

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

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

11 (h) An ~~no~~ applicant previously certified under any
12 provision of this section who has received funding under such
13 certification is not shall be eligible for an additional
14 certification, except as provided in subsections (9), (10),
15 and (11).

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

3 (b) The eighth certification of an applicant under
4 this section as a facility for a new professional sports
5 franchise or a facility for a retained professional sports
6 franchise shall be for a franchise that is a member of the
7 National Basketball Association, has been located within the
8 state since 1987, and has not been previously certified. This
9 paragraph is repealed July 1, 2010.

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

15 (9) An applicant is not qualified for certification
16 under this section if the franchise formed the basis for a
17 previous certification~~7~~ unless:

18 (a) The previous certification was withdrawn by the
19 facility or invalidated by the Office of Tourism, Trade, and
20 Economic Development or the Department of Commerce before any
21 funds were distributed pursuant to s. 212.20; ~~or-~~

22 (b) The applicant will be the home facility for a
23 professional sports franchise that served as the basis for
24 certifying a facility that was occupied by two franchises.
25 ~~This subsection does not disqualify an applicant if the~~
26 ~~previous certification occurred between May 23, 1993, and May~~
27 ~~25, 1993; however, any funds to be distributed pursuant to s.~~
28 ~~212.20 for the second certification shall be offset by the~~
29 ~~amount distributed to the previous certified facility.~~
30 ~~Distribution of funds for the second certification shall not~~

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1 ~~be made until all amounts payable for the first certification~~
2 ~~have been distributed.~~

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

5 (a) The Office of Tourism, Trade, and Economic
6 Development has received a signed agreement for the benefit of
7 and enforceable by the Department of Revenue from the
8 applicant or current owner of the professional sports
9 franchise that formed the basis for the applicant's
10 certification pursuant to this section which guarantees that,
11 if the professional sports franchise ceases playing all of its
12 home games in this state, including preseason, regular season,
13 and postseason games, unless the cessation is a result of a
14 force majeure event, within 60 days thereafter the guarantor
15 will provide to the Department of Revenue an annuity contract
16 issued by a person authorized to issue such contracts in this
17 state which will pay the Department of Revenue each year
18 thereafter, 125 percent of the amount distributed pursuant to
19 s. 212.20(6)(d)7.b. to the applicant under this section during
20 such year. The guarantee of the current owner of the
21 professional sports franchise shall be returned upon
22 substitution of the guarantee of any successor owner of the
23 professional sports franchise whose ownership has been
24 approved by the governing authority of the league in which the
25 professional sports franchise exists.

26 (b) The applicant for a facility for a new
27 professional sports franchise has a verified copy of a binding
28 agreement with the new professional sports franchise that
29 requires the franchise to pay any cost overruns when the
30 franchise was used as the basis for the original certification

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1 of the applicant described in paragraph (9)(b) and is the
2 basis for the current certification request.

3 (11) Notwithstanding any other provision of this
4 section, a franchise continuing to use a facility that was
5 concurrently occupied by two professional sports franchises
6 shall be deemed the franchise forming the basis of the
7 previous certification and the previous certification shall
8 continue to apply for the period permitted from the original
9 date of certification.

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

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 544

15 Committee Substitute for Senate Bill 544 differs from the bill
16 as filed in the following ways:

- 17 - Requires the franchise that is the basis of the new ninth
18 facility certification to pay an amount equal to 125
19 percent of the state sales tax rebate if the franchise
20 does not play all of its home games at the new facility.
21 - The only exception is if the franchise cannot play
22 because of a "force majeure event," as defined.
23 - Requires the franchise to pay any cost overruns
24 associated with the new certified sports facility.
25 - Deletes language made obsolete by the new provisions.
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