistance from the Florida  
 700 Sports Foundation and the Florida Grapefruit League to develop a

701 comprehensive strategic plan to:  
 702 1. Finance spring training facilities.  
 703 2. Monitor and oversee the use of state funds awarded to  
 704 applicants.  
 705 3. Identify the financial impact that spring training has  
 706 on the state and ways in which to maintain or improve that  
 707 impact.  
 708 4. Identify opportunities to develop public-private  
 709 partnerships to engage in marketing activities and advertise  
 710 spring training baseball.  
 711 5. Identify efforts made by other states to maintain or  
 712 develop partnerships with baseball spring training teams.  
 713 6. Develop recommendations for the Legislature to sustain  
 714 or improve this state's spring training tradition.  
 715 (b) The office shall submit a copy of the strategic plan  
 716 to the Governor, the President of the Senate, and the Speaker of  
 717 the House of Representatives by December 31, 2009.  
 718 (8) RULEMAKING.--The office shall adopt rules to implement  
 719 the certification, decertification, and decertification review  
 720 processes required by this section.  
 721 (9) AUDITS.--The Auditor General may conduct audits as  
 722 provided in s. 11.45 to verify that the distributions under this  
 723 section are expended as required in this section. If the Auditor  
 724 General determines that the distributions under this section are  
 725 not expended as required by this section, the Auditor General  
 726 shall notify the Department of Revenue, which may pursue  
 727 recovery of the funds under the laws and rules governing the  
 728 assessment of taxes.

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

731 288.1229 Promotion and development of sports-related  
 732 industries and amateur athletics; direct-support organization;  
 733 powers and duties.--

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

737 (a) The promotion and development of the sports industry  
 738 and related industries for the purpose of improving the economic  
 739 presence of these industries in Florida.

740 (b) The promotion of amateur athletic participation for  
 741 the citizens of Florida and the promotion of Florida as a host  
 742 for national and international amateur athletic competitions for  
 743 the purpose of encouraging and increasing the direct and  
 744 ancillary economic benefits of amateur athletic events and  
 745 competitions.

746 (c) The retention of professional sports franchises,  
 747 including the spring training operations of Major League  
 748 Baseball.

749 Section 7. This act shall take effect July 1, 2009.