

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Rehwinkel Vasilinda offered the following:

Amendment (with title amendment)

Remove lines 215-462 and insert:

3
4 e. The department shall distribute up to \$55,555 monthly
5
6 to each certified applicant as defined in s. 288.11631 for a
7 facility used by a single spring training franchise, or up to
8 \$111,110 monthly to each certified applicant as defined in s.
9 288.11631 for a facility used by more than one spring training
10 franchise. The department shall distribute up to \$55,555 monthly
11 to each certified applicant as defined in s. 288.11631 for a
12 performing arts center. Monthly distributions begin 60 days
13 after such certification or July 1, 2016, whichever is later,
14 and continue for not more than 30 years, except as otherwise
15 provided in s. 288.11631. A certified applicant identified in
16 this sub-subparagraph may not receive more in distributions than
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.
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21 7. All other proceeds must remain in the General Revenue
22 Fund.

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

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

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

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

33 Section 5. Paragraph (c) of subsection (3) of section
34 288.106, Florida Statutes, is amended to read:

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

37 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

38 (c) A qualified target industry business may not receive
39 refund payments of more than 25 percent of the total tax refunds
40 specified in the tax refund agreement under subparagraph
41 (5)(a)1. in any fiscal year. Further, a qualified target
42 industry business may not receive more than \$1.5 million in
43 refunds under this section in any single fiscal year, or more
44 than \$2.5 million in any single fiscal year if the project is
45 located in an enterprise zone. ~~A qualified target industry~~
46 ~~business may not receive more than \$7 million in refund payments~~
47 ~~under this section in all fiscal years, or more than \$7.5~~
48 ~~million if the project is located in an enterprise zone.~~

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

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

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

54 (a) "Agreement" means a certified, signed lease between an
55 applicant that applies for certification on or after July 1,
56 2013, and a spring training franchise for the use of a facility.

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

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

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

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

71 (f) "Performing arts center" means a facility that
72 consists of one or more theaters, each having 3,500 or fewer
73 seats, that presents performing arts events, and that is owned
74 and operated by a unit of local government.

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

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77 (2) CERTIFICATION PROCESS.-

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

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

86 2. For a facility for a spring training franchise, the
87 applicant has a certified copy of a signed agreement with a
88 spring training franchise. The signed agreement with a spring
89 training franchise for the use of a facility must, at a minimum,
90 be equal to the length of the term of the bonds issued for the
91 public purpose of constructing or renovating a facility for a
92 spring training franchise. If no such bonds are issued for the
93 public purpose of constructing or renovating a facility for a
94 spring training franchise, the signed agreement with a spring
95 training franchise for the use of a facility must be for at
96 least 20 years. Any such agreement with a spring training
97 franchise for the use of a facility cannot be signed more than 3
98 years before the expiration of any existing agreement with a
99 spring training franchise for the use of a facility. The
100 agreement must also require the franchise to reimburse the state
101 for state funds expended by an applicant under this section if
102 the franchise relocates before the agreement expires. The
103 agreement may be contingent on an award of funds under this
104 section and other conditions precedent.

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

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

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

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

121 1. The anticipated effect on the economy of the local
122 community where the facility is to be constructed or renovated,
123 including projections on paid attendance, local and state tax
124 collections generated by spring training games or performing
125 arts events, and direct and indirect job creation resulting from
126 the spring training activities or performing arts events.

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

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

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

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132 5. For a facility for a spring training franchise, the
133 length of time that a spring training franchise has been under
134 an agreement to conduct spring training activities within an
135 applicant's geographic location or jurisdiction.

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

141 7. For a facility for a spring training franchise, the
142 term remaining on a lease between an applicant and a spring
143 training franchise for a facility.

144 8. For a facility for a spring training franchise, the
145 length of time that a spring training franchise agrees to use an
146 applicant's facility if an application is granted under this
147 section.

148 9. The location of the facility in a brownfield, an
149 enterprise zone, a community redevelopment area, or other area
150 of targeted development or revitalization included in an urban
151 infill redevelopment plan.

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

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

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

165 3. States that the certified applicant is subject to
166 decertification if the certified applicant fails to comply with
167 this section or the agreement.

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

170 5. Specifies the information that the certified applicant
171 must report to the department.

172 6. Includes any provision deemed prudent by the
173 department.

174 (3) USE OF FUNDS.-

175 (a) A certified applicant may use funds provided under s.
176 212.20(6)(d)6.e. only to:

177 1. Serve the public purpose of constructing or renovating
178 a facility for a spring training franchise or acquiring,
179 constructing, reconstructing, renovating, performing capital
180 improvement, or maintaining a performing arts center or any
181 ancillary facilities including parking structures, meeting
182 rooms, and retail and concession space.

183 2. Pay or pledge for the payment of debt service on, or to
184 fund debt service reserve funds, arbitrage rebate obligations,
185 or other amounts payable with respect thereto, bonds issued for
186 the construction or renovation of a facility for a spring

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187 training franchise or the acquisition, construction,
188 reconstruction, renovation, capital improvement, or maintenance
189 of a performing arts center, or for the reimbursement of such
190 costs or the refinancing of bonds issued for such purposes.

191 (b) State funds awarded to a certified applicant for a
192 facility for a spring training franchise may not be used to
193 subsidize facilities that are privately owned by, maintained by,
194 and used exclusively by a spring training franchise.

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

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

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

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

208 2. An applicant certified for a facility for a spring
209 training franchise may request that the Department of Revenue
210 suspend further distributions of state funds made available
211 under s. 212.20(6)(d)6.e. for 12 months after expiration of an
212 existing agreement with a spring training franchise to provide
213 the certified applicant with an opportunity to enter into a new

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214 agreement with a spring training franchise, at which time the
215 distributions shall resume.

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

224 (4) ANNUAL REPORTS.—

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

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

230 2. For a facility for a spring training franchise, a copy
231 of the contract between the certified local governmental entity
232 and the spring training franchise.

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

235 4. Evidence that the certified applicant continues to meet
236 the criteria in effect when the applicant was certified.

237 (b) The department shall compile the information received
238 from each certified applicant and publish the information
239 annually by November 1.

240 (5) DECERTIFICATION.—

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241 (a) The department shall decertify a certified applicant
242 upon the request of the certified applicant.

243 (b) The department shall decertify a certified applicant
244 if the certified applicant does not:

245 1. Have a valid agreement with a spring training franchise
246 if certification was based on a facility for a spring training
247 franchise; or

248 2. Satisfy its commitment to provide local matching funds
249 to the facility.

250
251 However, for applicants certified for a facility for a spring
252 training franchise, decertification proceedings against a local
253 government certified after July 1, 2013, shall be delayed until
254 12 months after the expiration of the local government's
255 existing agreement with a spring training franchise, and without
256 a new agreement being signed, if the certified local government
257 can demonstrate to the department that it is in active
258 negotiations with a major league spring training franchise,
259 other than the franchise that was the basis for the original
260 certification.

261 (c) A certified applicant has 60 days after it receives a
262 notice of intent to decertify from the department to petition
263 for review of the decertification. Within 45 days after receipt
264 of the request for review, the department must notify a
265 certified applicant of the outcome of the review.

266 (d) The department shall notify the Department of Revenue
267 that a certified applicant has been decertified within 10 days
268 after the order of decertification becomes final. The Department

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269 of Revenue shall immediately stop the payment of any funds under
270 this section which were not encumbered by the certified
271 applicant under subparagraph (3) (a)2.

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

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

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289 -----
290 **T I T L E A M E N D M E N T**

291 Remove lines 15-23 and insert:

292 of money to applicants certified for a facility for a spring
293 training franchise or performing arts center; specifying time
294 periods and limitations on distributions; amending ss. 288.1045
295 and 288.106, F.S.; deleting caps on tax refunds for qualified
296 defense contractors and space flight businesses and for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5601 (2013)

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297 qualified target industry businesses; creating s. 288.11631,
298 F.S.; providing definitions; establishing a certification
299 process for spring training baseball franchises and performing
300 arts centers;
301