

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Rehwinkel Vasilinda offered the following:

Amendment (with title amendment)

Remove lines 215-462 and insert:

e. The department shall distribute up to \$55,555 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to \$111,110 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. The department shall distribute up to \$55,555 monthly to each certified applicant as defined in s. 288.11631 for a performing arts center. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 30 years, except as otherwise provided in s. 288.11631. A certified applicant identified in this sub-subparagraph may not receive more in distributions than

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17 expended by the applicant for the public purposes provided in s.
18 288.11631(3). The department may not distribute more than
19 \$3,300,000 per year to applicants certified under s. 288.11631.

20 7. All other proceeds must remain in the General Revenue
21 Fund.

22 Section 4. Present paragraphs (d) through (h) of
23 subsection (2) of section 288.1045, Florida Statutes, are
24 redesignated as paragraphs (c) through (g), respectively, and
25 present paragraph (c) of that subsection is amended to read:

26 288.1045 Qualified defense contractor and space flight
27 business tax refund program.—

28 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

29 ~~(c) A qualified applicant may not receive more than \$7~~
30 ~~million in tax refunds pursuant to this section in all fiscal~~
31 ~~years.~~

32 Section 5. Paragraph (c) of subsection (3) of section
33 288.106, Florida Statutes, is amended to read:

34 288.106 Tax refund program for qualified target industry
35 businesses.—

36 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

37 (c) A qualified target industry business may not receive
38 refund payments of more than 25 percent of the total tax refunds
39 specified in the tax refund agreement under subparagraph
40 (5)(a)1. in any fiscal year. Further, a qualified target
41 industry business may not receive more than \$1.5 million in
42 refunds under this section in any single fiscal year, or more
43 than \$2.5 million in any single fiscal year if the project is
44 located in an enterprise zone. ~~A qualified target industry~~

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45 ~~business may not receive more than \$7 million in refund payments~~
46 ~~under this section in all fiscal years, or more than \$7.5~~
47 ~~million if the project is located in an enterprise zone.~~

48 Section 6. Section 288.11631, Florida Statutes, is created
49 to read:

50 288.11631 Performing arts centers and retention of Major
51 League Baseball spring training baseball franchises .-

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

53 (a) "Agreement" means a certified, signed lease between an
54 applicant that applies for certification on or after July 1,
55 2013, and a spring training franchise for the use of a facility.

56 (b) "Applicant" means a unit of local government as
57 defined in s. 218.369, including a local government located in
58 the same county, which has partnered with a certified applicant
59 before the effective date of this section or with an applicant
60 for a new certification, for purposes of sharing in the
61 responsibilities of a facility.

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

65 (d) "Facility" means a spring training stadium, playing
66 fields, and appurtenances intended to support spring training
67 activities.

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

70 (f) "Performing arts center" means a facility that
71 consists of one or more theaters, each having 3,500 or fewer

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72 seats, that presents performing arts events, and that is owned
73 and operated by a unit of local government.

74 (g) "Performing arts event" means live theater, live
75 opera, live ballet, or other live performance events.

76 (2) CERTIFICATION PROCESS.-

77 (a) Before certifying an applicant to receive state
78 funding for a facility for a spring training franchise or
79 performing arts center, the department must verify that:

80 1. The applicant is responsible for the construction or
81 renovation of the facility for a spring training franchise or a
82 performing arts center or holds title to the property on which
83 the facility for a spring training franchise or performing arts
84 center is located.

85 2. For a facility for a spring training franchise, the
86 applicant has a certified copy of a signed agreement with a
87 spring training franchise. The signed agreement with a spring
88 training franchise for the use of a facility must, at a minimum,
89 be equal to the length of the term of the bonds issued for the
90 public purpose of constructing or renovating a facility for a
91 spring training franchise. If no such bonds are issued for the
92 public purpose of constructing or renovating a facility for a
93 spring training franchise, the signed agreement with a spring
94 training franchise for the use of a facility must be for at
95 least 20 years. Any such agreement with a spring training
96 franchise for the use of a facility cannot be signed more than 3
97 years before the expiration of any existing agreement with a
98 spring training franchise for the use of a facility. The
99 agreement must also require the franchise to reimburse the state

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100 for state funds expended by an applicant under this section if
101 the franchise relocates before the agreement expires. The
102 agreement may be contingent on an award of funds under this
103 section and other conditions precedent.

104 3. The applicant has made a financial commitment to
105 provide 50 percent or more of the funds required by an agreement
106 for the construction or renovation of the facility for a spring
107 training franchise or performing arts center. The commitment may
108 be contingent upon an award of funds under this section and
109 other conditions precedent.

110 4. The applicant demonstrates that the facility for a
111 spring training franchise or performing arts center will attract
112 a paid attendance of at least 50,000 persons annually.

113 5. The facility for a spring training franchise or
114 performing arts center is located in a county that levies a
115 tourist development tax under s. 125.0104.

116 6. The applicant for a performing arts center has
117 established that the performing arts center will be located in a
118 community with a longstanding commitment to the arts as
119 evidenced by ongoing artistic activities that include, but are
120 not limited to, ballet, opera, theater, and dance.

121 (b) The department shall evaluate applications for state
122 funding of the construction or renovation of the facility for a
123 spring training franchise or performing arts center. The
124 evaluation criteria must include the following items:

125 1. The anticipated effect on the economy of the local
126 community where the facility is to be constructed or renovated,
127 including projections on paid attendance, local and state tax

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128 collections generated by spring training games or performing
129 arts events, and direct and indirect job creation resulting from
130 the spring training activities or performing arts events.

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

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

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

136 5. For a facility for a spring training franchise, the
137 length of time that a spring training franchise has been under
138 an agreement to conduct spring training activities within an
139 applicant's geographic location or jurisdiction.

140 6. The length of time that an applicant's facility has
141 been used by one or more spring training franchises, including
142 continuous use as facilities for spring training, or the length
143 of time that an applicant's facility has been used for
144 performing arts events.

145 7. For a facility for a spring training franchise, the
146 term remaining on a lease between an applicant and a spring
147 training franchise for a facility.

148 8. For a facility for a spring training franchise, the
149 length of time that a spring training franchise agrees to use an
150 applicant's facility if an application is granted under this
151 section.

152 9. The location of the facility in a brownfield, an
153 enterprise zone, a community redevelopment area, or other area
154 of targeted development or revitalization included in an urban
155 infill redevelopment plan.

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

158 1. Specifies the amount of the state incentive funding to
159 be distributed. The amount of state incentive funding per
160 certified applicant may not exceed \$20 million. However, if a
161 certified applicant has more than one spring training franchise,
162 the maximum amount may not exceed \$40 million.

163 2. States the criteria that the certified applicant must
164 meet in order to remain certified. For a facility for a spring
165 training franchise, these criteria must include a provision
166 stating that the spring training franchise must reimburse the
167 state for any funds received if the franchise does not comply
168 with the terms of the contract.

169 3. States that the certified applicant is subject to
170 decertification if the certified applicant fails to comply with
171 this section or the agreement.

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

174 5. Specifies the information that the certified applicant
175 must report to the department.

176 6. Includes any provision deemed prudent by the
177 department.

178 (3) USE OF FUNDS.—

179 (a) A certified applicant may use funds provided under s.
180 212.20(6)(d)6.e. only to:

181 1. Serve the public purpose of constructing or renovating
182 a facility for a spring training franchise or acquiring,
183 constructing, reconstructing, renovating, performing capital

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184 improvement, or maintaining a performing arts center or any
185 ancillary facilities including parking structures, meeting
186 rooms, and retail and concession space.

187 2. Pay or pledge for the payment of debt service on, or to
188 fund debt service reserve funds, arbitrage rebate obligations,
189 or other amounts payable with respect thereto, bonds issued for
190 the construction or renovation of a facility for a spring
191 training franchise or the acquisition, construction,
192 reconstruction, renovation, capital improvement, or maintenance
193 of a performing arts center, or for the reimbursement of such
194 costs or the refinancing of bonds issued for such purposes.

195 (b) State funds awarded to a certified applicant for a
196 facility for a spring training franchise may not be used to
197 subsidize facilities that are privately owned by, maintained by,
198 and used exclusively by a spring training franchise.

199 (c) The Department of Revenue may not distribute funds
200 under 212.20(6)(d)6.e. until July 1, 2016. Further, the
201 Department of Revenue may not distribute funds to an applicant
202 certified on or after July 1, 2013, until it receives notice
203 from the department that:

204 1. The certified applicant has encumbered funds under
205 either subparagraph (a)1. or 2.; and

206 2. If applicable, any existing agreement with a spring
207 training franchise for the use of a facility has expired.

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

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212 2. An applicant certified for a facility for a spring
213 training franchise may request that the Department of Revenue
214 suspend further distributions of state funds made available
215 under s. 212.20(6)(d)6.e. for 12 months after expiration of an
216 existing agreement with a spring training franchise to provide
217 the certified applicant with an opportunity to enter into a new
218 agreement with a spring training franchise, at which time the
219 distributions shall resume.

220 3. The expenditure of state funds distributed to an
221 applicant certified after July 1, 2013, must begin within 48
222 months after the initial receipt of the state funds. In
223 addition, the construction or renovation of a spring training
224 facility or the acquisition, construction, reconstruction,
225 renovation, or capital improvement of a performing arts center
226 must be completed within 24 months after the project's
227 commencement.

228 (4) ANNUAL REPORTS.—

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

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

234 2. For a facility for a spring training franchise, a copy
235 of the contract between the certified local governmental entity
236 and the spring training franchise.

237 3. A cost-benefit analysis of the team's or performing
238 arts facility's impact on the community.

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239 4. Evidence that the certified applicant continues to meet
240 the criteria in effect when the applicant was certified.

241 (b) The department shall compile the information received
242 from each certified applicant and publish the information
243 annually by November 1.

244 (5) DECERTIFICATION.—

245 (a) The department shall decertify a certified applicant
246 upon the request of the certified applicant.

247 (b) The department shall decertify a certified applicant
248 if the certified applicant does not:

249 1. Have a valid agreement with a spring training franchise
250 if certification was based on a facility for a spring training
251 franchise; or

252 2. Satisfy its commitment to provide local matching funds
253 to the facility.

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255 However, for applicants certified for a facility for a spring
256 training franchise, decertification proceedings against a local
257 government certified after July 1, 2013, shall be delayed until
258 12 months after the expiration of the local government's
259 existing agreement with a spring training franchise, and without
260 a new agreement being signed, if the certified local government
261 can demonstrate to the department that it is in active
262 negotiations with a major league spring training franchise,
263 other than the franchise that was the basis for the original
264 certification.

265 (c) A certified applicant has 60 days after it receives a
266 notice of intent to decertify from the department to petition

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267 for review of the decertification. Within 45 days after receipt
268 of the request for review, the department must notify a
269 certified applicant of the outcome of the review.

270 (d) The department shall notify the Department of Revenue
271 that a certified applicant has been decertified within 10 days
272 after the order of decertification becomes final. The Department
273 of Revenue shall immediately stop the payment of any funds under
274 this section which were not encumbered by the certified
275 applicant under subparagraph (3) (a)2.

276 (e) The department shall order a decertified applicant to
277 repay all of the unencumbered state funds that the applicant
278 received under this section and any interest that accrued on
279 those funds. The repayment must be made within 60 days after the
280 decertification order becomes final. These funds shall be
281 deposited into the General Revenue Fund.

282 (f) A local government as defined in s. 218.369 may not be
283 decertified by the department if it has paid or pledged for the
284 payment of debt service on, or to fund debt service reserve
285 funds, arbitrage rebate obligations, or other amounts payable
286 with respect thereto, bonds issued for the acquisition,
287 construction, reconstruction, renovation, or capital improvement
288 of the facility for which the local government was

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

292 Remove lines 15-23 and insert:
293 of money to applicants certified for a facility for a
294 spring training franchise or performing arts center;

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295 specifying time periods and limitations on
296 distributions; amending ss. 288.1045 and 288.106,
297 F.S.; deleting caps on tax refunds for qualified
298 defense contractors and space flight businesses and
299 for qualified target industry businesses; creating s.
300 288.11631, F.S.; providing definitions; establishing a
301 certification process for spring training baseball
302 franchises and performing arts centers;