

Bill No. SPB 7044

Barcode 774296

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development
Appropriations (Margolis) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 29, through
page 6, line 21, delete those lines

and insert:

Section 1. Section 288.11635, Florida Statutes, is
created to read:

288.11635 Professional sports franchise or motorsports
entertainment complex quarantees.--

(1) The Office of Tourism, Trade, and Economic
Development shall serve as the state agency for screening
applicants for state funding pursuant to s. 212.20(6)(d)7.c.
and for certifying an applicant as a facility for a
professional sports franchise or as a facility for a
motorsports entertainment complex which is eligible for
funding pursuant to s. 212.20(6)(d)7.c.

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

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

Bill No. SPB 7044

Barcode 774296

1 other casualty, war, revolution, civil commotion, an act a of
2 public enemy, embargo, act of government in its sovereign
3 capacity, or labor difficulty, including without limitation, a
4 strike, lockout, or any circumstance beyond the reasonable
5 control of the professional sports franchise affected.

6 (b) "League" has the same meaning as provided in s.
7 288.1162.

8 (c) "Motorsports entertainment complex" means a
9 closed-course racing facility.

10 (d) "Motorsports event" mean a motorsports race that
11 has been sanctioned by a sanctioning body.

12 (e) "Owner" means a unit of local government which
13 owns a motorsports entertainment complex or owns the land on
14 which the motorsports entertainment complex is located.

15 (f) "Professional sports franchise" means a franchise
16 in the National League or the American League of Major League
17 Baseball, the National Basketball Association, the National
18 Football League, or the National Hockey League.

19 (g) "Sanctioning Body" means the American Motorcycle
20 Association (AMA), Championship Auto Racing Teams (CART),
21 Grand American Road Racing Association (GRANDAM), Indy Racing
22 League (IRL), National Association for Stock Car Auto Racing
23 (NASCAR), National Hot Rod Association (NHRA), Professional
24 Sports Car Racing (PSR), Sports Car Club of America (SCCA),
25 United States Auto Club (USAC), or any other nationally
26 recognized governing body that establishes motorsports events
27 and administers rules governing such events.

28 (h) "Unit of local government" has the same meaning as
29 provide in s. 218.369.

30 (3) The Office of Tourism, Trade, and Economic
31 Development shall adopt rules for the receipt and processing

Bill No. SPB 7044

Barcode 774296

1 of applications for funding pursuant to s. 212.20(6)(d)7.c.

2 (4) Before certifying an applicant as a facility for a
3 professional sports franchise or motorsports entertainment
4 complex which is eligible for funding pursuant to s.
5 212.20(6)(d)7.c., the Office of Tourism, Trade, and Economic
6 Development must determine that:

7 (a) A unit of local government is responsible for the
8 construction, maintenance, or operation of the professional
9 sports franchise facility or motorsports entertainment complex
10 or holds title to or a leasehold interest in the property on
11 which the professional sports franchise facility or
12 motorsports entertainment complex will be located and the
13 person filing on behalf of the applicant is or will be the
14 owner or operator of the professional sports franchise
15 facility or motorsports entertainment complex facility.

16 (b) The applicant has a verified copy of the approval
17 from the governing authority of the league or sanctioning body
18 in which the professional sports franchise exists or has
19 verified evidence that it had a league or sanctioning
20 body-authorized location in this state on or before July 1,
21 2007.

22 (c) The applicant has projections, verified by the
23 Office of Tourism, Trade, and Economic Development, which
24 demonstrate that the professional sports franchise will
25 attract a paid attendance of more than 300,000 annually or
26 that the motorsports entertainment complex facility will
27 attract a paid attendance of 100,000 annually.

28 (d) The applicant has an independent analysis or
29 study, verified by the Office of Tourism, Trade, and Economic
30 Development, which demonstrates that the amount of the
31 revenues generated by the taxes imposed under chapter 212 with

Bill No. SPB 7044

Barcode 774296

1 respect to the use and operation of the professional sports
2 franchise facility will equal or exceed \$4 million annually or
3 the professional sports franchise facility or motorsports
4 entertainment complex facility will equal or exceed \$800,000
5 annually, except that if the professional sports franchise
6 that served as an applicant's basis for certification under
7 this section did not serve as the applicant's basis for
8 certification under s. 288.1162, the verified analysis or
9 study must demonstrate that the amount of such tax revenues
10 will equal or exceed \$2 million annually.

11 (e) The municipality or county in which the facility
12 for a professional sports franchise or motorsports
13 entertainment complex facility is located has certified by
14 resolution after a public hearing that the application serves
15 a public purpose.

16 (f) The Office of Tourism, Trade, and Economic
17 Development has received a signed agreement for the benefit of
18 and enforceable by the Department of Revenue from the
19 applicant or current owner of the professional sports
20 franchise that formed the basis for the applicant's
21 certification pursuant to this section which guarantees that,
22 if the professional sports franchise ceases playing at least
23 90 percent of its home games in this state, including
24 preseason, regular season, and postseason games, unless the
25 cessation is a result of a force majeure event, within 60 days
26 thereafter the guarantor will provide to the Department of
27 Revenue an annuity contract issued by a person authorized to
28 issue such contracts in this state which will pay the
29 Department of Revenue each year thereafter 125 percent of the
30 amount distributed pursuant to s. 212.20(6)(d)7.c. to the
31 applicant under this section during such year or, if the same

Bill No. SPB 7044

Barcode 774296

1 professional sports franchise also formed the basis for an
2 applicant's certification pursuant to s. 288.1162, 125 percent
3 of the amount distributed pursuant to s. 212.20(6)(d)7.b. to
4 the applicant under s. 288.1162 during such year. The
5 guarantee of the current owner of the professional sports
6 franchise shall be returned upon substitution of the guarantee
7 of any successor owner of the professional sports franchise
8 whose ownership has been approved by the governing authority
9 of the league in which the professional sports franchise
10 exists.

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

Bill No. SPB 7044

Barcode 774296

1 years, for the construction or improvement of the facility for
2 the motorsports entertainment complex which, in the aggregate,
3 equal or exceed \$10 million.

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5 A professional sports franchise or motorsports entertainment
6 complex may form the basis for only one facility certified
7 under this section for funding pursuant to s. 212.20(6)(d)7.c.

8 (5) An applicant certified as a facility for a
9 professional sports franchise or motorsports entertainment
10 complex which is certified for funding pursuant to s.
11 212.20(6)(d)7.c. may use funds provided pursuant to that
12 sub-subparagraph only:

13 (a) For the public purpose of paying for the
14 acquisition, construction, reconstruction, renovation, capital
15 improvement, or maintenance of the facility for a professional
16 sports franchise or motorsports entertainment complex or any
17 ancillary facilities that support the operations of any such
18 facility, such as parking structures; convention facilities
19 and meeting rooms; retail and concession space; health,
20 fitness, and training facilities; and youth and amateur sports
21 or motorsports facilities;

22 (b) To pay or pledge for the payment of debt service
23 on, or fund debt service reserve funds, arbitrage rebate
24 obligations, or other amounts payable with respect to bonds or
25 other indebtedness issued for the acquisition, construction,
26 reconstruction, renovation, or capital improvement of the
27 facility for a professional sports franchise or motorsports
28 entertainment complex facility or ancillary facilities; or

29 (c) For reimbursement of costs for the refinancing of
30 bonds or other indebtedness, including the payment of any
31 interest and prepayment premium or penalty thereon, issued for

Bill No. SPB 7044

Barcode 774296

1 the acquisition, construction, reconstruction, renovation, or
2 capital improvement of the facility for a professional sports
3 franchise or motorsports entertainment complex facility or
4 ancillary facilities.

5 (6) The Office of Tourism, Trade, and Economic
6 Development shall notify the Department of Revenue of any
7 facility certified as a facility for a professional sports
8 franchise or motorsports entertainment complex which is
9 eligible for funding pursuant to s. 212.20(6)(d)7.c. The
10 Office of Tourism, Trade, and Economic Development may not
11 certify under this section more than nine facilities as
12 facilities for a professional sports franchise or more than
13 five facilities as facilities for a motorsports entertainment
14 complex which are eligible for funding pursuant to s.
15 212.20(6)(d)7.c.

16 (7) The Department of Revenue may conduct audits as
17 provided in s. 213.34 to verify that the distributions made
18 under this section have been expended as required in this
19 section. Such information is subject to the confidentiality
20 requirements of chapter 213. If the Department of Revenue
21 determines that the distributions made under this section have
22 not been expended as required by this section, it may pursue
23 recovery of the funds pursuant to the laws and rules governing
24 the assessment of taxes.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

Bill No. SPB 7044

Barcode 774296

1 A bill to be entitled
2 An act relating to professional sports
3 franchise facilities and motorsports
4 entertainment complexes; creating s. 288.11635,
5 F.S.; requiring the Office of Tourism, Trade,
6 and Economic Development to screen applicants
7 for state funding under s. 212.20(6)(d)7.c. and
8 certify a facility as eligible for funding as a
9 facility for a professional sports franchise or
10 motorsports entertainment complex; defining
11 terms; requiring the office to adopt rules;
12 providing prerequisites for certification;
13 prohibiting a facility from receiving more than
14 one certification for any professional sports
15 franchise or motorsports entertainment complex;
16 restricting the use of funds; providing
17 limitations on certifications; authorizing the
18 Department of Revenue to conduct audits in
19 order to verify that funds have been expended
20 as required and to pursue recovery of
21 inappropriately expended funds; amending s.
22 212.20, F.S.; providing for the amounts to be
23 distributed to certified facilities under the
24 act; providing a timeframe for such
25 distributions; amending s. 288.1169, F.S.,
26 relating to the International Game Fish
27 Association World Center; conforming a
28 cross-reference; providing an effective date.

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