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LEGISLATIVE ACTION

Senate . House

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Senator Gaetz moved the following:

1 **Senate Amendment to Amendment (832405) (with title**
2 **amendment)**

3
4 Delete lines 3059 - 3449
5 and insert:

6 Section 32. Paragraph (f) of subsection (2) of section
7 14.2015, Florida Statutes, is amended to read:

8 14.2015 Office of Tourism, Trade, and Economic Development;
9 creation; powers and duties.-

10 (2) The purpose of the Office of Tourism, Trade, and
11 Economic Development is to assist the Governor in working with
12 the Legislature, state agencies, business leaders, and economic
13 development professionals to formulate and implement coherent



885052

14 and consistent policies and strategies designed to provide
15 economic opportunities for all Floridians. To accomplish such
16 purposes, the Office of Tourism, Trade, and Economic Development
17 shall:

18 (f)1. Administer the Florida Enterprise Zone Act under ss.
19 290.001-290.016, the community contribution tax credit program
20 under ss. 220.183 and 624.5105, the tax refund program for
21 qualified target industry businesses under s. 288.106, the tax-
22 refund program for qualified defense contractors and space
23 flight business contractors under s. 288.1045, contracts for
24 transportation projects under s. 288.063, the sports franchise
25 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~
26 ~~288.1162~~, the professional golf hall of fame facility program
27 under s. 288.1168, the expedited permitting process under s.
28 403.973, the Rural Community Development Revolving Loan Fund
29 under s. 288.065, the Regional Rural Development Grants Program
30 under s. 288.018, the Certified Capital Company Act under s.
31 288.99, the Florida State Rural Development Council, the Rural
32 Economic Development Initiative, and other programs that are
33 specifically assigned to the office by law, by the
34 appropriations process, or by the Governor. Notwithstanding any
35 other provisions of law, the office may expend interest earned
36 from the investment of program funds deposited in the Grants and
37 Donations Trust Fund to contract for the administration of the
38 programs, or portions of the programs, enumerated in this
39 paragraph or assigned to the office by law, by the
40 appropriations process, or by the Governor. Such expenditures
41 shall be subject to review under chapter 216.

42 2. The office may enter into contracts in connection with



885052

43 the fulfillment of its duties concerning the Florida First
44 Business Bond Pool under chapter 159, tax incentives under
45 chapters 212 and 220, tax incentives under the Certified Capital
46 Company Act in chapter 288, foreign offices under chapter 288,
47 the Enterprise Zone program under chapter 290, the Seaport
48 Employment Training program under chapter 311, the Florida
49 Professional Sports Team License Plates under chapter 320,
50 Spaceport Florida under chapter 331, Expedited Permitting under
51 chapter 403, and in carrying out other functions that are
52 specifically assigned to the office by law, by the
53 appropriations process, or by the Governor.

54 Section 33. Paragraph (d) of subsection (6) of section
55 212.20, Florida Statutes, is amended to read:

56 212.20 Funds collected, disposition; additional powers of
57 department; operational expense; refund of taxes adjudicated
58 unconstitutionally collected.—

59 (6) Distribution of all proceeds under this chapter and s.
60 202.18(1)(b) and (2)(b) shall be as follows:

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

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

70 2. After the distribution under subparagraph 1., 8.814
71 percent of the amount remitted by a sales tax dealer located



72 within a participating county pursuant to s. 218.61 shall be
73 transferred into the Local Government Half-cent Sales Tax
74 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
75 transferred shall be reduced by 0.1 percent, and the department
76 shall distribute this amount to the Public Employees Relations
77 Commission Trust Fund less \$5,000 each month, which shall be
78 added to the amount calculated in subparagraph 3. and
79 distributed accordingly.

80 3. After the distribution under subparagraphs 1. and 2.,
81 0.095 percent shall be transferred to the Local Government Half-
82 cent Sales Tax Clearing Trust Fund and distributed pursuant to
83 s. 218.65.

84 4. After the distributions under subparagraphs 1., 2., and
85 3., 2.0440 percent of the available proceeds shall be
86 transferred monthly to the Revenue Sharing Trust Fund for
87 Counties pursuant to s. 218.215.

88 5. After the distributions under subparagraphs 1., 2., and
89 3., 1.3409 percent of the available proceeds shall be
90 transferred monthly to the Revenue Sharing Trust Fund for
91 Municipalities pursuant to s. 218.215. If the total revenue to
92 be distributed pursuant to this subparagraph is at least as
93 great as the amount due from the Revenue Sharing Trust Fund for
94 Municipalities and the former Municipal Financial Assistance
95 Trust Fund in state fiscal year 1999-2000, no municipality shall
96 receive less than the amount due from the Revenue Sharing Trust
97 Fund for Municipalities and the former Municipal Financial
98 Assistance Trust Fund in state fiscal year 1999-2000. If the
99 total proceeds to be distributed are less than the amount
100 received in combination from the Revenue Sharing Trust Fund for



885052

101 Municipalities and the former Municipal Financial Assistance
102 Trust Fund in state fiscal year 1999-2000, each municipality
103 shall receive an amount proportionate to the amount it was due
104 in state fiscal year 1999-2000.

105 6. Of the remaining proceeds:

106 a. In each fiscal year, the sum of \$29,915,500 shall be
107 divided into as many equal parts as there are counties in the
108 state, and one part shall be distributed to each county. The
109 distribution among the several counties must begin each fiscal
110 year on or before January 5th and continue monthly for a total
111 of 4 months. If a local or special law required that any moneys
112 accruing to a county in fiscal year 1999-2000 under the then-
113 existing provisions of s. 550.135 be paid directly to the
114 district school board, special district, or a municipal
115 government, such payment must continue until the local or
116 special law is amended or repealed. The state covenants with
117 holders of bonds or other instruments of indebtedness issued by
118 local governments, special districts, or district school boards
119 before July 1, 2000, that it is not the intent of this
120 subparagraph to adversely affect the rights of those holders or
121 relieve local governments, special districts, or district school
122 boards of the duty to meet their obligations as a result of
123 previous pledges or assignments or trusts entered into which
124 obligated funds received from the distribution to county
125 governments under then-existing s. 550.135. This distribution
126 specifically is in lieu of funds distributed under s. 550.135
127 before July 1, 2000.

128 b. The department shall distribute \$166,667 monthly
129 pursuant to s. 288.1162 to each applicant ~~that has been~~



885052

130 certified as a facility for a new or retained professional
131 sports franchise ~~“facility for a new professional sports~~
132 ~~franchise” or a “facility for a retained professional sports~~
133 ~~franchise”~~ pursuant to s. 288.1162. Up to \$41,667 shall be
134 distributed monthly by the department to each certified
135 applicant as defined in s. 288.11621 for a facility for a spring
136 training franchise. ~~that has been certified as a “facility for a~~
137 ~~retained spring training franchise” pursuant to s. 288.1162;~~
138 However, not more than \$416,670 may be distributed monthly in
139 the aggregate to all certified applicants for facilities for a
140 ~~retained spring training franchises franchise.~~ Distributions
141 ~~must~~ begin 60 days after following such certification and ~~shall~~
142 continue for not more than 30 years, except as otherwise
143 provided in s. 288.11621. A certified applicant identified in
144 this sub-subparagraph may not ~~This paragraph may not be~~
145 ~~construed to allow an applicant certified pursuant to s.~~
146 ~~288.1162 to~~ receive more in distributions than actually expended
147 by the applicant for the public purposes provided for in s.
148 288.1162(5) or s. 288.11621(3) s. 288.1162(6).

149 c. Beginning 30 days after notice by the Office of Tourism,
150 Trade, and Economic Development to the Department of Revenue
151 that an applicant has been certified as the professional golf
152 hall of fame pursuant to s. 288.1168 and is open to the public,
153 \$166,667 shall be distributed monthly, for up to 300 months, to
154 the applicant.

155 d. Beginning 30 days after notice by the Office of Tourism,
156 Trade, and Economic Development to the Department of Revenue
157 that the applicant has been certified as the International Game
158 Fish Association World Center facility pursuant to s. 288.1169,



885052

159 and the facility is open to the public, \$83,333 shall be
160 distributed monthly, for up to 168 months, to the applicant.
161 This distribution is subject to reduction pursuant to s.
162 288.1169. A lump sum payment of \$999,996 shall be made, after
163 certification and before July 1, 2000.

164 7. All other proceeds must remain in the General Revenue
165 Fund.

166 Section 34. Section 218.64, Florida Statutes, is amended to
167 read:

168 218.64 Local government half-cent sales tax; uses;
169 limitations.-

170 (1) The proportion of the local government half-cent sales
171 tax received by a county government based on two-thirds of the
172 incorporated area population shall be deemed countywide revenues
173 and shall be expended only for countywide tax relief or
174 countywide programs. The remaining county government portion
175 shall be deemed county revenues derived on behalf of the
176 unincorporated area but may be expended on a countywide basis.

177 (2) Municipalities shall expend their portions of the local
178 government half-cent sales tax only for municipality-wide
179 programs or for municipality-wide property tax or municipal
180 utility tax relief. All utility tax rate reductions afforded by
181 participation in the local government half-cent sales tax shall
182 be applied uniformly across all types of taxed utility services.

183 (3) Subject to ordinances enacted by the majority of the
184 members of the county governing authority and by the majority of
185 the members of the governing authorities of municipalities
186 representing at least 50 percent of the municipal population of
187 such county, counties may use up to \$2 million annually of the



885052

188 local government half-cent sales tax allocated to that county
189 for funding for any of the following applicants:

190 (a) A certified applicant as a facility for a new or
191 retained professional sports franchise under ~~"facility for a new~~
192 ~~professional sports franchise,"~~ a ~~"facility for a retained~~
193 ~~professional sports franchise,"~~ or a ~~"facility for a retained~~
194 ~~spring training franchise,"~~ as provided for in s. 288.1162 or a
195 certified applicant as defined in s. 288.11621 for a facility
196 for a spring training franchise. It is the Legislature's intent
197 that the provisions of s. 288.1162, including, but not limited
198 to, the evaluation process by the Office of Tourism, Trade, and
199 Economic Development except for the limitation on the number of
200 certified applicants or facilities as provided in that section
201 and the restrictions set forth in s. 288.1162(8) ~~s. 288.1162(9)~~,
202 shall apply to an applicant's facility to be funded by local
203 government as provided in this subsection.

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

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

211 Section 35. Section 288.1162, Florida Statutes, is amended
212 to read:

213 288.1162 Professional sports franchises; ~~spring training~~
214 ~~franchises;~~ duties.—

215 (1) The Office of Tourism, Trade, and Economic Development
216 shall serve as the state agency for screening applicants for



885052

217 state funding under ~~pursuant to~~ s. 212.20 and for certifying an
218 applicant as a facility for a new or retained professional
219 sports franchise. ~~"facility for a new professional sports~~
220 ~~franchise," a "facility for a retained professional sports~~
221 ~~franchise," or a "facility for a retained spring training~~
222 ~~franchise."~~

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

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

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

230 (b) "Retained professional sports franchise" means a
231 professional sports franchise that has had a league-authorized
232 location in this state on or before December 31, 1976, and has
233 continuously remained at that location, and has never been
234 located at a facility that has been previously certified under
235 any provision of this section.

236 (4) ~~Before~~ Prior to certifying an applicant as a facility
237 for a new or retained professional sports franchise, ~~"facility~~
238 ~~for a new professional sports franchise" or a "facility for a~~
239 ~~retained professional sports franchise,"~~ the Office of Tourism,
240 Trade, and Economic Development must determine that:

241 (a) A "unit of local government" as defined in s. 218.369
242 is responsible for the construction, management, or operation of
243 the professional sports franchise facility or holds title to the
244 property on which the professional sports franchise facility is
245 located.



885052

246 (b) The applicant has a verified copy of a signed agreement
247 with a new professional sports franchise for the use of the
248 facility for a term of at least 10 years, or in the case of a
249 retained professional sports franchise, an agreement for use of
250 the facility for a term of at least 20 years.

251 (c) The applicant has a verified copy of the approval from
252 the governing authority of the league in which the new
253 professional sports franchise exists authorizing the location of
254 the professional sports franchise in this state after April 1,
255 1987, or in the case of a retained professional sports
256 franchise, verified evidence that it has had a league-authorized
257 location in this state on or before December 31, 1976. As used
258 in this section, the term "league" means the National League or
259 the American League of Major League Baseball, the National
260 Basketball Association, the National Football League, or the
261 National Hockey League.

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

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

272 (f) The municipality in which the facility for a new or
273 retained professional sports franchise is located, or the county
274 if the facility for a new or retained professional sports



885052

275 franchise is located in an unincorporated area, has certified by
276 resolution after a public hearing that the application serves a
277 public purpose.

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

282 (h) An ~~No~~ applicant previously certified under any
283 provision of this section who has received funding under such
284 certification is not ~~shall be~~ eligible for an additional
285 certification.

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

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

292 1. ~~A "unit of local government" as defined in s. 218.369 is~~
293 ~~responsible for the acquisition, construction, management, or~~
294 ~~operation of the facility for a retained spring training~~
295 ~~franchise or holds title to the property on which the facility~~
296 ~~for a retained spring training franchise is located.~~

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

300 3. ~~The applicant has a financial commitment to provide 50~~
301 ~~percent or more of the funds required by an agreement for the~~
302 ~~acquisition, construction, or renovation of the facility for a~~
303 ~~retained spring training franchise. The agreement can be~~



885052

304 ~~contingent upon the awarding of funds under this section and~~
305 ~~other conditions precedent to use by the spring training~~
306 ~~franchise.~~

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

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

314 ~~(c)1. The Office of Tourism, Trade, and Economic~~
315 ~~Development shall competitively evaluate applications for~~
316 ~~funding of a facility for a retained spring training franchise.~~
317 ~~Applications must be submitted by October 1, 2000, with~~
318 ~~certifications to be made by January 1, 2001. If the number of~~
319 ~~applicants exceeds five and the aggregate funding request of all~~
320 ~~applications exceeds \$208,335 per month, the office shall rank~~
321 ~~the applications according to a selection criteria, certifying~~
322 ~~the highest ranked proposals. The evaluation criteria shall~~
323 ~~include, with priority given in descending order to the~~
324 ~~following items:~~

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

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

330 ~~c. The length of time that a facility to be used by a~~
331 ~~retained spring training franchise has been used by one or more~~
332 ~~spring training franchises, with priority given to a facility~~



885052

333 ~~that has been in continuous use as a facility for spring~~
334 ~~training the longest.~~

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

339 ~~e. The duration of the future use agreement with the~~
340 ~~retained spring training franchise, with priority given to the~~
341 ~~future-use agreement having the longest duration.~~

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

344 ~~g. The net increase of total active recreation space owned~~
345 ~~by the applying unit of local government following the~~
346 ~~acquisition of land for the spring training facility, with~~
347 ~~priority given to the largest percentage increase of total~~
348 ~~active recreation space.~~

349 ~~h. The location of the facility in a brownfield, an~~
350 ~~enterprise zone, a community redevelopment area, or other area~~
351 ~~of targeted development or revitalization included in an Urban~~
352 ~~Infill Redevelopment Plan, with priority given to facilities~~
353 ~~located in these areas.~~

354 ~~i. The projections on paid attendance attracted by the~~
355 ~~facility and the proposed effect on the economy of the local~~
356 ~~community, with priority given to the highest projected paid~~
357 ~~attendance.~~

358 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
359 ~~and Economic Development shall competitively evaluate~~
360 ~~applications for funding of facilities for retained spring~~
361 ~~training franchises in addition to those certified and funded~~



885052

362 ~~under subparagraph 1. An applicant that is a unit of government~~
363 ~~that has an agreement for a retained spring training franchise~~
364 ~~for 15 or more years which was entered into between July 1,~~
365 ~~2003, and July 1, 2004, shall be eligible for funding.~~

366 ~~Applications must be submitted by October 1, 2006, with~~
367 ~~certifications to be made by January 1, 2007. The office shall~~
368 ~~rank the applications according to selection criteria,~~
369 ~~certifying no more than five proposals. The aggregate funding~~
370 ~~request of all applicants certified shall not exceed an~~
371 ~~aggregate funding request of \$208,335 per month. The evaluation~~
372 ~~criteria shall include the following, with priority given in~~
373 ~~descending order:~~

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

376 ~~b. The intended use of the funds by the applicant to~~
377 ~~renovate a facility.~~

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

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

390 ~~e. The duration of the future-use agreement with the~~



885052

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

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

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

400 ~~h. The location of the facility in a brownfield area, an~~
401 ~~enterprise zone, a community redevelopment area, or another area~~
402 ~~of targeted development or revitalization included in an urban~~
403 ~~infill redevelopment plan, with priority given to facilities~~
404 ~~located in those areas.~~

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

409 ~~(d) Funds may not be expended to subsidize privately owned~~
410 ~~and maintained facilities for use by the spring training~~
411 ~~franchise. Funds may be used to relocate a retained spring~~
412 ~~training franchise to another unit of local government only if~~
413 ~~the existing unit of local government with the retained spring~~
414 ~~training franchise agrees to the relocation.~~

415 ~~(5)-(6) An applicant certified as a facility for a new or~~
416 ~~retained professional sports franchise ~~or a facility for a~~~~
417 ~~retained professional sports franchise ~~or as a facility for a~~~~
418 ~~retained spring training franchise may use funds provided under~~
419 ~~pursuant to s. 212.20 only for the public purpose of paying for~~



885052

420 the acquisition, construction, reconstruction, or renovation of
421 a facility for a new or retained professional sports franchise,
422 ~~a facility for a retained professional sports franchise, or a~~
423 ~~facility for a retained spring training franchise~~ or to pay or
424 pledge for the payment of debt service on, or to fund debt
425 service reserve funds, arbitrage rebate obligations, or other
426 amounts payable with respect to, bonds issued for the
427 acquisition, construction, reconstruction, or renovation of such
428 facility or for the reimbursement of such costs or the
429 refinancing of bonds issued for such purposes.

430 (6)~~(7)~~(a) The Office of Tourism, Trade, and Economic
431 Development shall notify the Department of Revenue of any
432 facility certified as a facility for a new or retained
433 professional sports franchise ~~or a facility for a retained~~
434 ~~professional sports franchise or as a facility for a retained~~
435 ~~spring training franchise~~. The Office of Tourism, Trade, and
436 Economic Development shall certify no more than eight facilities
437 as facilities for a new professional sports franchise or as
438 facilities for a retained professional sports franchise,
439 including in the ~~such~~ total any facilities certified by the
440 former Department of Commerce before July 1, 1996. ~~The number of~~
441 ~~facilities certified as a retained spring training franchise~~
442 ~~shall be as provided in subsection (5)~~. The office may make no
443 more than one certification for any facility. ~~The office may not~~
444 ~~certify funding for less than the requested amount to any~~
445 ~~applicant certified as a facility for a retained spring training~~
446 ~~franchise.~~

447 (b) The eighth certification of an applicant under this
448 section as a facility for a new or retained professional sports



885052

449 franchise ~~or a facility for a retained professional sports~~
450 ~~franchise~~ shall be for a franchise that is a member of the
451 National Basketball Association, has been located within the
452 state since 1987, and has not been previously certified. This
453 paragraph is repealed July 1, 2010.

454 ~~(7)(8)~~ The Auditor General Department of Revenue may
455 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
456 that the distributions under ~~pursuant to~~ this section are ~~have~~
457 ~~been~~ expended as required in this section. ~~Such information is~~
458 ~~subject to the confidentiality requirements of chapter 213.~~ If
459 the Auditor General Department of Revenue determines that the
460 distributions under ~~pursuant to~~ this section are ~~have not been~~
461 expended as required by this section, the Auditor General shall
462 notify the Department of Revenue, which ~~it~~ may pursue recovery
463 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
464 the assessment of taxes.

465 ~~(8)(9)~~ An applicant is not qualified for certification
466 under this section if the franchise formed the basis for a
467 previous certification, unless the previous certification was
468 withdrawn by the facility or invalidated by the Office of
469 Tourism, Trade, and Economic Development or the former
470 Department of Commerce before any funds were distributed under
471 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
472 applicant if the previous certification occurred between May 23,
473 1993, and May 25, 1993; however, any funds to be distributed
474 under ~~pursuant to~~ s. 212.20 for the second certification shall
475 be offset by the amount distributed to the previous certified
476 facility. Distribution of funds for the second certification
477 shall not be made until all amounts payable for the first



885052

478 certification are ~~have been~~ distributed.

479 Section 36. Section 288.11621, Florida Statutes, is created
480 to read:

481 288.11621 Spring training baseball franchises.-

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

483 (a) "Agreement" means a certified, signed lease between an
484 applicant that applies for certification on or after July 1,
485 2010, and the spring training franchise for the use of a
486 facility.

487 (b) "Applicant" means a unit of local government as defined
488 in s. 218.369, including local governments located in the same
489 county that have partnered with a certified applicant before the
490 effective date of this section or with an applicant for a new
491 certification, for purposes of sharing in the responsibilities
492 of a facility.

493 (c) "Certified applicant" means a facility for a spring
494 training franchise that was certified before July 1, 2010, under
495 s. 288.1162(5), Florida Statutes 2009, or a unit of local
496 government that is certified under this section.

497 (d) "Facility" means a spring training stadium, playing
498 fields, and appurtenances intended to support spring training
499 activities.

500 (e) "Local funds" and "local matching funds" mean funds
501 provided by a county, municipality, or other local government.

502 (f) "Office" means the Office of Tourism, Trade, and
503 Economic Development.

504 (2) CERTIFICATION PROCESS.-

505 (a) Before certifying an applicant to receive state funding
506 for a facility for a spring training franchise, the office must



885052

507 verify that:

508 1. The applicant is responsible for the acquisition,
509 construction, management, or operation of the facility for a
510 spring training franchise or holds title to the property on
511 which the facility for a spring training franchise is located.

512 2. The applicant has a certified copy of a signed agreement
513 with a spring training franchise for the use of the facility for
514 a term of at least 20 years. The agreement also must require the
515 franchise to reimburse the state for state funds expended by an
516 applicant under this section if the franchise relocates before
517 the agreement expires. The agreement may be contingent on an
518 award of funds under this section and other conditions
519 precedent.

520 3. The applicant has made a financial commitment to provide
521 50 percent or more of the funds required by an agreement for the
522 acquisition, construction, or renovation of the facility for a
523 spring training franchise. The commitment may be contingent upon
524 an award of funds under this section and other conditions
525 precedent.

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

529 5. The facility for a spring training franchise is located
530 in a county that levies a tourist development tax under s.
531 125.0104.

532 (b) The office shall competitively evaluate applications
533 for state funding of a facility for a spring training franchise.
534 The total number of certifications may not exceed 10 at any
535 time. The evaluation criteria must include, with priority given



885052

536 in descending order to, the following items:

537 1. The anticipated effect on the economy of the local
538 community where the spring training facility is to be built,
539 including projections on paid attendance, local and state tax
540 collections generated by spring training games, and direct and
541 indirect job creation resulting from the spring training
542 activities. Priority shall be given to applicants who can
543 demonstrate the largest projected economic impact.

544 2. The amount of the local matching funds committed to a
545 facility relative to the amount of state funding sought, with
546 priority given to applicants that commit the largest amount of
547 local matching funds relative to the amount of state funding
548 sought.

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

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

553 5. The length of time that a spring training franchise has
554 been under an agreement to conduct spring training activities
555 within an applicant's geographic location or jurisdiction, with
556 priority given to applicants having agreements with the same
557 franchise for the longest period of time.

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

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



885052

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

569 9. The net increase of total active recreation space owned
570 by the applicant after an acquisition of land for the facility,
571 with priority given to applicants having the largest percentage
572 increase of total active recreation space that will be available
573 for public use.

574 10. The location of the facility in a brownfield, an
575 enterprise zone, a community redevelopment area, or other area
576 of targeted development or revitalization included in an urban
577 infill redevelopment plan, with priority given to applicants
578 having facilities located in these areas.

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

581 1. Specifies the amount of the state incentive funding to
582 be distributed.

583 2. States the criteria that the certified applicant must
584 meet in order to remain certified.

585 3. States that the certified applicant is subject to
586 decertification if the certified applicant fails to comply with
587 this section or the agreement.

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

590 5. Specifies information that the certified applicant must
591 report to the office.

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

593 (3) USE OF FUNDS.-



885052

594 (a) A certified applicant may use funds provided under s.
595 212.20(6)(d)6.b. only to:

596 1. Serve the public purpose of acquiring, constructing,
597 reconstructing, or renovating a facility for a spring training
598 franchise.

599 2. Pay or pledge for the payment of debt service on, or to
600 fund debt service reserve funds, arbitrage rebate obligations,
601 or other amounts payable with respect thereto, bonds issued for
602 the acquisition, construction, reconstruction, or renovation of
603 such facility, or for the reimbursement of such costs or the
604 refinancing of bonds issued for such purposes.

605 3. Assist in the relocation of a spring training franchise
606 from one unit of local government to another only if the
607 governing board of the current host local government by a
608 majority vote agrees to relocation.

609 (b) State funds awarded to a certified applicant for a
610 facility for a spring training franchise may not be used to
611 subsidize facilities that are privately owned, maintained, and
612 used only by a spring training franchise.

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

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

620 2. A certified applicant may request that the Department of
621 Revenue suspend further distributions of state funds made
622 available under s. 212.20(6)(d)6.b. for 12 months after



885052

623 expiration of an existing agreement with a spring training
624 franchise to provide the certified applicant with an opportunity
625 to enter into a new agreement with a spring training franchise,
626 at which time the distributions shall resume.

627 3. The expenditure of state funds distributed to an
628 applicant certified before July 1, 2010, must begin within 48
629 months after the initial receipt of the state funds. In
630 addition, the construction of, or capital improvements to, a
631 spring training facility must be completed within 24 months
632 after the project's commencement.

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

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

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

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

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

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

645 (5) DECERTIFICATION.—

646 (a) The office shall decertify a certified applicant upon
647 the request of the certified applicant.

648 (b) The office shall decertify a certified applicant if the
649 certified applicant does not:

650 1. Have a valid agreement with a spring training franchise;

651 2. Satisfy its commitment to provide local matching funds



885052

652 to the facility; or

653

654 However, decertification proceedings against a local government
655 certified before July 1, 2010, shall be delayed until 12 months
656 after the expiration of the local government's existing
657 agreement with a spring training franchise, and without a new
658 agreement being signed, if the certified local government can
659 demonstrate to the office that it is in active negotiations with
660 a major league spring training franchise, other than the
661 franchise that was the basis for the original certification.

662 (c) A certified applicant has 60 days after it receives a
663 notice of intent to decertify from the office to petition the
664 office's director for review of the decertification. Within 45
665 days after receipt of the request for review, the director must
666 notify a certified applicant of the outcome of the review.

667 (d) The office shall notify the Department of Revenue that
668 a certified applicant is decertified within 10 days after the
669 order of decertification becomes final. The Department of
670 Revenue shall immediately stop the payment of any funds under
671 this section that were not encumbered by the certified applicant
672 under subparagraph (3) (a)2.

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

679 (f) A local government as defined in s. 218.369 may not be
680 decertified if it has paid or pledged for the payment of debt



885052

681 service on, or to fund debt service reserve funds, arbitrage
682 rebate obligations, or other amounts payable with respect
683 thereto, bonds issued for the acquisition, construction,
684 reconstruction, or renovation of the facility for which the
685 local government was certified, or for the reimbursement of such
686 costs or the refinancing of bonds issued for the acquisition,
687 construction, reconstruction, or renovation of the facility for
688 which the local government was certified, or for the
689 reimbursement of such costs or the refinancing of bonds issued
690 for such purpose. This subsection does not preclude or restrict
691 the ability of a certified local government to refinance,
692 refund, or defease such bonds.

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

698 (7) STRATEGIC PLANNING.—

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



885052

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 to
716 the Governor, the President of the Senate, and the Speaker of
717 the House of Representatives by December 31, 2010.

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.

729 Section 37. 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 the
741 citizens of Florida and the promotion of Florida as a host for
742 national and international amateur athletic competitions for the
743 purpose of encouraging and increasing the direct and ancillary
744 economic benefits of amateur athletic events and competitions.

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

748 Section 38. An agreement with a spring training franchise
749 relocating from one local government to another local government
750 shall be recognized as a valid agreement under this act if the
751 Office of Tourism, Trade, and Economic Development approved the
752 continuing release of funds to the local government to which the
753 franchise relocated before the effective date of this act. The
754 Legislature recognizes the validity of the agreement and
755 acknowledges the authority of the Office of Tourism, Trade, and
756 Economic Development to provide for the continuing release of
757 funds to the local government under the terms of s. 288.1162,
758 Florida Statutes, which were in effect before the effective date
759 of this act.

760
761 ===== T I T L E A M E N D M E N T =====

762 And the title is amended as follows:

763
764 Delete lines 4171 - 4209

765 and insert:

766
767 assistance for certain early stage companies; amending



885052

768 ss. 14.2015, 212.20, and 218.64, F.S., relating to the
769 Office of Tourism, Trade, and Economic Development,
770 the distribution of certain tax proceeds, and the
771 allocation of a portion of the local government half-
772 cent sales tax; conforming provisions to changes made
773 by the act; conforming cross-references; amending s.
774 288.1162, F.S.; deleting provisions relating to the
775 certification and funding of facilities for spring
776 training baseball franchises; authorizing the Auditor
777 General to conduct audits to verify whether certain
778 funds for professional sports franchises are used as
779 required by law; requiring the Auditor General to
780 notify the Department of Revenue if the funds are not
781 used as required by law; creating s. 288.11621, F.S.;
782 authorizing certain units of local government to apply
783 for certification to receive state funding for a
784 facility for a spring training franchise; providing
785 definitions; providing eligibility requirements;
786 providing criteria to competitively evaluate
787 applications for certification; requiring a certified
788 applicant to use the funds awarded for specified
789 public purposes and place unexpended funds in a trust
790 fund or separate account; authorizing a certified
791 applicant to request a suspension of the distribution
792 of funds for a specified period under certain
793 circumstances; requiring the expenditure of funds by
794 certain certified applicants within a specified
795 period; requiring the completion of certain spring
796 training facility projects within a specified period;



885052

797 requiring certified applicants to submit annual
798 reports to the Office of Tourism, Trade, and Economic
799 Development; requiring the office to decertify
800 applicants under certain circumstances; providing for
801 delay in decertification proceedings for local
802 governments certified before a specified date under
803 certain circumstances; providing for review of the
804 office's notice of intent to decertify an applicant;
805 requiring an applicant to repay unencumbered state
806 funds and interest after decertification; specifying
807 circumstances under which a certified applicant that
808 is a local government may not be decertified under
809 certain circumstances; requiring the office to develop
810 a strategic plan relating to baseball spring training
811 activities; requiring the office to adopt rules;
812 authorizing the Auditor General to conduct audits to
813 verify whether certified funds for baseball spring
814 training facilities are used as required by law;
815 requiring the Auditor General to notify the Department
816 of Revenue if the funds are not used as required by
817 law; amending s. 288.1229, F.S.; providing that the
818 Office of Tourism, Trade, and Economic Development may
819 authorize a direct-support organization to assist in
820 the retention of professional sports franchises;
821 recognizing the validity of specified agreements under
822 certain circumstances; amending s.