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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2015	.	
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The Committee on Appropriations (Latvala) recommended the following:

1           **Senate Amendment to Amendment (160810) (with title**  
2 **amendment)**

3  
4           Delete lines 199 - 236  
5 and insert:

6           ~~d. Beginning 30 days after notice by the Department of~~  
7 ~~Economic Opportunity to the Department of Revenue that the~~  
8 ~~applicant has been certified as the International Game Fish~~  
9 ~~Association World Center facility pursuant to s. 288.1169, and~~  
10 ~~the facility is open to the public, \$83,333 shall be distributed~~



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11 ~~monthly, for up to 168 months, to the applicant. This~~  
12 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
13 ~~lump sum payment of \$999,996 shall be made after certification~~  
14 ~~and before July 1, 2000.~~

15       ~~e.~~ The department shall distribute up to \$83,333 monthly to  
16 each certified applicant as defined in s. 288.11631 for a  
17 facility used by a single spring training franchise, or up to  
18 \$166,667 monthly to each certified applicant as defined in s.  
19 288.11631 for a facility used by more than one spring training  
20 franchise. Monthly distributions begin 60 days after such  
21 certification or July 1, 2016, whichever is later, and continue  
22 for not more than 20 years to each certified applicant as  
23 defined in s. 288.11631 for a facility used by a single spring  
24 training franchise or not more than 25 years to each certified  
25 applicant as defined in s. 288.11631 for a facility used by more  
26 than one spring training franchise. A certified applicant  
27 identified in this sub-subparagraph may not receive more in  
28 distributions than expended by the applicant for the public  
29 purposes provided in s. 288.11631(3).

30       ~~e.f.~~ Beginning 45 days after notice by the Department of  
31 Economic Opportunity to the Department of Revenue that an  
32 applicant has been approved by the Legislature and certified by  
33 the Department of Economic Opportunity under s. 288.11625 or  
34 upon a date specified by the Department of Economic Opportunity  
35 as provided under s. 288.11625(6)(d), the department shall  
36 distribute each month an amount equal to one-twelfth of the  
37 annual distribution amount certified by the Department of  
38 Economic Opportunity for the applicant. The department may not  
39 distribute more than \$7 million in the 2014-2015 fiscal year or



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40 more than \$13 million annually thereafter under this sub-  
41 subparagraph.

42 7. All other proceeds must remain in the General Revenue  
43 Fund.

44 Section 5. Subsections (1) and (3), paragraph (a) of  
45 subsection (5), and paragraph (e) of subsection (7) of section  
46 288.11625, Florida Statutes, are amended to read:

47 288.11625 Sports development.—

48 (1) ADMINISTRATION.—The department shall serve as the state  
49 agency responsible for screening applicants for state funding  
50 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

51 (3) PURPOSE.—The purpose of this section is to provide  
52 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~  
53 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,  
54 reconstructing, renovating, or improving a facility.

55 (5) EVALUATION PROCESS.—

56 (a) Before recommending an applicant to receive a state  
57 distribution under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~, the  
58 department must verify that:

59 1. The applicant or beneficiary is responsible for the  
60 construction, reconstruction, renovation, or improvement of a  
61 facility and obtained at least three bids for the project.

62 2. If the applicant is not a unit of local government, a  
63 unit of local government holds title to the property on which  
64 the facility and project are, or will be, located.

65 3. If the applicant is a unit of local government in whose  
66 jurisdiction the facility is, or will be, located, the unit of  
67 local government has an exclusive intent agreement to negotiate  
68 in this state with the beneficiary.



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69           4. A unit of local government in whose jurisdiction the  
70 facility is, or will be, located supports the application for  
71 state funds. Such support must be verified by the adoption of a  
72 resolution, after a public hearing, that the project serves a  
73 public purpose.

74           5. The applicant or beneficiary has not previously  
75 defaulted or failed to meet any statutory requirements of a  
76 previous state-administered sports-related program under s.  
77 288.1162, s. 288.11621, s. 288.11631, or this section.  
78 Additionally, the applicant or beneficiary is not currently  
79 receiving state distributions under s. 212.20 for the facility  
80 that is the subject of the application, unless the applicant  
81 demonstrates that the franchise that applied for a distribution  
82 under s. 212.20 no longer plays at the facility that is the  
83 subject of the application.

84           6. The applicant or beneficiary has sufficiently  
85 demonstrated a commitment to employ residents of this state,  
86 contract with Florida-based firms, and purchase locally  
87 available building materials to the greatest extent possible.

88           7. If the applicant is a unit of local government, the  
89 applicant has a certified copy of a signed agreement with a  
90 beneficiary for the use of the facility. If the applicant is a  
91 beneficiary, the beneficiary must enter into an agreement with  
92 the department. The applicant's or beneficiary's agreement must  
93 also require the following:

94           a. The beneficiary must reimburse the state for state funds  
95 that will be distributed if the beneficiary relocates or no  
96 longer occupies or uses the facility as the facility's primary  
97 tenant before the agreement expires. Reimbursements must be sent



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98 to the Department of Revenue for deposit into the General  
99 Revenue Fund.

100 b. The beneficiary must pay for signage or advertising  
101 within the facility. The signage or advertising must be placed  
102 in a prominent location as close to the field of play or  
103 competition as is practicable, must be displayed consistent with  
104 signage or advertising in the same location and of like value,  
105 and must feature Florida advertising approved by the Florida  
106 Tourism Industry Marketing Corporation.

107 8. The project will commence within 12 months after  
108 receiving state funds or did not commence before January 1,  
109 2013.

110 (7) CONTRACT.—An applicant approved by the Legislature and  
111 certified by the department must enter into a contract with the  
112 department which:

113 (e) Requires the applicant to reimburse the state by  
114 electing to do one of the following:

115 1. After all distributions have been made, reimburse at the  
116 end of the contract term any amount by which the total  
117 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~  
118 exceed actual new incremental state sales taxes generated by  
119 sales at the facility during the contract, plus a 5 percent  
120 penalty on that amount.

121 2. After the applicant begins to submit the independent  
122 analysis under paragraph (c), reimburse each year any amount by  
123 which the previous year's annual distribution exceeds 75 percent  
124 of the actual new incremental state sales taxes generated by  
125 sales at the facility.

126



127 Any reimbursement due to the state must be made within 90 days  
128 after the applicable distribution under this paragraph. If the  
129 applicant is unable or unwilling to reimburse the state for such  
130 amount, the department may place a lien on the applicant's  
131 facility. If the applicant is a municipality or county, it may  
132 reimburse the state from its half-cent sales tax allocation, as  
133 provided in s. 218.64(3). Reimbursements must be sent to the  
134 Department of Revenue for deposit into the General Revenue Fund.

135 Section 6. Paragraph (c) of subsection (2) and paragraphs  
136 (a), (c), and (d) of subsection (3) of section 288.11631,  
137 Florida Statutes, are amended to read:

138 288.11631 Retention of Major League Baseball spring  
139 training baseball franchises.—

140 (2) CERTIFICATION PROCESS.—

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

143 1. Specifies the amount of the state incentive funding to  
144 be distributed. The amount of state incentive funding per  
145 certified applicant may not exceed \$20 million. However, if a  
146 certified applicant's facility is used by more than one spring  
147 training franchise, the maximum amount may not exceed \$50  
148 million, and the Department of Revenue shall make distributions  
149 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~  
150 ~~212.20(6)(d)6.e.~~

151 2. States the criteria that the certified applicant must  
152 meet in order to remain certified. These criteria must include a  
153 provision stating that the spring training franchise must  
154 reimburse the state for any funds received if the franchise does  
155 not comply with the terms of the contract. If bonds were issued



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156 to construct or renovate a facility for a spring training  
157 franchise, the required reimbursement must be equal to the total  
158 amount of state distributions expected to be paid from the date  
159 the franchise violates the agreement with the applicant through  
160 the final maturity of the bonds.

161 3. States that the certified applicant is subject to  
162 decertification if the certified applicant fails to comply with  
163 this section or the agreement.

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

166 5. Specifies the information that the certified applicant  
167 must report to the department.

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

169 (3) USE OF FUNDS.—

170 (a) A certified applicant may use funds provided under s.  
171 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

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

174 2. Pay or pledge for the payment of debt service on, or to  
175 fund debt service reserve funds, arbitrage rebate obligations,  
176 or other amounts payable with respect thereto, bonds issued for  
177 the construction or renovation of such facility, or for the  
178 reimbursement of such costs or the refinancing of bonds issued  
179 for such purposes.

180 (c) The Department of Revenue may not distribute funds  
181 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,  
182 2016. Further, the Department of Revenue may not distribute  
183 funds to an applicant certified on or after July 1, 2013, until  
184 it receives notice from the department that:



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185           1. The certified applicant has encumbered funds under  
186 either subparagraph (a)1. or subparagraph (a)2.; and  
187           2. If applicable, any existing agreement with a spring  
188 training franchise for the use of a facility has expired.  
189           (d)1. All certified applicants shall place unexpended state  
190 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~  
191 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use  
192 only as authorized in this section.  
193           2. A certified applicant may request that the department  
194 notify the Department of Revenue to suspend further  
195 distributions of state funds made available under s.  
196 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after  
197 expiration of an existing agreement with a spring training  
198 franchise to provide the certified applicant with an opportunity  
199 to enter into a new agreement with a spring training franchise,  
200 at which time the distributions shall resume.  
201           3. The expenditure of state funds distributed to an applicant  
202 certified after July 1, 2013, must begin within 48 months after  
203 the initial receipt of the state funds. In addition, the  
204 construction or renovation of a spring training facility must be  
205 completed within 24 months after the project's commencement.

206  
207 ===== T I T L E   A M E N D M E N T =====  
208 And the title is amended as follows:  
209           Delete lines 4115 - 4117  
210 and insert:  
211           conforming a cross-reference; amending ss. 163.524 and  
212           212.08, F.S.; conforming cross-references; amending s.  
213           212.20, F.S.; deleting an obsolete provision; amending





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214 | ss. 288.11625, 288.11631, and 220.1899, F.S. ;  
215 | conforming cross-references; amending s. 220.191,  
216 | F.S.; redefining the