

Bill No. SB 528

Barcode 670144

CHAMBER ACTION

Senate

House

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The Committee on Commerce (Diaz de la Portilla) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (c) is added to subsection (3),
paragraph (h) of subsection (4) and subsections (7) and (9) of
section 288.1162, Florida Statutes, are amended, and
subsections (10) and (11) are added to that section, to read:

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

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

(c) "Force majeure event" means a flood, fire or other
casualty, war, revolution, civil commotion, an act of a public
enemy, embargo, act of government in its sovereign capacity,
or labor difficulty, including without limitation, a strike,
lockout, or any circumstance beyond the reasonable control of
the professional sports franchise affected.

(4) Prior to certifying an applicant as a "facility

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1 for a new professional sports franchise" or a "facility for a
2 retained professional sports franchise," the Office of
3 Tourism, Trade, and Economic Development must determine that:

4 (h) An ~~No~~ applicant previously certified under any
5 provision of this section who has received funding under such
6 certification is not ~~shall be~~ eligible for an additional
7 certification, except as provided in subsections (9), (10),
8 and (11).

9 (7)(a) The Office of Tourism, Trade, and Economic
10 Development shall notify the Department of Revenue of any
11 facility certified as a facility for a new professional sports
12 franchise or a facility for a retained professional sports
13 franchise or as a facility for a retained spring training
14 franchise. The Office of Tourism, Trade, and Economic
15 Development shall certify no more than nine ~~eight~~ facilities
16 as facilities for a new professional sports franchise or as
17 facilities for a retained professional sports franchise,
18 including in such total any facilities certified by the
19 Department of Commerce before July 1, 1996. The number of
20 facilities certified as a retained spring training franchise
21 shall be as provided in subsection (5). ~~The office may make no~~
22 ~~more than one certification for any facility.~~ The office may
23 not certify funding for less than the requested amount to any
24 applicant certified as a facility for a retained spring
25 training franchise.

26 (b) The eighth certification of an applicant under
27 this section as a facility for a new professional sports
28 franchise or a facility for a retained professional sports
29 franchise shall be for a franchise that is a member of the
30 National Basketball Association, has been located within the
31 state since 1987, and has not been previously certified. This

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1 paragraph is repealed July 1, 2010.

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

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

10 (a) The previous certification was withdrawn by the
11 facility or invalidated by the Office of Tourism, Trade, and
12 Economic Development or the Department of Commerce before any
13 funds were distributed pursuant to s. 212.20; or-

14 (b) The applicant will be the home facility for a
15 professional sports franchise that served as the basis for
16 certifying a facility that was occupied by two franchises.
17 ~~This subsection does not disqualify an applicant if the~~
18 ~~previous certification occurred between May 23, 1993, and May~~
19 ~~25, 1993; however, any funds to be distributed pursuant to s.~~
20 ~~212.20 for the second certification shall be offset by the~~
21 ~~amount distributed to the previous certified facility.~~
22 ~~Distribution of funds for the second certification shall not~~
23 ~~be made until all amounts payable for the first certification~~
24 ~~have been distributed.~~

25 (10) To qualify for the ninth certification, the
26 following conditions must be met:

27 (a) The Office of Tourism, Trade, and Economic
28 Development has received a signed agreement for the benefit of
29 and enforceable by the Department of Revenue from the
30 applicant or current owner of the professional sports
31 franchise that formed the basis for the applicant's

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1 certification pursuant to this section which guarantees that,
2 if the professional sports franchise ceases playing at least
3 90 percent of its home games in this state, including
4 preseason, regular season, and postseason games, unless the
5 cessation is a result of a force majeure event, within 60 days
6 thereafter the guarantor will provide to the Department of
7 Revenue an annuity contract issued by a person authorized to
8 issue such contracts in this state which will pay the
9 Department of Revenue each year thereafter, 150 percent of the
10 amount distributed pursuant to s. 212.20(6)(d)7.b. to the
11 applicant under s. 288.1162 during such year. The guarantee of
12 the current owner of the professional sports franchise shall
13 be returned upon substitution of the guarantee of any
14 successor owner of the professional sports franchise whose
15 ownership has been approved by the governing authority of the
16 league in which the professional sports franchise exists.

17 (b) The Office of Tourism, Trade, and Economic
18 Development has received evidence that one or more of the
19 municipalities in or near which the facility for a
20 professional sports franchise is located, the county in which
21 the facility for a professional sports franchise is located,
22 the applicant, and the owner of the professional sports
23 franchise that has served as an applicant's basis for
24 certification under this section or its affiliates have
25 previously contributed funds, or are contractually committed
26 to contribute funds during the next 30 years, for the
27 construction or improvement of the facility for a professional
28 sports franchise which, in the aggregate, equals or exceeds
29 \$60 million.

30 (11) Notwithstanding any other provision of this
31 section, a franchise continuing to use a facility that was

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1 concurrently occupied by two professional sports franchises
 2 shall be deemed the franchise forming the basis of the
 3 previous certification and the previous certification shall
 4 continue to apply for the period permitted from the original
 5 date of certification.

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

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

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13 and insert:

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A bill to be entitled

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An act relating to professional sports

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franchises; amending s. 288.1162, F.S.;

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defining "force majeure event"; providing an

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exception to a provision prohibiting certain

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persons who have previously received funding

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from receiving additional funds; increasing the

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number of facilities that may be certified as

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facilities for certain new or retained

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professional sports franchises; authorizing an

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additional certification of a facility for a

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specified Major League Baseball franchise;

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providing prerequisites for certification;

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providing that a franchise that continues to

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occupy a facility that was concurrently

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occupied by two professional sports franchises

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shall be deemed the franchise that formed the

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basis of the previous certification; providing

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an effective date.