

1                                   A bill to be entitled  
 2           An act relating to professional sports franchises;  
 3           amending s. 288.1162, F.S.; defining the term "force  
 4           majeure event"; providing an exception to a provision  
 5           prohibiting certain persons who have previously received  
 6           funding from receiving additional funds; providing  
 7           additional requirements for certification; increasing the  
 8           number of facilities that may be certified as facilities  
 9           for certain new or retained professional sports  
 10          franchises; authorizing an additional certification of a  
 11          facility for a specified Major League Baseball franchise;  
 12          providing that a franchise that continues to occupy a  
 13          facility that was concurrently occupied by two  
 14          professional sports franchises shall be deemed the  
 15          franchise that formed the basis of the previous  
 16          certification; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

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 20           Section 1. Paragraph (h) of subsection (4) and subsections  
 21           (7) and (9) of section 288.1162, Florida Statutes, are amended,  
 22           paragraph (c) is added to subsection (3), paragraph (i) is added  
 23           to subsection (4), and subsection (10) is added to that section,  
 24           to read:

25           288.1162 Professional sports franchises; spring training  
 26           franchises; duties.--

27           (3) As used in this section, the term:

28           (c) "Force majeure event" means a flood, fire, or other

29 casualty, a war, a revolution, civil commotion, an act of a  
 30 public enemy, an embargo, an act of government in its sovereign  
 31 capacity, or a labor difficulty, including, without limitation,  
 32 a strike, a lockout, or any circumstance beyond the reasonable  
 33 control of the professional sports franchise affected.

34 (4) Prior to certifying an applicant as a "facility for a  
 35 new professional sports franchise" or a "facility for a retained  
 36 professional sports franchise," the Office of Tourism, Trade,  
 37 and Economic Development must determine that:

38 (h) An ~~No~~ applicant previously certified under any  
 39 provision of this section who has received funding under such  
 40 certification is not shall be eligible for an additional  
 41 certification, except as provided in subsections (9) and (10).

42 (i) The applicant has provided a signed agreement for the  
 43 benefit of and enforceable by the Department of Revenue from the  
 44 applicant or the current owner of the professional sports  
 45 franchise that formed the basis for the applicant's  
 46 certification pursuant to this section that guarantees that, if  
 47 the professional sports franchise ceases playing at least 90  
 48 percent of its home games in this state, including preseason,  
 49 regular season, and postseason games, unless the cessation is a  
 50 result of a force majeure event, the guarantor will pay the  
 51 Department of Revenue each year thereafter the excess, if any,  
 52 of:

53 1. The amount distributed pursuant to s. 212.20(6)(d)7.b.  
 54 to the applicant under this section during such year over

55 2. The amount of the revenues generated by the taxes  
 56 imposed under chapter 212 with respect to the use and operation

57 of the certified facility during such year.

58  
59 Within 60 days after the professional sports franchise ceases  
60 playing at least 90 percent of its home games in the state, the  
61 guarantor shall provide the Department of Revenue with an  
62 annuity contract issued by a person authorized to issue such  
63 contracts in this state that will secure the guarantor's  
64 obligation to make the payments as required by this paragraph.  
65 The guarantee of the applicant or current owner of the  
66 professional sports franchise will be returned upon substitution  
67 of the guarantee of any successor applicant or owner of the  
68 professional sports franchise whose ownership has been approved  
69 by the governing authority of the league in which the  
70 professional sports franchise exists.

71 (7) (a) The Office of Tourism, Trade, and Economic  
72 Development shall notify the Department of Revenue of any  
73 facility certified as a facility for a new professional sports  
74 franchise or a facility for a retained professional sports  
75 franchise or as a facility for a retained spring training  
76 franchise. The Office of Tourism, Trade, and Economic  
77 Development shall certify no more than nine ~~eight~~ facilities as  
78 facilities for a new professional sports franchise or as  
79 facilities for a retained professional sports franchise,  
80 including in such total any facilities certified by the  
81 Department of Commerce before July 1, 1996. The number of  
82 facilities certified as a retained spring training franchise  
83 shall be as provided in subsection (5). The office may make no  
84 more than one certification for any facility. The office may not

85 certify funding for less than the requested amount to any  
 86 applicant certified as a facility for a retained spring training  
 87 franchise.

88 (b) The eighth certification of an applicant under this  
 89 section as a facility for a new professional sports franchise or  
 90 a facility for a retained professional sports franchise shall be  
 91 for a franchise that is a member of the National Basketball  
 92 Association, has been located within the state since 1987, and  
 93 has not been previously certified. This paragraph is repealed  
 94 July 1, 2010.

95 (c) The ninth certification of an applicant under this  
 96 section as a facility for a new professional sports franchise or  
 97 a facility for a retained professional sports franchise shall be  
 98 for a franchise that is a member of Major League Baseball and  
 99 has been located within the state since 1993.

100 (9) An applicant is not qualified for certification under  
 101 this section if the franchise formed the basis for a previous  
 102 certification, unless:

103 (a) The previous certification was withdrawn by the  
 104 facility or invalidated by the Office of Tourism, Trade, and  
 105 Economic Development or the Department of Commerce before any  
 106 funds were distributed pursuant to s. 212.20; or

107 (b) The applicant will be the home facility for a  
 108 professional sports franchise that served as the basis for  
 109 certifying a facility that was occupied by two franchises. This  
 110 subsection does not disqualify an applicant if the previous  
 111 certification occurred between May 23, 1993, and May 25, 1993;  
 112 however, any funds to be distributed pursuant to s. 212.20 for

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113 ~~the second certification shall be offset by the amount~~  
114 ~~distributed to the previous certified facility. Distribution of~~  
115 ~~funds for the second certification shall not be made until all~~  
116 ~~amounts payable for the first certification have been~~  
117 ~~distributed.~~

118 (10) Notwithstanding any other provision of this section,  
119 a franchise continuing to use a facility that was concurrently  
120 occupied by two professional sports franchises shall be deemed  
121 the franchise forming the basis of the previous certification  
122 and the previous certification shall continue to apply for the  
123 period permitted from the original date of certification.

124 Section 2. This act shall take effect July 1, 2007.