

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Holder offered the following:

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

4 Remove everything after the enacting clause and insert:

5 Section 1. 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 approval of the
198 local government or upon receipt of information that the
199 applicant no longer meets criteria established by the office.
200 Criteria established by the office shall include requirements
201 that the local government continues to meet the financial
202 obligations originally approved during the certification, that
203 the local government has adequately evaluated the needs of the
204 spring training franchise and the cost benefit relationship of
205 meeting those needs, and that the local governments is making a
206 good faith effort to preserve the relationship with the spring
207 training franchise. The local government opposing a
208 decertification shall have 60 days to demonstrate to the office
209 that the information is incorrect, prior to decertification

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210 becoming official. The Office of Tourism, Trade, and Economic
211 Development shall notify the Department of Revenue within 10
212 days after the decertification.

213 (b) The Office of Tourism, Trade, and Economic Development
214 shall order a decertified applicant to repay the total amount of
215 unencumbered state funds received by the applicant and any
216 interest earnings on those funds. These funds and their interest
217 earnings shall be deposited into the General Revenue Fund.

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

222 (a) Financing of spring training facilities.

223 (b) Certification and decertification processes, including
224 development of the contract or funding agreement to be signed by
225 the office and local governments, including local governments
226 currently certified.

227 (c) Clawback of state funds from decertified local
228 governments.

229 (d) Monitoring and oversight of the state funds awarded to
230 applicants.

231 (e) Identification of the financial impact spring training
232 has on the state.

233 (f) Identification of efforts made by other states to
234 develop or grow their baseball spring training efforts and the
235 effect of those efforts on this state's relationship with
236 professional baseball.

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237 (g) Legislative recommendations on how to sustain or
238 improve this state's spring training tradition.

239 (h) Recommendations for the role and responsibilities for
240 a Florida Commissioner of Baseball.

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242 A copy of the strategic plan shall be submitted to the Governor,
243 the President of the Senate, and the Speaker of the House of
244 Representatives.

245 (12) The Office of Tourism, Trade, and Economic
246 Development may adopt rules pursuant to ss. 120.536(1) and
247 120.54 to administer this section.

248 Section 2. This act shall take effect upon becoming a law.

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

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Remove the entire title and insert:

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A bill to be entitled

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An act relating to economic development; amending s. 288.1162,

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F.S.; revising provisions relating to funding for relocation of

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spring training franchises; requiring local governments

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receiving funds to submit annual reports; providing for

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decertification of an applicant; requiring the Office of

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Tourism, Trade, and Economic Development to develop a

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comprehensive strategic plan including the use of financial

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resources for the purpose of retaining the tradition of spring

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265 training in this state; providing additional criteria; providing
266 rulemaking authority; providing an effective date.

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