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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Stargel, Latvala, and Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 264 and 265
insert:

Section 3. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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



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

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

21 2. After the distribution under subparagraph 1., 8.814
22 percent of the amount remitted by a sales tax dealer located
23 within a participating county pursuant to s. 218.61 shall be
24 transferred into the Local Government Half-cent Sales Tax
25 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
26 transferred shall be reduced by 0.1 percent, and the department
27 shall distribute this amount to the Public Employees Relations
28 Commission Trust Fund less \$5,000 each month, which shall be
29 added to the amount calculated in subparagraph 3. and
30 distributed accordingly.

31 3. After the distribution under subparagraphs 1. and 2.,
32 0.095 percent shall be transferred to the Local Government Half-
33 cent Sales Tax Clearing Trust Fund and distributed pursuant to
34 s. 218.65.

35 4. After the distributions under subparagraphs 1., 2., and
36 3., 2.0440 percent of the available proceeds shall be
37 transferred monthly to the Revenue Sharing Trust Fund for
38 Counties pursuant to s. 218.215.

39 5. After the distributions under subparagraphs 1., 2., and
40 3., 1.3409 percent of the available proceeds shall be



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41 transferred monthly to the Revenue Sharing Trust Fund for
42 Municipalities pursuant to s. 218.215. If the total revenue to
43 be distributed pursuant to this subparagraph is at least as
44 great as the amount due from the Revenue Sharing Trust Fund for
45 Municipalities and the former Municipal Financial Assistance
46 Trust Fund in state fiscal year 1999-2000, no municipality shall
47 receive less than the amount due from the Revenue Sharing Trust
48 Fund for Municipalities and the former Municipal Financial
49 Assistance Trust Fund in state fiscal year 1999-2000. If the
50 total proceeds to be distributed are less than the amount
51 received in combination from the Revenue Sharing Trust Fund for
52 Municipalities and the former Municipal Financial Assistance
53 Trust Fund in state fiscal year 1999-2000, each municipality
54 shall receive an amount proportionate to the amount it was due
55 in state fiscal year 1999-2000.

56 6. Of the remaining proceeds:

57 a. In each fiscal year, the sum of \$29,915,500 shall be
58 divided into as many equal parts as there are counties in the
59 state, and one part shall be distributed to each county. The
60 distribution among the several counties must begin each fiscal
61 year on or before January 5th and continue monthly for a total
62 of 4 months. If a local or special law required that any moneys
63 accruing to a county in fiscal year 1999-2000 under the then-
64 existing provisions of s. 550.135 be paid directly to the
65 district school board, special district, or a municipal
66 government, such payment must continue until the local or
67 special law is amended or repealed. The state covenants with
68 holders of bonds or other instruments of indebtedness issued by
69 local governments, special districts, or district school boards



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70 before July 1, 2000, that it is not the intent of this
71 subparagraph to adversely affect the rights of those holders or
72 relieve local governments, special districts, or district school
73 boards of the duty to meet their obligations as a result of
74 previous pledges or assignments or trusts entered into which
75 obligated funds received from the distribution to county
76 governments under then-existing s. 550.135. This distribution
77 specifically is in lieu of funds distributed under s. 550.135
78 before July 1, 2000.

79 b. The department shall distribute \$166,667 monthly
80 pursuant to s. 288.1162 to each applicant certified as a
81 facility for a new or retained professional sports franchise
82 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
83 monthly by the department to each certified applicant as defined
84 in s. 288.11621 for a facility for a spring training franchise.
85 However, not more than \$416,670 may be distributed monthly in
86 the aggregate to all certified applicants for facilities for
87 spring training franchises. Distributions begin 60 days after
88 such certification and continue for not more than 30 years,
89 except as otherwise provided in s. 288.11621. A certified
90 applicant identified in this sub-subparagraph may not receive
91 more in distributions than expended by the applicant for the
92 public purposes provided for in s. 288.1162(5) or s.
93 288.11621(3).

94 c. Beginning 30 days after notice by the Department of
95 Economic Opportunity to the Department of Revenue that an
96 applicant has been certified as the professional golf hall of
97 fame pursuant to s. 288.1168 and is open to the public, \$166,667
98 shall be distributed monthly, for up to 300 months, to the



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99 applicant.

100 d. Beginning 30 days after notice by the Department of
101 Economic Opportunity to the Department of Revenue that the
102 applicant has been certified as the International Game Fish
103 Association World Center facility pursuant to s. 288.1169, and
104 the facility is open to the public, \$83,333 shall be distributed
105 monthly, for up to 168 months, to the applicant. This
106 distribution is subject to reduction pursuant to s. 288.1169. A
107 lump sum payment of \$999,996 shall be made, after certification
108 and before July 1, 2000.

109 e. The department shall distribute up to \$55,555 monthly to
110 each certified applicant as defined in s. 288.11631 for a
111 facility used by a single spring training franchise, or up to
112 \$111,110 monthly to each certified applicant for a facility used
113 by more than one spring training franchise. Distributions begin
114 60 days after such certification and continue for fewer than 30
115 years, except as otherwise provided in s. 288.11631. A certified
116 applicant identified in this sub-subparagraph may not receive
117 more in distributions than expended by the applicant for the
118 public purposes provided in s. 288.11631(3).

119 7. All other proceeds must remain in the General Revenue
120 Fund.

121 Section 4. Section 288.11631, Florida Statutes, is created
122 to read:

123 288.11631 Retention of Major League Baseball spring
124 training baseball franchises.—

125 (1) DEFINITIONS.—As used in this section, the term:

126 (a) "Agreement" means a certified, signed lease between an
127 applicant that applies for certification on or after July 1,



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128 2013, and a spring training franchise for the use of a facility.

129 (b) "Applicant" means a unit of local government as defined
130 in s. 218.369, including a local government located in the same
131 county, which has partnered with a certified applicant before
132 the effective date of this section or with an applicant for a
133 new certification, for purposes of sharing in the
134 responsibilities of a facility.

135 (c) "Certified applicant" means a facility for a spring
136 training franchise or a unit of local government that is
137 certified under this section.

138 (d) "Facility" means a spring training stadium, playing
139 fields, and appurtenances intended to support spring training
140 activities.

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

143 (2) CERTIFICATION PROCESS.—

144 (a) Before certifying an applicant to receive state funding
145 for a facility for a spring training franchise, the department
146 must verify that:

147 1. The applicant is responsible for the construction or
148 renovation of the facility for a spring training franchise or
149 holds title to the property on which the facility for a spring
150 training franchise is located.

151 2. The applicant has a certified copy of a signed agreement
152 with a spring training franchise. The signed agreement with a
153 spring training franchise for the use of a facility must, at a
154 minimum, be equal to the length of the term of the bonds issued
155 for the public purpose of constructing or renovating a facility
156 for a spring training franchise. If no such bonds are issued for



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157 the public purpose of constructing or renovating a facility for
158 a spring training franchise, the signed agreement with a spring
159 training franchise for the use of a facility must be for at
160 least 20 years. Any such agreement with a spring training
161 franchise for the use of a facility cannot be signed more than 3
162 years before the expiration of any existing agreement with a
163 spring training franchise for the use of a facility. The
164 agreement must also require the franchise to reimburse the state
165 for state funds expended by an applicant under this section if
166 the franchise relocates before the agreement expires. The
167 agreement may be contingent on an award of funds under this
168 section and other conditions precedent.

169 3. The applicant has made a financial commitment to provide
170 50 percent or more of the funds required by an agreement for the
171 construction or renovation of the facility for a spring training
172 franchise. The commitment may be contingent upon an award of
173 funds under this section and other conditions precedent.

174 4. The applicant demonstrates that the facility for a
175 spring training franchise will attract a paid attendance of at
176 least 50,000 persons annually to the spring training games.

177 5. The facility for a spring training franchise is located
178 in a county that levies a tourist development tax under s.
179 125.0104.

180 (b) The department shall evaluate applications for state
181 funding of the construction or renovation of the facility for a
182 spring training franchise. The evaluation criteria must include
183 the following items:

184 1. The anticipated effect on the economy of the local
185 community where the facility is to be constructed or renovated,



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186 including projections on paid attendance, local and state tax
187 collections generated by spring training games, and direct and
188 indirect job creation resulting from the spring training
189 activities.

190 2. The amount of the local matching funds committed to a
191 facility relative to the amount of state funding sought.

192 3. The potential for the facility to be used as a multiple
193 purpose, year-round facility.

194 4. The intended use of the funds by the applicant.

195 5. The length of time that a spring training franchise has
196 been under an agreement to conduct spring training activities
197 within an applicant's geographic location or jurisdiction.

198 6. The length of time that an applicant's facility has been
199 used by one or more spring training franchises, including
200 continuous use as facilities for spring training.

201 7. The term remaining on a lease between an applicant and a
202 spring training franchise for a facility.

203 8. The length of time that a spring training franchise
204 agrees to use an applicant's facility if an application is
205 granted under this section.

206 9. The location of the facility in a brownfield, an
207 enterprise zone, a community redevelopment area, or other area
208 of targeted development or revitalization included in an urban
209 infill redevelopment plan.

210 (c) Each applicant certified on or after July 1, 2013,
211 shall enter into an agreement with the department which:

212 1. Specifies the amount of the state incentive funding to
213 be distributed. The amount of state incentive funding per
214 certified applicant may not exceed \$20 million. However, if a



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215 certified applicant has more than one spring training franchise,
216 the maximum amount may not exceed \$40 million.

217 2. States the criteria that the certified applicant must
218 meet in order to remain certified. These criteria must include a
219 provision stating that the spring training franchise must
220 reimburse the state for any funds received if the franchise does
221 not comply with the terms of the contract.

222 3. States that the certified applicant is subject to
223 decertification if the certified applicant fails to comply with
224 this section or the agreement.

225 4. States that the department may recover state incentive
226 funds if the certified applicant is decertified.

227 5. Specifies the information that the certified applicant
228 must report to the department.

229 6. Includes any provision deemed prudent by the department.

230 (3) USE OF FUNDS.-

231 (a) A certified applicant may use funds provided under s.
232 212.20(6)(d)6.e. only to:

233 1. Serve the public purpose of constructing or renovating a
234 facility for a spring training franchise.

235 2. Pay or pledge for the payment of debt service on, or to
236 fund debt service reserve funds, arbitrage rebate obligations,
237 or other amounts payable with respect thereto, bonds issued for
238 the construction or renovation of such facility, or for the
239 reimbursement of such costs or the refinancing of bonds issued
240 for such purposes.

241 (b) State funds awarded to a certified applicant for a
242 facility for a spring training franchise may not be used to
243 subsidize facilities that are privately owned by, maintained by,



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244 and used exclusively by a spring training franchise.

245 (c) The Department of Revenue may not distribute funds to
246 an applicant certified on or after July 1, 2013, until it
247 receives notice from the department that the certified applicant
248 has encumbered funds under subparagraph (a)2.

249 (d)1. All certified applicants shall place unexpended state
250 funds received pursuant to s. 212.20(6)(d)6.e. in a trust fund
251 or separate account for use only as authorized in this section.

252 2. A certified applicant may request that the Department of
253 Revenue suspend further distributions of state funds made
254 available under s. 212.20(6)(d)6.e. for 12 months after
255 expiration of an existing agreement with a spring training
256 franchise to provide the certified applicant with an opportunity
257 to enter into a new agreement with a spring training franchise,
258 at which time the distributions shall resume.

259 3. The expenditure of state funds distributed to an
260 applicant certified after July 1, 2013, must begin within 48
261 months after the initial receipt of the state funds. In
262 addition, the construction or renovation of a spring training
263 facility must be completed within 24 months after the project's
264 commencement.

265 (4) ANNUAL REPORTS.—

266 (a) On or before September 1 of each year, a certified
267 applicant shall submit to the department a report that includes,
268 but is not limited to:

269 1. A detailed accounting of all local and state funds
270 expended to date on the project financed under this section.

271 2. A copy of the contract between the certified local
272 governmental entity and the spring training franchise.



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273 3. A cost-benefit analysis of the team's impact on the
274 community.

275 4. Evidence that the certified applicant continues to meet
276 the criteria in effect when the applicant was certified.

277 (b) The department shall compile the information received
278 from each certified applicant and publish the information
279 annually by November 1.

280 (5) DECERTIFICATION.—

281 (a) The department shall decertify a certified applicant
282 upon the request of the certified applicant.

283 (b) The department shall decertify a certified applicant if
284 the certified applicant does not:

285 1. Have a valid agreement with a spring training franchise;
286 or

287 2. Satisfy its commitment to provide local matching funds
288 to the facility.

289
290 However, decertification proceedings against a local government
291 certified after July 1, 2013, shall be delayed until 12 months
292 after the expiration of the local government's existing
293 agreement with a spring training franchise, and without a new
294 agreement being signed, if the certified local government can
295 demonstrate to the department that it is in active negotiations
296 with a major league spring training franchise, other than the
297 franchise that was the basis for the original certification.

298 (c) A certified applicant has 60 days after it receives a
299 notice of intent to decertify from the department to petition
300 for review of the decertification. Within 45 days after receipt
301 of the request for review, the department must notify a



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302 certified applicant of the outcome of the review.

303 (d) The department shall notify the Department of Revenue
304 that a certified applicant has been decertified within 10 days
305 after the order of decertification becomes final. The Department
306 of Revenue shall immediately stop the payment of any funds under
307 this section which were not encumbered by the certified
308 applicant under subparagraph (3) (a)2.

309 (e) The department shall order a decertified applicant to
310 repay all of the unencumbered state funds that the applicant
311 received under this section and any interest that accrued on
312 those funds. The repayment must be made within 60 days after the
313 decertification order becomes final. These funds shall be
314 deposited into the General Revenue Fund.

315 (f) A local government as defined in s. 218.369 may not be
316 decertified by the department if it has paid or pledged for the
317 payment of debt service on, or to fund debt service reserve
318 funds, arbitrage rebate obligations, or other amounts payable
319 with respect thereto, bonds issued for the construction or
320 renovation of the facility for which the local government was
321 certified, or for the reimbursement of such costs or the
322 refinancing of bonds issued for the construction or renovation
323 of the facility for which the local government was certified, or
324 for the reimbursement of such costs or the refinancing of bonds
325 issued for such purpose. This subsection does not preclude or
326 restrict the ability of a certified local government to
327 refinance, refund, or defease such bonds.

328 (6) RULEMAKING.—The department shall adopt rules to
329 implement the certification, decertification, and
330 decertification review processes required by this section.



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331 (7) AUDITS.—The Auditor General may conduct audits as provided
332 in s. 11.45 to verify that the distributions under this section
333 are expended as required in this section. If the Auditor General
334 determines that the distributions under this section are not
335 expended as required by this section, the Auditor General shall
336 notify the Department of Revenue, which may pursue recovery of
337 the funds under the laws and rules governing the assessment of
338 taxes.

339
340 ===== T I T L E A M E N D M E N T =====

341 And the title is amended as follows:

342 Delete line 26

343 and insert:

344 included; amending s. 212.20, F.S.; requiring the
345 Department of Revenue to distribute a specified amount
346 of money to certain applicants if a spring training
347 franchise uses the applicant's facility; specifying
348 time periods and limitations on distributions;
349 creating s. 288.11631, F.S.; providing definitions;
350 establishing a certification process to retain spring
351 training baseball franchises; authorizing and
352 prohibiting certain uses of the awarded funds;
353 requiring a certified applicant to submit an annual
354 report and requiring the Department of Economic
355 Opportunity to publish such information; providing for
356 decertification of a certified applicant; requiring
357 the department to adopt rules; authorizing the Auditor
358 General to conduct audits; amending s. 220.194, F.S.;

359 requiring the