

**AMENDMENT 1
TO AGREEMENT BETWEEN
THE DEPARTMENT OF ECONOMIC OPPORTUNITY
AND
FLORIDA SPORTS FOUNDATION**

On August 31, 2017, the State of Florida, Department of Economic Opportunity (hereinafter "DEPARTMENT"), and the Florida Sports Foundation, Incorporated, a Florida Not for Profit Corporation (hereinafter "FLORIDA SPORTS FOUNDATION") entered into Agreement SB18-004 (the "Agreement") for \$4,700,000, as set forth in specific appropriation line item 2226J of Chapter 2017-70, Laws of Florida. The DEPARTMENT and FLORIDA SPORTS FOUNDATION are sometimes referred to herein individually as a "Party" and collectively as "the Parties."

RECITALS

WHEREAS, line item 2235 of Chapter 2018-9, Laws of Florida provides a \$4,700,000 specific appropriation to FLORIDA SPORTS FOUNDATION ; and

WHEREAS, Section 5 of the Agreement provides that any amendment to the Agreement shall be in writing and executed by the Parties thereto; and

WHEREAS, this Agreement is being amended to ensure compliance with all applicable laws, rules, and regulations, and the Parties wish to amend the Agreement as set forth herein.

NOW THEREFORE, the Parties agree:

1. Section 3, Term, is hereby deleted in its entirety and replaced with the following:

This Agreement will commence as of July 1, 2017 (the "Effective Date") and, unless earlier terminated pursuant to the terms hereof, will expire on June 30, 2019. FLORIDA SPORTS FOUNDATION acknowledges this agreement is contingent upon annual appropriation(s) by the Legislature of the State of Florida and in accordance with Article 10, Availability of Funds, and further conditioned upon its satisfactory performance of all duties and obligations hereunder, as determined by the DEPARTMENT.

2. Paragraph 8.A. is hereby deleted in its entirety and replaced with the following:

A. The fiscal year of FLORIDA SPORTS FOUNDATION is from July 1 to June 30. Payment under this fixed price Agreement will be made to FLORIDA SPORTS FOUNDATION in accordance with applicable Florida laws and the General Appropriations Act for the effective fiscal year. FLORIDA SPORTS FOUNDATION acknowledges and agrees payments made per State Fiscal Year under this Agreement will not exceed the funds appropriated by the Legislature in a State Fiscal Year and shall only be available for expenses incurred during that same State Fiscal Year. Any advanced unobligated funds or any funds paid in excess of amount that FLORIDA SPORTS FOUNDATION was entitled to must be refunded to the DEPARTMENT. FLORIDA SPORTS FOUNDATION acknowledges that any funds appropriated by the Legislature to FLORIDA SPORTS FOUNDATION shall be expended pursuant to this Agreement in accordance with the specified funding categories. Funding made available for each State Fiscal Year shall be distributed pursuant to the schedule shown in Attachment VI, Payment Schedule. Expenditures of State funds in

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accordance with this Agreement shall be in compliance with all laws, rules, and regulations applicable to expenditures of State funds that are in effect at the time of any such expenditure, including, but not limited to, section 215.97, Florida Statutes (F.S.), and the Reference Guide for State Expenditures found at <http://www.fldfs.com/aadir/reference-guide/reference-guide.htm>. All payments shall be subject to the terms of this Agreement, including the Attachments. FLORIDA SPORTS FOUNDATION may expend funds only for allowable costs resulting from obligations incurred during the term of this Agreement.

3. Paragraph 8.C. is hereby deleted in its entirety and replaced with the following:
 - C. Payment under this Agreement shall not exceed \$4,700,000 in each State Fiscal Year during the term of this Agreement. Payments under this Agreement shall be allocated as set forth in the Laws of Florida for each State Fiscal Year appropriation, and Attachment I, Scope of Work.
4. Paragraph 9.C. is hereby deleted in its entirety and replaced with the following:
 - C. FLORIDA SPORTS FOUNDATION shall submit a final reconciliation report of all State funds expended under this Agreement for each State Fiscal Year. Each report shall include a comparison of the funds expended during the State Fiscal Year with the original budget submitted at the beginning of the corresponding State Fiscal Year, and indicate any unobligated that must be returned to the State. Each report, and any unobligated funds identified in the report, shall be submitted annually to the DEPARTMENT on or before September 15.
5. Attachment I, Scope of Work, is hereby deleted in its entirety and is replaced by the revised Attachment I, which is attached hereto and incorporated herein by reference.
6. Attachment II, Reports, is hereby deleted in its entirety and is replaced by the revised Attachment II, which is attached hereto and incorporated herein by reference.
7. EXHIBIT 1 to Attachment IV, is hereby deleted in its entirety and is replaced by the revised EXHIBIT 1 to Attachment IV, which is attached hereto and incorporated herein by reference.
8. Attachment VI, Payment Schedule, is hereby deleted in its entirety and is replaced by the revised Attachment VI, which is attached hereto and incorporated herein by reference.
9. All other terms and conditions not in conflict with this Amendment remain in full force and effect and are to be performed as specified in the Agreement.

Remainder of page intentionally left blank.

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IN WITNESS HEREOF, by signature below, the Parties agree to abide by the terms, conditions, and provisions of Agreement SB18-004, as amended.

**FLORIDA SPORTS FOUNDATION,
INCORPORATED**


SIGNED:



Angela Suggs
President
DATE: 5/23/18

DEPARTMENT OF ECONOMIC OPPORTUNITY


SIGNED:



Chris Peary
Chief of Staff
DATE: 6.4.18

Approved as to form and legal sufficiency, subject only to full and proper execution by the Parties.

**OFFICE OF GENERAL COUNSEL
DEPARTMENT OF ECONOMIC OPPORTUNITY**

By: 

Approved Date: 05/31/2018

**ATTACHMENT I
SCOPE OF WORK**

1. Program Overview: The mission of the FLORIDA SPORTS FOUNDATION is to assist Florida's communities with securing, hosting, and retaining sporting events and sports related business that generate significant economic impact and sports tourism for the State through grant programs; provide the citizens of Florida with participation opportunities in Sunshine State Games and Senior Games; and assist in the promotion of leisure sports industries in Florida.

FY 2017-18 Funding for FLORIDA SPORTS FOUNDATION:

Line Item # 2226J	\$1,700,000	State Economic Enhancement Development Trust Fund
Line Item # 2226J	Up to \$3,000,000	Professional Sports Development Trust Fund

FY 2018-19 Funding for FLORIDA SPORTS FOUNDATION:

Line Item # 2235	\$1,700,000	State Economic Enhancement Development Trust Fund
Line Item # 2235	Up to \$3,000,000	Professional Sports Development Trust Fund

2. FLORIDA SPORTS FOUNDATION's Responsibilities and Obligations: FLORIDA SPORTS FOUNDATION shall responsibly and prudently manage all public and private funds received and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements; and, shall employ professionals who have both technical and business expertise to manage its activities. In furtherance of these responsibilities and obligations, FLORIDA SPORTS FOUNDATION shall receive payments as described in Attachment VI, Payment Schedule, and perform the following tasks for each State Fiscal Year:

- A. During Quarter 1, (July 1 – September 30), the FLORIDA SPORTS FOUNDATION shall perform the following:
- i. Provide grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts by accomplishing the following tasks:
 - a. Identify events for consideration for grant funding, including amateur events, collegiate events, professional all-star games and championships, or other areas approved by the Foundation's Board of Directors.
 - b. Award any combination of the grants below to assist Florida's communities and host organizations with securing, hosting, and retaining sporting events and sports related business that generate significant economic impact and sports tourism for the State. These shall include:
 - i. Major Grants: An event that generates over \$5 million in out-of-State economic impact.
 - ii. Regional Grants: An event that generates more than \$500,000 in out-of-State economic impact.
 - iii. Small Market Grants: Grants designed to reach Florida's rural and small market communities, or communities with small hotel inventory.
 - iv. Sports Industry Conference Assistance: Grants designed to assist communities in attracting legitimate event rights holders to market the State and generate viable event sales leads. Conferences considered for assistance include tradeshows, conferences, or association meetings whose attendees include legitimate event rights holders willing to conduct business in Florida.

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- II. Promote Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games by accomplishing the following tasks:
 - a. Advertise FLORIDA SPORTS FOUNDATION program events in one or more national athletic magazines throughout the quarter.
 - b. Create Florida Senior Games promotional materials(e.g., calendars, brochures, fliers etc.) for athletes qualified to compete at the annual December Florida Senior Games.
 - c. Send a promotional mailing electronically to the Florida Senior Games database, promoting participation at the fall Series Qualifiers and the annual December Games.
 - d. Hold one or more workshops for the regional directors of the Florida Senior Games Series. The annual meeting/workshop for Florida Senior Games Series Qualifiers is to strategize for the upcoming year and provide educational sessions.
 - e. Attend the annual Florida Recreation and Park Association (FRPA) Conference to develop relationships with facility owners and recreational professionals and promote Sunshine State Games and Florida Senior Games.
 - f. Open registration for the Florida Senior Games by the end of September each year and staff process entries.
 - g. Advertise the Florida Senior Games on Facebook concurrent with the opening of registration.
 - h. Offer Florida Senior Games Series Qualifiers for Florida Senior Games annually in September.
 - i. Produce and launch an annual Sunshine State Games Sport Shooting calendar of events concurrent with opening registration for the games.
 - j. Open registration for the Sunshine State Games Fall Lacrosse Classic by the end of September annually.

- B. During Quarter 2, (October 1 – December 31), the FLORIDA SPORTS FOUNDATION shall perform the following:
 - I. Provide grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts by accomplishing the following tasks:
 - a. Identify events for consideration for grant funding, including amateur events, collegiate events, professional all-star games and championships, or other areas approved by the Foundation’s Board of Directors.
 - b. Award any combination of the grants below to assist Florida’s communities and host organizations with securing, hosting, and retaining sporting events and sports related business that generate significant economic impact and sports tourism for the State. These shall include:
 - i. Major Grants: An event that generates over \$5 million in out-of-State economic impact.
 - ii. Regional Grants: An event that generates more than \$500,000 in out-of-State economic impact.
 - iii. Small Market Grants: Grants designed to reach Florida’s rural and small market communities, or communities with small hotel inventory.
 - iv. Sports Industry Conference Assistance: Grants designed to assist communities in attracting legitimate event rights holders to market the State and generate viable event sales leads. Conferences considered for assistance include tradeshows, conferences, or association meetings whose attendees include legitimate event rights holders willing to conduct business in Florida.

 - II. Promote Florida athletes and athletics, the Florida Senior Games, and the Sunshine State

Games by accomplishing the following tasks:

- a. Hold Series Qualifiers for the Florida Senior Games in October – November
- b. Conduct Sunshine State Games event in October – November
- c. Conduct the Florida Senior Games in December

C. During Quarter 3, (January 1- March 30), the FLORIDA SPORTS FOUNDATION shall perform the following:

- I. Provide grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts by accomplishing the following tasks:
 - a. Identify events for consideration for grant funding, including amateur events, collegiate events, professional all-star games and championships, or other areas approved by the Foundation's Board of Directors.
 - b. Award any combination of the grants below to assist Florida's communities and host organizations with securing, hosting, and retaining sporting events and sports related business that generate significant economic impact and sports tourism for the State. These shall include:
 - i. Major Grants: An event that generates over \$5 million in out-of-State economic impact.
 - ii. Regional Grants: An event that generates more than \$500,000 in out-of-State economic impact.
 - iii. Small Market Grants: Grants designed to reach Florida's rural and small market communities, or communities with small hotel inventory.
 - iv. Sports Industry Conference Assistance: Grants designed to assist communities in attracting legitimate event rights holders to market the State and generate viable event sales leads. Conferences considered for assistance include tradeshows, conferences, or association meetings whose attendees include legitimate event rights holders willing to conduct business in Florida.
- II. Promote Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games by accomplishing the following tasks:
 - a. Publish the annual Sunshine State Games calendar of events.
 - b. Publish the annual Florida Senior Games Series Qualifiers.
 - c. Hold Series Qualifiers for the Florida Senior Games in January – March.

D. During Quarter 4, (April 1 – June 30), the FLORIDA SPORTS FOUNDATION shall perform the following:

- I. Provide grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts by accomplishing the following tasks:
 - a. Identify events for consideration for grant funding, including amateur events, collegiate events, professional all-star games and championships, or other areas approved by the Foundation's Board of Directors.
 - b. Award any combination of the grants below to assist Florida's communities and host organizations with securing, hosting, and retaining sporting events and sports related business that generate significant economic impact and sports tourism for the State. These shall include:
 - i. Major Grants: An event that generates over \$5 million in out-of-State economic impact.
 - ii. Regional Grants: An event that generates more than \$500,000 in out-of-State economic impact.

- iii. **Small Market Grants:** Grants designed to reach Florida’s rural and small market communities, or communities with small hotel inventory.
- iv. **Sports Industry Conference Assistance:** Grants designed to assist communities in attracting legitimate event rights holders to market the State and generate viable event sales leads. Conferences considered for assistance include tradeshows, conferences, or association meetings whose attendees include legitimate event rights holders willing to conduct business in Florida.

- II. Promote Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games by accomplishing the following tasks:
 - a. Hold Series Qualifiers for the Florida Senior Games in April – June.
 - b. Conduct Sunshine State Games sports in April – June.

3. DEPARTMENT’s Responsibilities: DEPARTMENT shall:

- A. Monitor the ongoing activities of FLORIDA SPORTS FOUNDATION via phone calls, quarterly desk reviews of the documentation submitted for payment requests, and annual site visits to verify that all activities are being performed in accordance with the Agreement to the extent required by law or deemed necessary by the DEPARTMENT in its discretion;
- B. Perform contract management responsibilities pursuant to the Agreement;
- C. Review FLORIDA SPORTS FOUNDATION’s invoices described herein, and process them on a timely basis; and
- D. Reply to reasonable inquiries from FLORIDA SPORTS FOUNDATION.
- E. The DEPARTMENT will only submit the fixed-price payment requests upon satisfactory documentation of completion of the Deliverables described below in Paragraph 4 below.

4. Deliverables: For each State Fiscal Year funded under this Agreement, FLORIDA SPORTS FOUNDATION shall perform the following monthly and quarterly services as specified below in accordance with Paragraph 2, of this Attachment I, Scope of Work. No later than by the quarterly Due Dates provided in Paragraph 2 of Attachment II, Reports, FLORIDA SPORTS FOUNDATION shall submit to the DEPARTMENT the Minimum Level of Service documentation described below, as well as all the signed transparency certification described in Attachment II, Reports.

Quarter 1 Deliverables (July 1 – September 30)		
Deliverables	Minimum Level of Service	Financial Consequences
1. FLORIDA SPORTS FOUNDATION shall be paid \$250,000 for awarding grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts, in accordance with Article 2.A.I., of this Attachment I, Scope of Work.	1. At a minimum, FLORIDA SPORTS FOUNDATION Board of Directors shall award eight grants to Florida Industry Partners (e.g., Florida communities, local sports commissions), as evidenced by: <ul style="list-style-type: none"> A. Copies of the grant award letters; AND B. The Foundation’s Board of Directors’ meeting minutes indicating all approved grant awards. 	1. An \$18,750 financial consequence shall be assessed for each grant not awarded per the Minimum Level of Service.

Deliverables	Minimum Level of Service	Financial Consequences
<p>2. FLORIDA SPORTS FOUNDATION shall be paid \$175,000 for the promotion of Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games in accordance with Article 2.A.II., of this Attachment I, Scope of Work.</p>	<p>2. At a minimum, FLORIDA SPORTS FOUNDATION, shall:</p> <p>A. Open registration on or before September 30 of each State Fiscal Year for the Florida Senior Games, the Sunshine State Games Sport Shooting, and the Sunshine State Games Fall Lacrosse Classic, as evidenced by:</p> <ul style="list-style-type: none"> • Copy of Registration page of each of the registration systems; and • Copies of the announcements for each of the events; AND <p>B. Hold at least one workshop for the regional directors of the Florida Senior Games Series by the end of August of each State Fiscal Year, as evidenced by:</p> <ul style="list-style-type: none"> • The workshop agenda; and • The sign in list of participants; AND <p>C. Hold at least one Series Qualifier for the Florida Senior Games in September of each State Fiscal Year, as evidenced by a reporting of the:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Roster of athletes participating in the regional qualifier. 	<p>2. A \$17,941 financial consequence will be assessed for each failure to:</p> <p>A. Open any of the three registrations described in 2.A. on or before September 30 of each State Fiscal Year.</p> <p>B. Hold a workshop for the regional directors of the Florida Senior Games by the end of August of each State Fiscal Year.</p> <p>C. Hold a Series Qualifier for the Florida Senior Games in each State Fiscal Year.</p>
Quarter 2 Deliverables (October 1 – December 31)		
Deliverables	Minimum Level of Service	Financial Consequences
<p>1. FLORIDA SPORTS FOUNDATION shall be paid \$250,000 for awarding grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-state economic impacts, in accordance with Article 2.B.I., of this Attachment I, Scope of Work.</p>	<p>1. At a minimum, FLORIDA SPORTS FOUNDATION Board of Directors shall award eight grants to Florida Industry Partners (e.g., Florida communities, local sports commissions), as evidenced by:</p> <p>A. Copies of the grant award letters; AND</p> <p>B. The Foundation’s Board of Directors’ meeting minutes indicating all approved grant awards.</p>	<p>1. An \$18,750 financial consequence shall be assessed for each grant not awarded per the Minimum Level of Service.</p>

Deliverables	Minimum Level of Service	Financial Consequences
<p>2. FLORIDA SPORTS FOUNDATION shall be paid \$190,000 for the promotion of Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games in accordance with Article 2.B.II., of this Attachment I, Scope of Work.</p>	<p>2. At a minimum, FLORIDA SPORTS FOUNDATION, shall:</p> <p>A. Hold at least four Series Qualifiers for the Florida Senior Games in October-November of each State Fiscal Year, as evidenced by a reporting of the:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Roster of athletes participating. <p>B. Conduct at least one Sunshine State Games event in October-November of each State Fiscal Year, as evidenced by a reporting of the:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Roster of athletes participating. <p>C. Conduct the Florida Senior Games in December of each State Fiscal Year, as evidenced by:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Rosters of athletes participating. 	<p>2. A \$17,941 financial consequence will be assessed for each:</p> <p>A. Series Qualifier not held per the Minimum Level of Service.</p> <p>B. Failure to conduct at least one Sunshine State Games event.</p> <p>C. Failure to conduct the Florida Senior Games.</p>
Quarter 3 Deliverables (January 1 – March 31)		
Deliverables	Minimum Level of Service	Financial Consequences
<p>1. FLORIDA SPORTS FOUNDATION shall be paid \$250,000 for awarding grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts, in accordance with Article 2.C.I., of this Attachment I, Scope of Work.</p>	<p>1. At a minimum, FLORIDA SPORTS FOUNDATION Board of Directors shall award eight grants to Florida Industry Partners (e.g., Florida communities, local sports commissions), as evidenced by:</p> <p>A. Copies of the grant award letters; AND</p> <p>B. The Foundation’s Board of Directors’ meeting minutes indicating all approved grant awards.</p>	<p>1. An \$18,750 financial consequence shall be assessed for each grant not awarded per the Minimum Level of Service.</p>

Deliverables	Minimum Level of Service	Financial Consequences
<p>2. FLORIDA SPORTS FOUNDATION shall be paid \$175,000 for the promotion of Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games in accordance with Article 2.C.II., of this Attachment I, Scope of Work.</p>	<p>2. At a minimum, FLORIDA SPORTS FOUNDATION, shall:</p> <p>A. Annually publish the Sunshine State Games calendar of events, as evidenced by:</p> <ul style="list-style-type: none"> • Copy of registration info for each of the events and • Copies of the schedule announcements for each of the events; AND <p>B. Annually publish the Florida Senior Games Series Qualifiers schedule, as evidenced by:</p> <ul style="list-style-type: none"> • Copy of registration info for each of the Qualifiers and • Copies of the schedule announcements for each of the events; AND <p>C. Hold at least three Series Qualifiers for the Florida Senior Games in January-March of each State Fiscal Year, as evidenced by a reporting of the:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Roster of athletes participating. 	<p>2. A \$17,9410 financial consequence will be assessed for each:</p> <p>A. Failure to publish the annual Sunshine State Games calendar of events.</p> <p>B. Failure to publish the annual Florida Senior Games Series Qualifiers.</p> <p>C. Series Qualifier not held per the Minimum Level of Service.</p>
Quarter 4 Deliverables (April 1– June 30)		
Deliverables	Minimum Level of Service	Financial Consequences
<p>1. FLORIDA SPORTS FOUNDATION shall be paid \$250,000 for awarding grants designed to assist communities and host organizations in attracting sports events with an emphasis on out-of-State economic impacts, in accordance with Article 2.D.I., of this Attachment I, Scope of Work.</p>	<p>1. At a minimum, FLORIDA SPORTS FOUNDATION Board of Directors shall award eight grants to Florida Industry Partners (e.g., Florida communities, local sports commissions). However, by the end of each State Fiscal Year, the FLORIDA SPORTS FOUNDATION shall have awarded at least 40 grants in total, as evidenced by:</p> <p>A. Copies of the grant award letters; AND</p> <p>B. The Foundation’s Board of Directors’ meeting minutes indicating all approved grant awards.</p>	<p>1. A \$18,750 financial consequence shall be assessed for each grant not awarded per the Minimum Level of Service.</p>

Deliverables	Minimum Level of Service	Financial Consequences
<p>2. FLORIDA SPORTS FOUNDATION shall be paid \$160,000 for the promotion of Florida athletes and athletics, the Florida Senior Games, and the Sunshine State Games in accordance with Article 2.D.II., of this Attachment I, Scope of Work.</p>	<p>2. At a minimum, FLORIDA SPORTS FOUNDATION, shall:</p> <p>A. Hold at least two Series Qualifiers for the Florida Senior Games in April-June of each State Fiscal Year, as evidenced by a reporting of the:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Roster of athletes participating. <p>B. Conduct at least 15 Sunshine State Games sports in April-June of each State Fiscal Year, as evidenced by a reporting of the:</p> <ul style="list-style-type: none"> • Dates; • Locations; and • Roster of athletes participating. 	<p>2.</p> <p>A. A \$17,941 financial consequence will be assessed for each Series Qualifier not held per the Minimum Level of Service.</p> <p>B. An \$8,000 financial consequence will be assessed for each Sunshine State Games sports event not held per the Minimum Level of Service.</p>

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Monthly Deliverables		
Deliverable	Minimum Level of Service	Financial Consequences
<p>1. Pursuant to section 320.08058(9)(b), F.S., FLORIDA SPORTS FOUNDATION shall be paid subject to the amount of proceeds from the professional sports license plate annual use fees generated each month (minus the required 8% service charge), in accordance with Article 2, of this Attachment I, Scope of Work, and Attachment VI, Payment Schedule, not to exceed \$3,000,000 in any State Fiscal Year.</p>	<p>1. At a minimum, FLORIDA SPORTS FOUNDATION shall each month:</p> <p>A. submit an invoice detailing the Florida Department of Highway Safety and Motor Vehicles license plate annual fee proceeds for the month(s) for which FLORIDA SPORTS FOUNDATION is seeking payment; and</p> <p>B. document that FLORIDA SPORTS FOUNDATION is using the professional sports license plate proceeds it receives as sections 320.08058(9)(b)1. and 2., F.S., require, as evidenced by a monthly activity report with details for the following categories:</p> <ul style="list-style-type: none"> • Grant Measures update; • Sports Tourism; • Media, Marketing & Public Relations Exposure; and • Amateur Sports and Sponsorships. 	<p>1. FLORIDA SPORTS FOUNDATION shall not be paid the professional sports license plate proceeds for any month in which it fails to meet the Minimum Level of Service.</p>

5. Invoice Submittal and Payment Schedule:

- A. DEPARTMENT agrees to disburse funds under this Agreement in accordance with ATTACHMENT VI, Payment Schedule. Pursuant to section 215.971, F.S., FLORIDA SPORTS FOUNDATION's entitlement to retain funds paid by DEPARTMENT is dependent upon the amount of allowable costs incurred and expended by FLORIDA SPORTS FOUNDATION in carrying out the Project.
- B. All monthly and quarterly invoices shall denote the cost being claimed, a summary of the accomplishments, and the time period for which those costs are being claimed.

6. Financial Consequences for Failure to Timely and Satisfactorily Perform:

- A. Failure to complete the work in accordance with the requirements of this Agreement, and as specified above in Article 4, Deliverables, will result in assessment by DEPARTMENT of the specified Financial Consequences. If the Parties agree to a corrective action plan, the plan shall specify the applicable financial consequences to be applied after the effective date of the corrective action plan.
- B. This provision for financial consequences shall in no manner affect DEPARTMENT's right to terminate the Agreement as provided herein or by law.

7. Notification of Instances of Fraud: Instances of FLORIDA SPORTS FOUNDATION operational fraud or criminal activities shall be reported to DEPARTMENT's Agreement Manager within 24 chronological hours.

8. FLORIDA SPORTS FOUNDATION's Responsibilities upon Termination: If DEPARTMENT issues a Notice of Termination to FLORIDA SPORTS FOUNDATION, except as otherwise specified by DEPARTMENT in that notice, FLORIDA SPORTS FOUNDATION shall:

- A. Stop work under this Agreement on the date and to the extent specified in the notice.
- B. Complete performance of such part of the work as shall not have been terminated by DEPARTMENT.
- C. Take such action as may be necessary, or as DEPARTMENT may specify, to protect and preserve any property which is in the possession of FLORIDA SPORTS FOUNDATION and in which DEPARTMENT has or may acquire an interest.
- D. Upon the effective date of termination of this Agreement, FLORIDA SPORTS FOUNDATION shall transfer, assign, and make available to the DEPARTMENT all property and materials belonging to DEPARTMENT or the State. No extra compensation will be paid to FLORIDA SPORTS FOUNDATION for its services in connection with such transfer or assignment. FLORIDA SPORTS FOUNDATION agrees to comply with all applicable laws and regulations regarding State-owned property, as "property" is defined in s. 273.02, F.S., including the proper accounting, inventorying and disposition of thereof.

9. Non-Discrimination: FLORIDA SPORTS FOUNDATION shall not discriminate unlawfully against any individual employed in the performance of this Agreement because of race, religion, color, sex, physical handicap unrelated to such person's ability to engage in this work, national origin, ancestry, or age. FLORIDA SPORTS FOUNDATION shall provide a harassment-free workplace, with any allegation of harassment to be given priority attention and action.

-End of Attachment I-

**ATTACHMENT II
 REPORTS**

The following reports shall be submitted to the DEPARTMENT as specified below. The submission of these reports is not the basis for payment under this Agreement; however, failure to submit the required reports shall result in financial consequences as specified in this Agreement, including, but not limited to, Attachment III, Sanctions.

1. QUARTERLY REVIEW, PERFORMANCE and TRACKING: FLORIDA SPORTS FOUNDATION shall monitor, track, and evaluate activities, accomplishments, and impacts of all other responsibilities and programs that it administers, which support the FLORIDA SPORTS FOUNDATION's mission. All program tracking information shall be compiled quarterly, in a manner that can be easily accessed and provided to the DEPARTMENT upon request; however, the fourth quarter report of expenditures with minority or woman owned businesses shall be delivered to the DEPARTMENT on or before July 10 of the following State Fiscal Year.

2. QUARTERLY REPORTING REQUIREMENTS: On a quarterly basis, FLORIDA SPORTS FOUNDATION shall provide the information set forth in this Paragraph to the DEPARTMENT pursuant to the following schedule:

<u>For each State Fiscal Year</u>	
<u>Reporting Period</u>	<u>Due Date</u>
July 1 – September 30	October 31
October 1– December 31	January 31
January 1– March 31	April 30
April 1– June 30	July 31

A. A written certification signed by the President of FLORIDA SPORTS FOUNDATION, or the President's duly authorized designee, that FLORIDA SPORTS FOUNDATION acknowledges, has complied, and will continue to comply with the requirements of Attachment IA, Transparency Requirements, the terms of this Agreement, all applicable laws, policies, and regulations; AND

B. A report of all activities by FLORIDA SPORTS FOUNDATION involving the status of its efforts to promote amateur sports and physical fitness and to reach its Annual Measures, including:

- i. An update on the grant program for communities bidding on regional sporting events, and its distribution of funds to Florida-based charities pursuant to section 320.08058(9)(b)2., Florida Statutes;
- ii. A detailed report of all funding drawn from the Professional Sports Development Trust Fund during the quarter. The report shall provide an accounting of the disbursement of funds internally, including the name of the internal fund receiving the deposit, and a detailed listing of all expenditures as compared to the budget;
- iii. Detailed information regarding the economic impact of granted events and other Sports activities;
- iv. A detailed report on the amount of trust fund dollars used for grants, transfers to the major event account, teams charities, Sunshine State Games, Senior Games and other costs such as administrative and operations costs.
- v. A fiscal report comparison of the original budget, of State funds, submitted at the beginning of the fiscal year to the expenditures and obligations, by quarter and year-to-date, of the appropriated State funding relating to this Agreement.
- vi. An update on the Annual Measures specified in the table below.
- vii. The fourth quarter report shall include the annual summary of such performance with an explanation for any significant under- or over- achievement of the set performance standards.

The Fiscal Year Standards shown below are aspirational goals, and the failure to achieve such standards shall not be a cause for withholding of payment under this Agreement.

Annual Measures Per Section 20.60(11), Florida Statutes	Standards
Florida Senior Games and Florida Sunshine State Games (In-State)	
1. Economic impact to communities as a result of the FLORIDA SPORTS FOUNDATION's hosting of Florida Senior Games and Florida Sunshine State Games.	\$7,000,000
2. Number of participants (athletes and families) at the Florida Senior Games and Florida Sunshine State Games.	\$40,000
Regional and Major Sporting Event Grants (Out-of-State)	
3. Economic impact to communities as a result of the FLORIDA SPORTS FOUNDATION's funding of Regional and Major Grant Events.	\$200,000,000
4. Number of attendees at the Regional and Major Grant Events.	\$300,000

3. MEETING MATERIALS: FLORIDA SPORTS FOUNDATION shall provide the DEPARTMENT with all materials provided to the FLORIDA SPORTS FOUNDATION Board of Directors simultaneously with providing the information to the FLORIDA SPORTS FOUNDATION Board members or the public, whichever occurs first. Examples of such material include but are not limited to: announcements, agendas, and board meetings materials in relation to Board of Directors, Executive Board of Directors, and Committee meetings. The DEPARTMENT's Agreement Manager will provide the FLORIDA SPORTS FOUNDATION with a list of DEPARTMENT staff to whom all such materials must be provided.

-End of Attachment II-

EXHIBIT 1 to Attachment IV

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING: NONE

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS: N/A

Federal Program: N/A

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS: N/A

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Project

FLORIDA SPORTS FOUNDATION Funding FY 2017-2018				
CSFA #	Line Item	Title	Spending Authority Fund	Amount
40.040	2226J	Grants and Aids – FLORIDA SPORTS FOUNDATION	Professional Sports Development Trust Fund	(Up to) \$3,000,000
40.040	2226J	Grants and Aids – FLORIDA SPORTS FOUNDATION	State Economic Enhancement and Development Trust Fund	\$1,700,000
Total State Operating Investment (FY 2017-18)				(Up to) \$4,700,000
FLORIDA SPORTS FOUNDATION Funding FY 2018-2019				
CSFA #	Line Item	Title	Spending Authority Fund	Amount
40.040	2235	Grants and Aids – FLORIDA SPORTS FOUNDATION	Professional Sports Development Trust Fund	(Up to) \$3,000,000
40.040	2235	Grants and Aids – FLORIDA SPORTS FOUNDATION	State Economic Enhancement and Development Trust Fund	\$1,700,000
Total State Operating Investment (FY 2018-19)				(Up to) \$4,700,000
Total (Up to)				\$9,400,000

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Compliance requirements are identified throughout this Agreement. NOTE: Title 2 CFR section 200.331, as revised and section 215.97(5), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.

-End of EXHIBIT 1 to Attachment IV-

**ATTACHMENT VI
 PAYMENT SCHEDULE**

Subject to the terms of this Agreement, payments to FLORIDA SPORTS FOUNDATION shall be made as follows:

- A. The quarterly State Economic Enhancement and Development (SEED) Trust Fund payments shall not exceed the amounts set forth below for each State Fiscal Year this Agreement is in effect:

State Fiscal Year SEED Trust Fund Payment Schedule	
DATE	AMOUNT
Quarter 1 ending September 30	Not to exceed \$425,000
Quarter 2 ending December 31	Not to exceed \$440,000
Quarter 3 ending March 31	Not to exceed \$425,000
Quarter 4 ending June 30	Not to exceed \$410,000
TOTAL SEED Trust Fund Payments	Not to exceed \$1,700,000

B. For the monthly Professional Sports Development Trust Fund payments: Monthly payments will be made to FLORIDA SPORTS FOUNDATION for the Sports Development Division upon the DEPARTMENT's receipt of: (1) an original invoice; and (2) an activity report, from FLORIDA SPORTS FOUNDATION, as described in Attachment I, Scope of Work. These monthly payments will be from the Florida Professional Sports Team License Plate annual use fees as described in section 320.08058(9)(b), Florida Statutes, based on receipts documented by the Florida Department of Highway Safety and Motor Vehicles, less the required 8% service charge. The total amount distributed for each State Fiscal Year is subject to the availability of funds, and shall not exceed \$3,000,000 for each State Fiscal Year this Agreement is in effect. FLORIDA SPORTS FOUNDATION agrees to use all such Professional Sports Development Trust Fund monies in compliance with and for the purposes described in section 320.08058(9)(b), Florida Statutes. FLORIDA SPORTS FOUNDATION further agrees to keep and maintain records, including detailed budgets, expenditures and fiscal as well as programmatic supporting documentation sufficient to demonstrate full compliance with sections 320.08058(9)(b) 1. and 2., Florida Statutes, concerning the 45%/55% distribution of license plate sale proceeds for the purposes outlined therein.

-End of Attachment VI-