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CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/16/2008 1:24 PM

1 Senator Fasano moved the following **amendment**:

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

4 Between line(s) 978-979

5
6 insert:

7 Section 10. Subsections (5), (6) and (9) of section
8 288.1162, Florida Statutes, are amended, and new subsections (10)
9 and (11) are created, to read:

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:

16 1. A "unit of local government" as defined in s. 218.369 is
17 responsible for the acquisition, construction, management, or



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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 of
32 Tourism, Trade, and Economic Development, which demonstrate that
33 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 is
36 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 funding
40 of a facility for a retained spring training franchise.
41 ~~Applications must be submitted by October 1, 2000, with~~
42 ~~certifications to be made by January 1, 2001. If the number of~~
43 ~~applicants exceeds five and the aggregate funding request of all~~
44 ~~applications exceeds \$208,335 per month, the office shall rank~~
45 ~~the applications according to a selection criteria, certifying~~
46 ~~the highest ranked proposals. The total number of certifications~~
47 made by the Office of Tourism, Trade, and Economic Development



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48 shall not exceed 10. If the Office of Tourism, Trade, and
49 Economic Development withdraws certification for any given
50 facility, the Office of Tourism, Trade, and Economic Development
51 may accept applications for an additional certification. Any
52 facility or local government certified prior to July 1, 2008,
53 unless such facility or local government has been decertified by
54 the Office of Tourism, Trade, and Economic Development, is not
55 eligible for additional certification. The evaluation criteria
56 shall include, with priority given in descending order to the
57 following items:

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

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

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

70 d. For those teams leasing a spring training facility from a
71 unit of local government, the remaining time on the lease for
72 facilities used by the spring training franchise, with priority
73 given to the shortest time period remaining on the lease.

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



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

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

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

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

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



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106 ~~§208,335 per month. The evaluation criteria shall include the~~
107 ~~following, with priority given in 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 ~~e. 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 training~~
116 ~~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.~~

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 active~~
133 ~~recreation space.~~

134 ~~h. The location of the facility in a brownfield area, an~~
135 ~~enterprise zone, a community redevelopment area, or another area~~



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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 training
147 franchise to another unit of local government only if the
148 existing unit of local government with the retained spring
149 training franchise agrees to the relocation. if approved by the
150 Office of Tourism, Trade, and Economic Development. The Office
151 of Tourism, Trade, and Economic Development may adopt rules
152 pursuant to s. 120.536(1) and s. 120.54 to administer this
153 subsection.

154 (6) (a) An applicant certified as a facility for a new
155 professional sports franchise or a facility for a retained
156 professional sports franchise or as a facility for a retained
157 spring training franchise may use funds provided pursuant to s.
158 212.40 only for the public purpose of paying for the acquisition,
159 construction, reconstruction, or renovation of a facility for a
160 new professional sports franchise, a facility for a retained
161 professional sports franchise, or a facility for a retained
162 spring training franchise or to pay or pledge for the payment of
163 debt service on, or to fund debt service reserve funds, arbitrage
164 rebate obligations, or other amounts payable with respect to,
165 bonds issued for the acquisition, construction, reconstruction,



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166 or renovation of such facility or for the reimbursement of such
167 costs or the refinancing of bonds issued for such purposes.

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

179 (9) An applicant is not qualified for certification under
180 this section if the franchise formed the basis for a previous
181 certification, unless the previous certification was withdrawn by
182 the facility or invalidated by the Office of Tourism, Trade, and
183 Economic Development or the ¹Department of Commerce before any
184 funds were distributed pursuant to s. 212.20, or has been
185 decertified pursuant to subsection (10). This subsection does not
186 disqualify an applicant if the previous certification occurred
187 between May 23, 1993, and May 25, 1993; however, any funds to be
188 distributed pursuant to s. 212.20 for the second certification
189 shall be offset by the amount distributed to the previous
190 certified facility. Distribution of funds for the second
191 certification shall not be made until all amounts payable for the
192 first certification have been distributed.

193 (10) (a) The Office of Tourism, Trade, and Economic
194 Development may decertify an applicant upon receipt of
195 information that the applicant no longer meets or satisfies the



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196 criteria in subsection (5)(b)1.-5. The Office of Tourism, Trade,
197 and Economic Development will notify the Department of Revenue
198 within 10 days of the decertification.

199 (b) The Office of Tourism, Trade, and Economic Development
200 shall order a decertified applicant to repay within 60 days the
201 total amount of unencumbered state funds received by the
202 applicant, and any interest earnings on these funds. These funds
203 and their interest earnings shall be deposited in the Economic
204 Development Trust Fund and segregated for future use in financing
205 spring training facilities in Florida.

206 (c) Disbursal of these returned funds to subsequently
207 certified applicants shall be released by the Office of Tourism,
208 Trade and Economic Development upon approval by the Legislative
209 Budget Commission.

210 (d) The Office of Tourism, Trade, and Economic Development
211 may adopt rules pursuant to s. 120.536(1) and s. 120.54 to
212 administer this subsection.

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

217 (a) Financing of spring training facilities;

218 (b) Certification and decertification processes, including
219 development of contract or funding agreement to be signed by the
220 Office and local governments, including local governments
221 currently certified;

222 (c) Recovery of state funds from decertified local
223 governments;

224 (d) Monitoring and oversight of the state funds awarded to
225 applicants;



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226 (e) Identification of the financial impact spring training
227 has on the state of Florida;

228 (e) Identification of efforts made by other states to
229 develop or grow their baseball spring training efforts, and their
230 effect on Florida's relationship with professional baseball; and

231 (f) Legislative recommendations on how to sustain or improve
232 Florida's spring training tradition.

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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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240 ===== T I T L E A M E N D M E N T =====

241 And the title is amended as follows:

242 On line(s) 37 after the semicolon

243 insert:

244 amending s.288.1162, F.S.; revising provisions related to
245 the financing for spring training facilities and
246 relocation of baseball spring training franchises within
247 Florida; requiring local governments who are certified to
248 receive spring training funds to submit annual reports;
249 providing for decertification of certified local
250 governments; providing for return of unencumbered state
251 funds and their disposition; providing for rulemaking;
252 directing the Office of Tourism, Trade and Economic
253 Development to develop a strategic plan on spring
254 training-related issues; providing for copies of the plan
255 to be distributed to the Governor and the Legislature;