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

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

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57 Be It Enacted by the Legislature of the State of Florida:

58
 59 Section 1. Paragraph (f) of subsection (2) of section
 60 14.2015, Florida Statutes, is amended to read:

61 14.2015 Office of Tourism, Trade, and Economic
 62 Development; creation; powers and duties.—

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

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

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

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

107 Section 2. Paragraph (d) of subsection (6) of section
 108 212.20, Florida Statutes, is amended to read:

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

112 (6) Distribution of all proceeds under this chapter and s.

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113 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

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

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

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141 5. After the distributions under subparagraphs 1., 2., and
 142 3., 1.3409 percent of the available proceeds shall be
 143 transferred monthly to the Revenue Sharing Trust Fund for
 144 Municipalities pursuant to s. 218.215. If the total revenue to
 145 be distributed pursuant to this subparagraph is at least as
 146 great as the amount due from the Revenue Sharing Trust Fund for
 147 Municipalities and the former Municipal Financial Assistance
 148 Trust Fund in state fiscal year 1999-2000, no municipality shall
 149 receive less than the amount due from the Revenue Sharing Trust
 150 Fund for Municipalities and the former Municipal Financial
 151 Assistance Trust Fund in state fiscal year 1999-2000. If the
 152 total proceeds to be distributed are less than the amount
 153 received in combination from the Revenue Sharing Trust Fund for
 154 Municipalities and the former Municipal Financial Assistance
 155 Trust Fund in state fiscal year 1999-2000, each municipality
 156 shall receive an amount proportionate to the amount it was due
 157 in state fiscal year 1999-2000.

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

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

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

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197 applicant identified in this sub-subparagraph may not ~~This~~
 198 ~~paragraph may not be construed to allow an applicant certified~~
 199 ~~pursuant to s. 288.1162 to~~ receive more in distributions than
 200 actually expended by the applicant for the public purposes
 201 provided for in s. 288.1162(5) or s. 288.11621(3) ~~s.~~
 202 ~~288.1162(6)~~.

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

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

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

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

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

224 (1) The proportion of the local government half-cent sales

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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309 1987, or in the case of a retained professional sports
 310 franchise, verified evidence that it has had a league-authorized
 311 location in this state on or before December 31, 1976. As used
 312 in this section, the term "league" means the National League or
 313 the American League of Major League Baseball, the National
 314 Basketball Association, the National Football League, or the
 315 National Hockey League.

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

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

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

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

336 (h) An ~~No~~ applicant previously certified under any

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337 provision of this section who has received funding under such
 338 certification is not ~~shall be~~ eligible for an additional
 339 certification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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421 ~~certifications to be made by January 1, 2007. The office shall~~
 422 ~~rank the applications according to selection criteria,~~
 423 ~~certifying no more than five proposals. The aggregate funding~~
 424 ~~request of all applicants certified shall not exceed an~~
 425 ~~aggregate funding request of \$208,335 per month. The evaluation~~
 426 ~~criteria shall include the following, with priority given in~~
 427 ~~descending order:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

501 (b) The eighth certification of an applicant under this
 502 section as a facility for a new or retained professional sports
 503 ~~franchise or a facility for a retained professional sports~~
 504 ~~franchise~~ shall be for a franchise that is a member of the

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505 National Basketball Association, has been located within the
 506 state since 1987, and has not been previously certified. This
 507 paragraph is repealed July 1, 2010.

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

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

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533 Section 5. Section 288.11621, Florida Statutes, is created
 534 to read:

535 288.11621 Spring training baseball facilities.-

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

537 (a) "Agreement" means a certified, signed lease between an
 538 applicant and the spring training baseball franchise for the use
 539 of a facility. This definition applies to applicants that apply
 540 for certification after July 1, 2010.

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

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

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

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

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

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561 (2) CERTIFICATION PROCESS.—
 562 (a) Before certifying an applicant to receive state
 563 funding for a facility for a spring training franchise, the
 564 office must verify that:
 565 1. The applicant is responsible for the acquisition,
 566 construction, management, or operation of the facility for a
 567 spring training franchise or holds title to the property on
 568 which the facility for a spring training franchise is located.
 569 2. The applicant has a certified copy of a signed
 570 agreement with a spring training franchise for the use of the
 571 facility for a term of at least 20 years. The agreement also
 572 must require the franchise to reimburse the state for state
 573 funds expended by an applicant under this section if the
 574 franchise relocates before the agreement expires. The agreement
 575 may be contingent on an award of funds under this section and
 576 other conditions precedent.
 577 3. The applicant has made a financial commitment to
 578 provide 50 percent or more of the funds required by an agreement
 579 for the acquisition, construction, or renovation of the facility
 580 for a spring training franchise. The commitment may be
 581 contingent upon an award of funds under this section and other
 582 conditions precedent.
 583 4. The applicant demonstrates that the facility for a
 584 spring training franchise will attract a paid attendance of at
 585 least 50,000 annually to the spring training games.
 586 5. The facility for a spring training franchise is located
 587 in a county that levies a tourist development tax under s.
 588 125.0104.

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589 6. The applicant, if a private entity, demonstrates that
 590 it can be bonded for an amount that it anticipates to be
 591 required by the office and the Department of Revenue in
 592 accordance with subsection (5).

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

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

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

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

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

614 5. The length of time that a spring training franchise has
 615 been under an agreement to conduct spring training activities
 616 within an applicant's geographical location or jurisdiction,

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617 with priority given to applicants having agreements with the
 618 same franchise for the longest period of time.

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

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

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

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

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

640 (c) Applicants that are certified on or after July 1,
 641 2010, shall enter into an agreement with the office that:

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

644 2. States the criteria that the certified applicant must

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645 meet in order to remain certified.

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

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

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

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

654 (3) USE OF FUNDS.—

655 (a) A certified applicant may use funds provided under s.
 656 212.20(6)(d)7.b. only to:

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

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

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

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

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673 used only by a spring training franchise.
 674 (c) The Department of Revenue may not distribute funds to
 675 an applicant certified on or after July 1, 2010, until it
 676 receives notice from the office that the certified applicant has
 677 encumbered funds under subparagraph (a)2. or has expended funds
 678 or contractually encumbered funds for the acquisition,
 679 construction, reconstruction, or renovation of a facility for
 680 spring training pursuant to contract requirements in subsection
 681 (5).
 682 (d)1. All certified applicants must place unexpended state
 683 funds received pursuant to s. 212.20(6)(d)7.b. in a trust fund
 684 or separate account for use only as authorized in this section.
 685 2. A certified applicant may request that the Department
 686 of Revenue suspend further distributions of state funds made
 687 available under s. 212.20(6)(d)7.b. for 12 months after
 688 expiration of an existing agreement with a spring training
 689 baseball franchise to provide the certified applicant with an
 690 opportunity to enter into a new agreement with a spring training
 691 baseball franchise, at which time the distributions shall
 692 resume.
 693 3. The expenditure of state funds distributed to an
 694 applicant certified before July 1, 2010, must begin within 48
 695 months after the initial receipt of the state funds. In
 696 addition, the construction of, or capital improvements to, a
 697 spring training facility must be completed within 24 months
 698 after the project's commencement.
 699 (4) ANNUAL REPORTS.—On or before September 1 of each year,
 700 a certified applicant shall submit to the office a report that

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701 includes, but is not limited to:
 702 (a) A copy of its most recent annual audit.
 703 (b) A detailed report on all local and state funds
 704 expended to date on the project being financed under this
 705 section.
 706 (c) A copy of the contract between the certified local
 707 governmental entity or certified private entity and the spring
 708 training team.
 709 (d) A cost-benefit analysis of the team's impact on the
 710 community.
 711 (e) Evidence that the certified applicant continues to
 712 meet the criteria in effect when the applicant was certified.
 713 (f) For purposes of a certified applicant that is a
 714 private entity, a list of all uses of the facility and
 715 appurtenant property for public purposes during the preceding
 716 calendar year.
 717 (5) Contract requirements for certified applicant that is
 718 a private entity.--
 719 (a) In order for a private entity applicant that is
 720 certified under subsection (2) to receive funding under s.
 721 212.20(6)(d), a contract must be executed between the applicant
 722 and the Office of Tourism, Trade, and Economic Development to
 723 ensure the protection of the state's financial interests.
 724 (b) At a minimum the contract shall include the following:
 725 1. Required maintenance of a bond by the private entity
 726 that will be sufficient to cover the funding received, to ensure
 727 the proper use of funds, and to ensure a mechanism for the state
 728 to recover funds if the private entity defaults on the

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729 completion of the fund use in any manner or in the case of
 730 decertification as provided in this section. The amount of the
 731 bond shall be determined by the Office of Tourism, Trade and
 732 Economic Development in consultation with the Department of
 733 Revenue.

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

739 3. Compliance with applicable requirements for
 740 certification pursuant to subsection (2).

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

743 5. Annual compliance review and assessment as required in
 744 subsection (4).

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

748 (6) DECERTIFICATION.—

749 (a) The office shall decertify a certified applicant upon
 750 the request of the certified applicant.

751 (b) The office shall decertify a certified applicant if
 752 the certified applicant does not:

753 1. Have a valid agreement with a spring training
 754 franchise;

755 2. Satisfy its commitment to provide local matching funds
 756 to the facility; or

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757 3. Satisfy the bond requirement in accordance with
 758 subsection (5).

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

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

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

782 (e) The office shall order a decertified applicant to
 783 repay all of the unencumbered state funds that the local
 784 government or private entity received under this section and any

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785 interest that accrued on those funds. The repayment must be made
 786 within 60 days after the decertification order becomes final.
 787 These funds shall be deposited into the General Revenue Fund.

788 (6) ADDITIONAL CERTIFICATIONS. If the office decertifies
 789 a unit of local government or a private entity, the office may
 790 accept applications for an additional certification. A unit of
 791 local government or a private entity may not be certified for
 792 more than one spring training franchise at a time.

793 (7) STRATEGIC PLANNING.—

794 (a) The office shall request assistance from the Florida
 795 Sports Foundation and the Florida Grapefruit League Association
 796 to develop a comprehensive strategic plan to:

797 1. Finance spring training facilities.

798 2. Monitor and oversee the use of state funds awarded to
 799 applicants.

800 3. Identify the financial impact that spring training has
 801 on the state and ways in which to maintain or improve that
 802 impact.

803 4. Identify opportunities to develop public-private
 804 partnerships to engage in marketing activities and advertise
 805 spring training baseball.

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

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

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

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

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

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

826 288.1229 Promotion and development of sports-related
 827 industries and amateur athletics; direct-support organization;
 828 powers and duties.—

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

832 (a) The promotion and development of the sports industry
 833 and related industries for the purpose of improving the economic
 834 presence of these industries in Florida.

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

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841 (c) The retention of professional sports franchises,
 842 including the spring training operations of Major League
 843 Baseball.

844 Section 7. An agreement with a spring training franchise
 845 relocating from one local government to another local government
 846 shall be recognized as a valid agreement under this act if the
 847 Office of Tourism, Trade, and Economic Development approved the
 848 continuing release of funds to the local government to which the
 849 franchise relocated prior to the effective date of this act. The
 850 Legislature recognizes the validity of the agreement and
 851 acknowledges the authority of the Office of Tourism, Trade, and
 852 Economic Development to provide for the continuing release of
 853 funds to the local government under the terms of section
 854 288.1162, Florida Statutes, that were in effect prior to the
 855 effective date of this act.

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