

Bill No. SB 544

Barcode 734992

CHAMBER ACTION

Senate

House

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The Committee on Commerce (Garcia) recommended the following
substitute for amendment (111420):

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 all of its
3 home games in this state, including preseason, regular season,
4 and postseason games, unless the cessation is a result of a
5 force majeure event, within 60 days thereafter the guarantor
6 will provide to the Department of Revenue an annuity contract
7 issued by a person authorized to issue such contracts in this
8 state which will pay the Department of Revenue each year
9 thereafter, 125 percent of the amount distributed pursuant to
10 s. 212.20(6)(d)7.b. to the applicant under s. 288.1162 during
11 such year. The guarantee of the current owner of the
12 professional sports franchise shall be returned upon
13 substitution of the guarantee of any successor owner of the
14 professional sports franchise whose ownership has been
15 approved by the governing authority of the league in which the
16 professional sports franchise exists.

17 (b) The applicant for a facility for a new
18 professional sports franchise has a verified copy of a binding
19 agreement with the new professional sports franchise that
20 requires the franchise to pay any cost overruns when the
21 franchise was used as the basis for the original certification
22 of the applicant described in (9)(b) and is the basis for the
23 current certification request.

24 (11) Notwithstanding any other provision of this
25 section, a franchise continuing to use a facility that was
26 concurrently occupied by two professional sports franchises
27 shall be deemed the franchise forming the basis of the
28 previous certification and the previous certification shall
29 continue to apply for the period permitted from the original
30 date of certification.

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

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to professional sports

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

9 defining "force majeure event"; providing an

10 exception to a provision prohibiting certain

11 persons who have previously received funding

12 from receiving additional funds; increasing the

13 number of facilities that may be certified as

14 facilities for certain new or retained

15 professional sports franchises; authorizing an

16 additional certification of a facility for a

17 specified Major League Baseball franchise;

18 providing prerequisites for certification;

19 providing that a franchise that continues to

20 occupy a facility that was concurrently

21 occupied by two professional sports franchises

22 shall be deemed the franchise that formed the

23 basis of the previous certification; providing

24 an effective date.

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