

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representatives Schenck and Holder offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 131 and 132, insert:

5 Section 5. Subsections (5), (6), and (9) of section  
6 288.1162, Florida Statutes, are amended, and subsections (10),  
7 (11), and (12) are added to that section, to read:

8 288.1162 Professional sports franchises; spring training  
9 franchises; duties.--

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

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

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16 1. A "unit of local government" as defined in s. 218.369  
17 is responsible for the acquisition, construction, management, or  
18 operation of the facility for a retained spring training  
19 franchise or holds title to the property on which the facility  
20 for a retained spring training franchise is located.

21 2. The applicant has a verified copy of a signed agreement  
22 with a retained spring training franchise for the use of the  
23 facility for a term of at least 15 years.

24 3. The applicant has a financial commitment to provide 50  
25 percent or more of the funds required by an agreement for the  
26 acquisition, construction, or renovation of the facility for a  
27 retained spring training franchise. The agreement can be  
28 contingent upon the awarding of funds under this section and  
29 other conditions precedent to use by the spring training  
30 franchise.

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

35 5. The facility for a retained spring training franchise  
36 is located in a county that is levying a tourist development tax  
37 pursuant to s. 125.0104.

38 (c)~~1~~. The Office of Tourism, Trade, and Economic  
39 Development shall competitively evaluate applications for  
40 funding of a facility for a retained spring training franchise.  
41 The total number of certifications made by the Office of  
42 Tourism, Trade, and Economic Development shall not exceed 10. If  
43 the Office of Tourism, Trade, and Economic Development withdraws

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44 certification for any given facility, the Office of Tourism,  
45 Trade, and Economic Development may accept applications for an  
46 additional certification. A facility or unit of local government  
47 shall not be certified for more than one spring training  
48 franchise at any one time. ~~Applications must be submitted by~~  
49 ~~October 1, 2000, with certifications to be made by January 1,~~  
50 ~~2001. If the number of applicants exceeds five and the aggregate~~  
51 ~~funding request of all applications exceeds \$208,335 per month,~~  
52 ~~the office shall rank the applications according to a selection~~  
53 ~~criteria, certifying the highest ranked proposals. The~~  
54 evaluation criteria shall include, with priority given in  
55 descending order to the following items:

56 1.a. The intended use of the funds by the applicant for  
57 acquisition of a facility, construction of a new facility, or  
58 renovation of an existing facility, with priority given to the  
59 construction of a new facility.

60 2.b. The length of time that the existing franchise has  
61 been located in the state, with priority given to retaining  
62 franchises that have been in the same location the longest.

63 3.e. The length of time that a facility to be used by a  
64 retained spring training franchise has been used by one or more  
65 spring training franchises, with priority given to a facility  
66 that has been in continuous use as a facility for spring  
67 training the longest.

68 4.d. For those teams leasing a spring training facility  
69 from a unit of local government, the remaining time on the lease  
70 for facilities used by the spring training franchise, with

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71 priority given to the shortest time period remaining on the  
72 lease.

73 ~~5.e.~~ The duration of the future-use agreement with the  
74 retained spring training franchise, with priority given to the  
75 future-use agreement having the longest duration.

76 ~~6.f.~~ The amount of the local match, with priority given to  
77 the largest percentage of local match proposed.

78 ~~7.g.~~ The net increase of total active recreation space  
79 owned by the applying unit of local government following the  
80 acquisition of land for the spring training facility, with  
81 priority given to the largest percentage increase of total  
82 active recreation space.

83 ~~8.h.~~ The location of the facility in a brownfield, an  
84 enterprise zone, a community redevelopment area, or other area  
85 of targeted development or revitalization included in an Urban  
86 Infill Redevelopment Plan, with priority given to facilities  
87 located in these areas.

88 ~~9.i.~~ The projections on paid attendance attracted by the  
89 facility and the proposed effect on the economy of the local  
90 community, with priority given to the highest projected paid  
91 attendance.

92 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~  
93 ~~and Economic Development shall competitively evaluate~~  
94 ~~applications for funding of facilities for retained spring~~  
95 ~~training franchises in addition to those certified and funded~~  
96 ~~under subparagraph 1. An applicant that is a unit of government~~  
97 ~~that has an agreement for a retained spring training franchise~~  
98 ~~for 15 or more years which was entered into between July 1,~~  
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99 ~~2003, and July 1, 2004, shall be eligible for funding.~~  
100 ~~Applications must be submitted by October 1, 2006, with~~  
101 ~~certifications to be made by January 1, 2007. The office shall~~  
102 ~~rank the applications according to selection criteria,~~  
103 ~~certifying no more than five proposals. The aggregate funding~~  
104 ~~request of all applicants certified shall not exceed an~~  
105 ~~aggregate funding request of \$208,335 per month. The evaluation~~  
106 ~~criteria shall include the following, with priority given in~~  
107 ~~descending order:~~

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

110       ~~b. The intended use of the funds by the applicant to~~  
111 ~~renovate a facility.~~

112       ~~c. The length of time that a facility to be used by a~~  
113 ~~retained spring training franchise has been used by one or more~~  
114 ~~spring training franchises, with priority given to a facility~~  
115 ~~that has been in continuous use as a facility for spring~~  
116 ~~training the longest.~~

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

124       ~~e. The duration of the future use agreement with the~~  
125 ~~retained spring training franchise, with priority given to the~~  
126 ~~future use agreement having the longest duration.~~

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

129 ~~g. The net increase of total active recreation space owned~~  
130 ~~by the applying unit of local government following the~~  
131 ~~acquisition of land for the spring training facility, with~~  
132 ~~priority given to the largest percentage increase of total~~  
133 ~~active recreation space.~~

134 ~~h. The location of the facility in a brownfield area, an~~  
135 ~~enterprise zone, a community redevelopment area, or another area~~  
136 ~~of targeted development or revitalization included in an urban~~  
137 ~~infill redevelopment plan, with priority given to facilities~~  
138 ~~located in those areas.~~

139 ~~i. The projections on paid attendance attracted by the~~  
140 ~~facility and the proposed effect on the economy of the local~~  
141 ~~community, with priority given to the highest projected paid~~  
142 ~~attendance.~~

143 (d) Funds may not be expended to subsidize privately owned  
144 and maintained facilities for use by the spring training  
145 franchise.

146 (e) Funds may be used to relocate a retained spring  
147 training franchise to another unit of local government if  
148 approved by the Office of Tourism, Trade, and Economic  
149 Development upon a review of documentation showing that the  
150 local government currently certified as the host for the  
151 franchise seeking to move no longer meets the criteria for  
152 certification and state funding, and has been decertified  
153 pursuant to subsection (10) only if the existing unit of local

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154 ~~government with the retained spring training franchise agrees to~~  
155 ~~the relocation.~~

156 (6) (a) An applicant certified as a facility for a new  
157 professional sports franchise or a facility for a retained  
158 professional sports franchise or as a facility for a retained  
159 spring training franchise may use funds provided pursuant to s.  
160 212.20 only for the public purpose of paying for the  
161 acquisition, construction, reconstruction, or renovation of a  
162 facility for a new professional sports franchise, a facility for  
163 a retained professional sports franchise, or a facility for a  
164 retained spring training franchise or to pay or pledge for the  
165 payment of debt service on, or to fund debt service reserve  
166 funds, arbitrage rebate obligations, or other amounts payable  
167 with respect to, bonds issued for the acquisition, construction,  
168 reconstruction, or renovation of such facility or for the  
169 reimbursement of such costs or the refinancing of bonds issued  
170 for such purposes.

171 (b) Beginning September 1, 2008, and every year  
172 thereafter, each local governmental entity certified to receive  
173 funding for a facility for a retained spring training franchise  
174 shall submit to the Office of Tourism, Trade, and Economic  
175 Development a report that includes, but is not limited to, a  
176 copy of its most recent annual audit; a detailed report on all  
177 local and state funds expended to date on the project being  
178 financed pursuant to this section; a copy of the contract  
179 between the certified local governmental entity and the spring  
180 training team; and evidence that the certified applicant  
181 continues to meet the criteria in paragraph (5) (b).

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182           (9) An applicant is not qualified for certification under  
183 this section if the franchise formed the basis for a previous  
184 certification, unless the previous certification was withdrawn  
185 by the facility or invalidated by the Office of Tourism, Trade,  
186 and Economic Development or the Department of Commerce before  
187 any funds were distributed pursuant to s. 212.20 or has been  
188 decertified pursuant to subsection (10). This subsection does  
189 not disqualify an applicant if the previous certification  
190 occurred between May 23, 1993, and May 25, 1993; however, any  
191 funds to be distributed pursuant to s. 212.20 for the second  
192 certification shall be offset by the amount distributed to the  
193 previous certified facility. Distribution of funds for the  
194 second certification shall not be made until all amounts payable  
195 for the first certification have been distributed.

196           (10) (a) The Office of Tourism, Trade, and Economic  
197 Development may decertify an applicant upon receipt of  
198 information that the applicant no longer meets or satisfies the  
199 criteria in paragraph (5) (b) or upon request of the local  
200 government. The local government opposing a decertification  
201 shall have 60 days to demonstrate to the office that the  
202 information is incorrect, prior to the decertification becoming  
203 official. The Office of Tourism, Trade, and Economic Development  
204 shall notify the Department of Revenue within 10 days after the  
205 decertification.

206           (b) The Office of Tourism, Trade, and Economic Development  
207 shall order a decertified applicant to repay the total amount of  
208 unencumbered state funds received by the applicant and any



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209 interest earnings on those funds. These funds and their interest  
210 earnings shall be deposited in the General Revenue Fund.

211 (11) For the purpose of retaining the tradition of spring  
212 training baseball in this state, by December 31, 2008, the  
213 Office of Tourism, Trade, and Economic Development shall develop  
214 a comprehensive strategic plan related to the following:

215 (a) Financing of spring training facilities.

216 (b) Certification and decertification processes, including  
217 development of the contract or funding agreement to be signed by  
218 the office and local governments, including local governments  
219 currently certified.

220 (c) Clawback of state funds from decertified local  
221 governments.

222 (d) Monitoring and oversight of the state funds awarded to  
223 applicants.

224 (e) Identification of the financial impact spring training  
225 has on the state.

226 (e) Identification of efforts made by other states to  
227 develop or grow their baseball spring training efforts and the  
228 effect of those efforts on this state's relationship with  
229 professional baseball.

230 (f) Legislative recommendations on how to sustain or  
231 improve this state's spring training tradition.

232 (g) Recommendations for the role and responsibilities for  
233 a Florida Commissioner of Baseball.

234 A copy of the strategic plan shall be submitted to the Governor,  
235 the President of the Senate, and the Speaker of the House of  
236 Representatives.

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237       (12) The Office of Tourism, Trade, and Economic  
238 Development may adopt rules pursuant to ss. 120.536(1) and  
239 120.54 to administer this section.  
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246                   **T I T L E   A M E N D M E N T**

247       Remove line 25 and insert:  
248 terminate on a specified date; amending s. 288.1162, F.S.;  
249 revising provisions relating to funding for relocation of spring  
250 training franchises; requiring local governments receiving funds  
251 to submit annual reports; providing for decertification of an  
252 applicant; requiring the Office of Tourism, Trade, and Economic  
253 Development to develop a comprehensive strategic plan; providing  
254 rulemaking authority; providing an effective  
255