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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2013	.	
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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