1988

Session Law 88-226

Florida Senate & House of Representatives

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**NOTE:** Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.
H 1717  GENERAL BILL/ENG by Appropriations; Bell
Professional Sports Franchises; provides for duties of Sports Advisory Council; provides for duties of Commerce Dept. in carrying out provisions of act; provides for imposition of tourist development tax to fund professional sports franchise facility bonds, authorizes counties to impose such taxes; creates Professional Sports/Economic Trust Fund, requires certain professional sports facilities to be used as shelters for homeless, as specified, etc. Amends 125.0104. Appropriation: $6,757,920 Effective Date: 07/01/88.

05/23/88 HOUSE Filed, Introduced, placed on Calendar -HJ 629
05/25/88 HOUSE Placed on Special Order Calendar; Read second time -HJ 689. Amendments adopted; Read third time; Passed as amended; YEAS 66 NAYS 38 -HJ 690
05/25/88 SENATE In Messages
05/30/88 SENATE Received, referred to Appropriations -SJ 473
06/01/88 SENATE On Committee agenda—Appropriations, 06/02/88, 9:00 am, Room-A -SJ 708
06/02/88 SENATE Comm. Report. Favorable with 10 amendment(s) by Appropriations, placed on Calendar -SJ 787
06/03/88 SENATE Placed on Special Order Calendar -SJ 866 -SJ 924; Amendments adopted -SJ 996; Motion to go to third reading failed -SJ 997
06/07/88 SENATE Placed on Special Order Calendar -SJ 1089 & -SJ 1127; Passed as amended, YEAS 20 NAYS 13 -SJ 1134
06/07/88 HOUSE In Messages; Concurred -HJ 1658. Passed as further amended, YEAS 71 NAYS 44 -HJ 1659
06/07/88 HOUSE Ordered engrossed, then enrolled
06/16/88 Signed by Officers and presented to Governor
07/01/88 Approved by Governor; Chapter No. 88-226
(BILLS UNDERLINED HAVE PASSED BOTH HOUSES)
(CITATOR INCLUDES COMMITTEE SUBS & AMENDED BILLS)
Florida House of Representatives - 1988

By the Committee on Appropriations and Representative Bell

A bill to be entitled

An act relating to professional sports franchises; providing for the duties of the Sports Advisory Council; providing for the duties of the Department of Commerce in carrying out the provisions of this act; providing for applications; providing for review; providing for legislative action; providing a state funding program; creating a Professional Sports/Economic Trust Fund; providing for uses of the fund; providing appropriations; providing an effective date.

WHEREAS, the Legislature recognizes that the location of professional sports franchises in the state represents nonpolluting economic development for the state and promotes tourism and recreation and improves the prosperity and welfare of the state and its citizens, and

WHEREAS, several cities and counties are currently actively involved in attracting professional sports franchises to Florida, and

WHEREAS, other states have recognized that attracting and keeping professional sports franchises produces both immediate benefits to the state and local area through the construction of an appropriate sports facility and long-term benefits in terms of economic growth and development in and around the facility, and

WHEREAS, significant levels of resources are necessary to attract professional sports franchises to the state and to be competitive with other states, and

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WHEREAS, the Legislature recognizes that although the
funding necessary to attract professional sports franchises to
the state is primarily the responsibility of local areas
interested in development, such development produces a
significant benefit to the state as a whole and is an
appropriate purpose for the expenditure of state funds, NOW,
THEREFORE,

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

Section 1. Sports Advisory Council duties.--The
Sports Advisory Council, created within the Department of
Commerce pursuant to s. 20.17, Florida Statutes, shall serve
in an advisory capacity to the Secretary of Commerce to assist
the secretary, as he may require, in carrying out the
requirements of this act and in adopting appropriate rules.

Section 2. Professional sports franchises; duty of
Department of Commerce; procedure.--

(1) The Department of Commerce shall serve as the
state agency for screening applicants for state funding
pursuant to this act.

(2) The Department of Commerce shall develop rules for
the receipt and processing of applications for funding
pursuant to section 3. Such rules shall require as a minimum
that an application include the information set forth in this
subsection except for the provisions of paragraph (f). Any
application submitted prior to the adoption of such rules
shall include the following information except for the
provisions of paragraph (f):

(a) The applicant shall include an economic impact
study which shall include the following elements: an element

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indicating overall economic impact accruing to the state in terms of increased tax revenues, an element indicating the direct impact on the local area of funds generated by the location of the professional sports franchise in such area; and an element indicating the indirect benefits such as long-term economic growth in such area due to the location of the professional sports franchise facility. The applicant shall also include in the economic impact study an estimate of the annual amount of the revenues generated by the taxes imposed under part I of chapter 212, Florida Statutes, with respect to the use and operation of the professional sports franchise facility; provided, however, that with respect to any facility in existence and in use by a professional sports franchise on the effective date of this act, such estimate shall include only those revenues directly related to new and additional use and operation of such facility resulting from the construction, reconstruction, or renovation for which funding is sought pursuant to this act. Such estimate shall not include that portion of revenues which are to be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 218.611, Florida Statutes. The revenues described in this paragraph shall be referred to as the "Professional Sports Facility Sales Tax Revenues."

(b) The applicant shall include information in a form required by the Department of Commerce indicating that the applicant is capable of providing and has a financial commitment for the provision of 75 percent or more of the funds required by an agreement for the use of the facility by the professional sports franchise.

(c) The applicant may use funds provided for pursuant to this act only for the public purpose of paying capital and CODING: Words stricken are deletions; words underlined are additions.
other costs in connection with the location or relocation of a professional sports franchise.

(d) The applicant shall provide information indicating that an interstate or other limited-access highway system exists within 3 miles of the proposed professional sports franchise facility.

(e) The applicant shall include documentation that it is the "unit of local government" as defined in s. 218.369, Florida Statutes, responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.

(f) The applicant shall include, prior to the release of any funding under this act, a verified copy of a signed agreement with a professional sports franchise for the use of the facility for a term of at least 15 years.

(g) The applicant shall include projections showing that the professional sports franchise will attract a paid attendance of more than 500,000 annually.

(h) The applicant shall state that it does not have a contract with a professional sports franchise to play regular season games in the State of Florida together with approval by the governing authority of the league in which the professional sports franchise exists to locate in Florida prior to May 15, 1988.
(3) By January 15th of each year, the Department of Commerce shall transmit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Appropriations Committees those applications that meet all the criteria described in subsection (2) except for paragraph (2)(f).

(4) Upon reviewing the application for funding as described in subsection (2), the Department of Commerce shall present the application, together with the recommendations of the department, to the Legislature. Additionally the Department of Commerce in consultation with the Department of Revenue shall estimate the annual amount of the Professional Sports Facility Sales Tax Revenues as described in paragraph (2)(a). The Legislature may, at the next regular or special session, act upon the application.

Section 3. Professional sports franchises; state funding program.--If the Legislature approves the professional sports franchise project and approves a level of Professional Sports Facility Sales Tax Revenues for any eligible applicant qualified pursuant to this act, in the General Appropriations Act or in any general law, the following funding plan shall be implemented after the applicant produces a verified copy of a signed agreement with a professional sports franchise for a term of at least 15 years and a verified copy of approval by the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise to Florida, an amount equal to the approved Professional Sports Facility Sales Tax Revenues is hereby annually appropriated from the General Revenue Fund to the unit of local government responsible for the construction, management, or operation of the professional

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sports franchise facility or to the unit of local government which holds title to the property on which the professional sports facility is located. The approved Professional Sports Facility Sales Tax Revenues shall be transferred to such unit of local government in substantially equal monthly installments and may be pledged for a period not to exceed 30 years and used to pay debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds issued by such unit of local government or by such other unit of local government as provided by interlocal agreement for the purposes for which funds distributed under this act to a unit of local government may be used. No governmental entity shall receive more than $2 million in any state fiscal year pursuant to this section. In the event that any professional sports franchise facility receiving funds under this act generates an after tax profit during any fiscal year during which bonds issued pursuant to this act pledging Professional Sports Facility Sales Tax Revenues are outstanding, any such profit of the funded facility shall be used to pay the debt service on such bonds to the extent of such profit and in reduction of such payment from the General Revenue Fund.

Section 4. Professional Sports/Economic Trust Fund created. -- There is hereby created in the Department of Commerce a Professional Sports/Economic Trust Fund for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises to the state. The Department of Commerce shall adopt rules pursuant to the provisions of this section necessary to provide standards and criteria for the provision of direct aid to units of local government for the purpose of attracting

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1 professional sports franchises to the state. No unit of local
government which receives funding pursuant to section 3 shall
be eligible to receive more than $15 million from the
Professional Sports/Economic Trust Fund over the life of the
facility. Any money appropriated by the Legislature for a
specific purpose to the trust fund shall be administered by
the Department of Commerce, as directed by the Legislature by
this act, by general law or in the General Appropriations Act.

Section 5. Certain franchise agreement funding.—If an
applicant meets the criteria set forth in section 2(2), as
determined by the Secretary of Commerce with respect to a
professional sports franchise signing an agreement before
January 1, 1989, to play regular season games in a facility in
Florida commencing no later than the 1990 season then such
applicant is hereby approved by the Legislature to receive the
annual appropriation as provided for in section 3. There is
hereby annually appropriated to the first approved applicant
the sum of $1,757,920 pursuant to section 3.

Section 6. There is hereby appropriated from the
Working Capital Fund to the Professional Sports/Economic Trust
Fund $5 million in state fiscal year 1988-1989, $5 million in
state fiscal year 1989-1990 and $5 million in state fiscal
year 1990-1991 for the professional sports franchise project
which first meets the requirements of section 2(2) as
determined by the Secretary of Commerce. This appropriation
shall be contingent upon the professional sports franchise
signing an agreement on or before January 1, 1989, to play
their regular season games in a facility in Florida commencing
no later than the 1990 season.

Section 7. This act shall take effect July 1, 1988, or
upon becoming a law, whichever occurs later.

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HOUSE SUMMARY

Provides that the Sports Advisory Council within the Department of Commerce shall advise the Secretary of Commerce with respect to professional sports franchises. Provides for the duties of the department with respect to attracting professional sports franchises to the state. Provides application criteria for funding to assist local governmental entities in procuring professional sports franchise agreements. Directs the department to transmit the application together with recommendations to the Legislature for funding. Provides a state funding program and creates a Professional Sports/Economic Trust Fund. Provides funding with respect to certain professional sports franchise agreements. See bill for details.
CHAPTER 88-225  LAWS OF FLORIDA  CHAP. 88-225

(2) The provisions of this section do not apply if the lessor is the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof. However, the provisions of this section apply to contracts entered into prior to, on, and after June 4, 1975, if the lessor is not the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof. The application of this section to contracts entered into prior to June 4, 1975, may not divest the parties of any benefits or obligations arising from the escalation of fees prior to October 1, 1988, but only prohibits further escalation of fees pursuant to the escalation clauses, on or after October 1, 1988.

Section 3. Paragraph (a) of subsection (6) and subsections (8) and (9) of section 719.401, Florida Statutes, are amended to read 719.401 Leaseholds.—A cooperative may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold, if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

(6)(a) A lease of recreational or other commonly used facilities entered into by the association or unit owners prior to the time the control of the association is turned over to unit owners other than the developer, shall grant to the lessee an option to purchase the leased property, payable in cash on any anniversary date of the beginning of the lease term after the 10th anniversary, at a price then determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration. This paragraph applies to any contract entered into on, before, or after January 1, 1977, regardless of the duration of the lease.

(b)(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in any lease or other agreements for recreational facilities, land, or other commonly used facilities serving residential cooperatives, and such clauses are hereby declared void for public policy. For the purposes of this section, an escalation clause is any clause in a cooperative lease or agreement which provides that the rent or any other lease or agreement shall increase at a rate not less than the rate of the Consumer Price Index or any nationally recognized and conveniently available commodity or consumer price index.

(b)(b) This subsection does not apply if the lessor is the Government of the United States or the State of Florida or any political subdivision thereof or any agency of any political subdivision thereof. However, the provisions of this section apply to contracts entered into prior to, on, and after June 4, 1975, if the lessor is not the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof. The application of this section to contracts entered into prior to June 4, 1975, may not divest the parties of any benefits or obligations arising from the escalation of fees prior to October 1, 1988, but only prohibits further escalation of fees pursuant to the escalation clauses, on or after October 1, 1988.

Section 5. This act shall take effect October 1, 1988

Approved by the Governor July 1, 1988

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-226

An act relating to professional sports franchises; providing for the duties of the Sports Advisory Council; providing for the duties of the Department of Commerce in carrying...
Section 3. Paragraph (a) of subsection (6) and subsections (8) and (9) of section 719.401, Florida Statutes, are amended to read:

719.401 Leaseholds.--A cooperative may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold, if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

(6)(A) A lease of recreational or other commonly used facilities entered into by the association or unit owners prior to the time the control of the association is turned over to unit owners other than the developer shall grant to the lessee an option to purchase the leased property, payable in cash on any anniversary date of the beginning of the lease term after the 10th anniversary, at a price determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration under the provisions of subsection (7). This paragraph applies to any contract entered into on, before, or after January 1, 1977, regardless of the duration of the lease.

(b)(1) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential cooperatives and such clauses are hereby declared void for public policy. For purposes of this section, an escalation clause in any lease or agreement which provides that the rent under the lease or agreement shall increase at the same percentage rate as the consumer price index or nationally recognized and conveniently available commodity or consumer price index,

(b)(2) This subsection does not apply if the lessor is the Government of the United States of the State of Florida or any political subdivision thereof or any agency of any political subdivision thereof. However, the provisions of this section apply to contracts entered into prior to, on, and after June 4, 1975, if the lessor is not the Government of the United States of the State of Florida or any political subdivision thereof or any agency of any political subdivision thereof. The application of this section to contracts entered into prior to June 4, 1975, may not divest the participants of any benefits or obligations arising from the escalation of fees prior to October 1, 1988, but only prohibits further escalation of fees pursuant to the escalation clauses, on or after October 1, 1988.

Section 4. Section 719.4015, Florida Statutes, is amended to read:

719.4015 Escalation clauses --

(1) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases or agreements for recreational facilities, land, or other commonly used facilities serving residential cooperatives, and such clauses are hereby declared void for public policy. For purposes of this section, an escalation clause in any lease or agreement which provides that the rent under the lease or agreement shall increase at the same percentage rate as the consumer price index.

(b) The provisions of subsection (2) do not apply.

Section 5. This act shall take effect October 1, 1988.

Approved by the Governor July 1, 1988.

Filed in Office Secretary of State July 1, 1988.
out the provisions of this act, providing for applications, providing for review, providing for legislative action, providing for imposition of a tourist development tax to fund professional sports franchise facility bonds, amending s. 125.0104, F.S., authorizing counties to impose such taxes; providing a state funding program, creating a Professional Sports/Economic Trust Fund, providing for uses of the fund; requiring certain professional sports facilities to be used as shelters for the homeless as specified; providing appropriations; providing an effective date.

WHEREAS, the Legislature recognizes that the location of professional sports franchises in the state represents compelling economic development for the state and promotes tourism and recreation, improves the prosperity and welfare of the state and its citizens, and such public purposes implicate the governmental purposes under the State Constitution of providing for the health, safety and welfare of the people, and

WHEREAS, several cities and counties are currently actively involved in attracting professional sports franchises to Florida, and

WHEREAS, other states have recognized that attracting and keeping professional sports franchises produces both immediate benefits to the state and local area through the construction of an appropriate sports facility and long-term benefits in terms of economic growth and development in and around the facility, and the Legislature recognizes such benefits to the state, and

WHEREAS, significant levels of resources are necessary to attract professional sports franchises to the state and to be competitive with other states, and

WHEREAS, the Legislature recognizes that although the funding necessary to attract professional sports franchises to the state is primarily the responsibility of local areas interested in development, such development produces a significant benefit to the state as a whole and is an appropriate public purpose for the expenditure of state funds, NOW, THEREFORE,

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

Section 1. Sports Advisory Council; duties.—The Sports Advisory Council, created within the Department of Commerce pursuant to s. 26.17, Florida Statutes, shall serve in an advisory capacity to the Secretary of Commerce to assist the secretary, as he may require, in carrying out the requirements of this act and in adopting appropriate rules.

Section 2. Professional Sports Franchises; duty of Department of Commerce. —

(a) The Department of Commerce shall serve as the state agency for screening applicants for state funding pursuant to this act.

(b) The Department of Commerce shall develop rules for the receipt and processing of applications for funding pursuant to section 3. Such rules shall require as a minimum that an application include the information set forth in this subsection except for the provisions of paragraph [f]. Any application submitted prior to the adoption of such rules shall include the following information except for the provisions of paragraph [f]:

The applicant shall include an economic impact study which shall include the following elements: an element indicating overall economic impact, including state and local government revenues; an element indicating the direct impact on the local area of funds generated by the location of the professional sports franchise in such area; and an element indicating the indirect benefits to the long-term economic growth in such area due to the location of the professional sports franchise facility

The applicant shall also include in the economic impact study an estimate of the annual amount of the revenues generated by the taxes imposed under part 1 of chapter 88, Florida Statutes, which provide for the use and operation of the professional sports franchise facility, provided, however, that with respect to any facility in existence and in use by a professional sports franchise on the effective date of this act, such estimate shall include only those revenues directly related to new and additional use and operation of such facility resulting from the construction, reconstituting, or renovation of which funding is sought pursuant to this act. Such estimate shall not include that portion of the revenues which are to be transferred in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 218.631, Florida Statutes. The revenues described in this paragraph shall be referred to as the Professional Sports Facility Sales Tax Revenues.

(c) The applicant shall include information in a form required by the Department of Commerce indicating that the applicant has a financial commitment of providing and has a financial commitment for the provision of 75 percent or more of the funds required by an agreement for the use of the facility by the professional sports franchise.

(d) The applicant shall provide information indicating that an interstate or other limited-access high-speed toll road for the proposed professional sports franchise facility

(e) The applicant shall include documentation that it is the "unit of local government" as defined in s. 125.059, Florida Statutes, responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located. For the purposes of this act, the term "unit of local government" includes any existing sport facility which was financed in part or in whole by industrial revenue bonds, an agreement prior to January 1, 1988, and which was constructed upon land which was leased from a county.

(f) The applicant shall include, prior to the release of any funds under this act, a certified copy of a signed agreement with a professional sports franchise for the use of the facility for a term of at least 15 years.

2. The applicant shall include, prior to the release of any funds under this act, a certified copy of the approval from the governing authority of the league in which the professional sports franchise is located.
out the provisions of this act, providing for applications, providing for review, providing for legislative action, providing, for imposition of a tourist development tax to fund professional sports franchise facility bonds, amending s. 125.0104, F.S.; authorizing counties to impose such taxes providing a state funding program, creating a Professional Sports/Economic Trust Fund, providing for use of the fund; requiring certain professional sports facilities to be used as shelters for the homeless as specified; providing appropriations; providing an effective date.

WHEREAS, the Legislature recognizes that the location of professional sports franchises in the state represents nonintruding economic development for the state and promotes tourism and recreation, improves the prosperity and welfare of the state and its citizens, and such public purposes implement the governmental purposes under the State Constitution of providing for the health, safety and welfare of the people, and

WHEREAS, several cities and counties are currently actively involved in attracting professional sports franchises to Florida, and

WHEREAS, other states have recognized that attracting and keeping professional sports franchises produces both immediate benefits to the state and local area through the construction of an appropriate sports facility and long-term benefits in terms of economic growth and development in and around the facility, and the Legislature recognizes such benefits to the state and

WHEREAS, significant levels of resources are necessary to attract professional sports franchises to the state and to be competitive with other states,

WHEREAS, the Legislature recognizes that although the funding necessary to attract professional sports franchises to the state is primarily the responsibility of local areas interested in development, such development produces a significant benefit to the state as a whole and is an appropriate public purpose for the expenditure of state funds, NOW, THEREFORE,

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

Section 1. Sports Advisory Council: duties.—The Sports Advisory Council, created within the Department of Commerce pursuant to s. 20.17, Florida Statutes, shall serve in an advisory capacity to the Secretary of Commerce to assist the secretary, as he may require, in carrying out the requirements of this act and in adopting appropriate rules.

Section 2. Professional sports franchises: duty of Department of Commerce. Proceedure.—

1. The Department of Commerce shall serve as the state agency for screening applicants for state funding pursuant to this act.

2. The Department of Commerce shall develop rules for the receipt and processing of applications for funding pursuant to section 3. Such rules shall require as a minimum that an application include the information set forth in this subsection except for the provisions of paragraph (e). Any application submitted prior to the

adoption of such rules shall include the following information except for the provisions of paragraph (e):

[a] The applicant shall include an economic impact study which shall include the following elements:—an element indicating overall economic impact assessed by such economic impact study; an element indicating the direct impact on the local area of funds generated by the location of the professional sports franchise in such area; and an element indicating the indirect fiscal benefits of the professional sports franchise facility due to the location of the professional sports franchise facility. The applicant shall also include in the economic impact study, an estimate of the annual amount of the revenues generated by the taxes imposed under part I of chapter 218, Florida Statutes, on the use and operation of the professional sports franchise facility, provided, however, that with respect to any facility in existence and in use by a professional sports franchise on the effective date of this act such estimate shall include only those revenues directly related to new and additional use and operation of such facility resulting from the construction, reconstruction, or renovation of which funding is sought pursuant to this act. Such estimate shall not include that portion of revenues which are to be transferred to the local Government Half-cent Sales Tax Trust Fund pursuant to s. 218.61, Florida Statutes. The revenues described in this paragraph shall be referred to as the “Professional Sports Franchise Sales Tax Revenues.”

[b] The applicant shall include information in a form required by the Department of Commerce indicating that the applicant has provided and has a financial commitment for the provision of 25 percent or more of the funds required by an agreement for the use of the facility by the professional sports franchise.

[c] The applicant may use funds provided for pursuant to this act only for the public purpose of paying capital and other costs in connection with the use of the professional sports franchise facility and the location or recreation of a professional sports franchise.

[d] The applicant shall provide information indicating that an interstate or other limited-access highway system existing in the proposed professional sports franchise facility.

[e] The applicant shall include documentation that it is the “unit of local government” as defined in s. 216.109, Florida Statutes, responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located. For the purposes of this act, the term “unit of local government” includes any existing sports facility which was financed, in part or in whole, by industrial revenue bonds, in conclusion prior to January 1, 1998 and which was constructed upon land which is leased from a county.

[f] The applicant shall include, prior to the release of any funds under this act, a verified copy of a signed agreement with a professional sports franchise for the use of the facility for a term of at least 15 years.

2. The applicant shall include, prior to the release of any funds under this act, a verified copy of the approval from the governing authority of the League in which the franchise is located.
franchise exists authorizing the location of the professional sports franchise in Florida.

The applicant shall include projections showing that the professional sports franchise will attract a paid attendance of more than 400,000 annually.

The applicant shall state that it does not have a contract with a professional sports franchise to play regular season games in the State of Florida together with approval by the governing authority of the league in which the professional sports franchise exists to locate in Florida prior to May 15, 1988.

By January 15th of each year, the Department of Commerce shall transmit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Appropriations Committees those applications that meet all the criteria described in subsection (2), except for paragraph (2)(f).

Upon reviewing the application for funding as described in subsection (2), the Department of Commerce shall present the application, together with the recommendations of the department, to the Legislature. Additionally, the Department of Commerce in consultation with the Department of Revenue shall estimate the annual amount of the Professional Sports Facility Sales Tax Revenues as described in paragraph (2)(a). The Legislature may, at the next regular or special session, act upon the application.

Section 3 In any county in which a professional sports franchise is to be located pursuant to this act, the county may impose a tourist development tax pursuant to s. 125.0104, Florida Statutes, to pay the costs for the construction, reconstruction, or renovation of a professional sports franchise facility.

If the applicant unit of local government is not the county, the applicant unit of local government and the county shall enter into an interlocal agreement for the imposition of the tax on a less-than-countywide basis in the manner prescribed in s. 125.0104(3), Florida Statutes.

Section 4 Paragraph (1) is added to subsection (3) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(1) In addition to any other tax which is imposed pursuant to this section, a county may impose an additional 1 percent tax on the privilege of doing business described in paragraph (a) in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility.

Section 5. Professional sports franchises, state funding program.—If the Legislature approves the professional sports franchise project and approves a level of Professional Sports Facility Sales Tax Revenues for any eligible professional franchise pursuant to this act, in the General Appropriations Act or in any general law, the following funding plan shall be implemented after

the applicant produces a verified copy of a signed agreement with a professional sports franchise for a term of at least 15 years and a verified copy of approval by the governing authority of the league in which the professional sports franchise is located for the level of Professional Sports Facility Sales Tax Revenues for any eligible professional sports franchise pursuant to this act, in the General Appropriations Act or in any general law. The following funding plan shall be implemented:

1. The amount of general government revenue equal to the Professional Sports Facility Sales Tax Revenues shall be transferred to the unit of local government in substantially monthly increments and may be pledged for a period not exceeding 10 years, and used to pay debt service on, or to fund debt service reserve funds, to finance, renovate, or operate the facility or to the unit of local government which holds title to the property on which the professional sports facility is located. The amount of such revenue shall be equal to the amount of the Professional Sports Facility Sales Tax Revenues that were allocated to the unit of local government.

2. Any local government unit that receives funding pursuant to section 5 and 6 of this act, shall be returned by the unit of local government receiving funding to the state and shall be deposited into the General Revenue Fund.

Section 6 Professional Sports Economic Trust Fund created.—There is hereby created in the Department of Commerce a Professional Sports/Economic Trust Fund for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises to the state. The department of Commerce shall adopt rules pursuant to the provisions of this section necessary to provide standards and criteria for the purpose of direct aid to units of local government for the purpose of attracting professional sports franchises to the state. No unit of local government which receives funding pursuant to this act shall be eligible to receive more than $15 million from the Professional Sports Economic Trust Fund over the life of the facility. Any money appropriated by the Legislature for a specific purpose in the trust fund shall be administered by the Department of Commerce, as directed by the Legislature, by this act, by general law, or in the General Appropriations Act.

Section 7. Certain franchise agreement funding.—If an applicant meets the criteria set forth in section 7(1), as determined by the Secretary of Commerce with respect to a professional sports franchise agreement, signing an agreement and providing evidence satisfactory to the Secretary of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise is located, approving the location of the professional sports franchise in Florida before January 1, 1984, to play regular season games in a facility in Florida comprising no more than 1278
franchise exists authorizing the location of the professional sports franchise in Florida.

(a) The applicant shall include projections showing that the professional sports franchise will attract a paid attendance of more than 400,000 annually.

(b) The applicant shall state that it does not have a contract with a professional sports franchise to play regular season games in the State of Florida together with approval by the governing authority of the league in which the professional sports franchise exists to locate in Florida prior to May 15, 1988.

(3) By January 15th of each year, the Department of Commerce shall transmit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Appropriations Committees those applications that meet all the criteria described in subsection (2) except for paragraph (2)(f).

(4) Upon reviewing the application for funding as described in subsection (2), the Department of Commerce shall present the application, together with the recommendations of the department, to the Legislature. Additionally, the Department of Commerce in consultation with the Department of Revenue shall estimate the annual amount of the Professional Sports Facility Sales Tax Revenues as described in paragraph (2)(a). The Legislature may, at the next regular or special session, act upon the application.

Section 3 In any county in which a professional sports franchise is to be located pursuant to this act, the county may impose a tourist development tax pursuant to s. 125.0104, Florida Statutes, to pay the debt service on any bonds which the applicant unit of local government issues to finance the construction, reconstruction, or renovation of a professional sports facility. If the applicant unit of local government is not the county, the applicant unit of local government and the county shall enter into an interlocal agreement for the imposition of the tax on a less-than-countywide basis in the manner prescribed in s. 125.0104(3), Florida Statutes.

Section 4 Paragraph (1) is added to subsection (3) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

(1) This section except for paragraph (a) in order to pay to finance the construction, reconstruction, or renovation of a professional sports facility.

Section 5 Professional sports franchises, state funding program.--If the Legislature approves the professional sports franchise project and approves a level of Professional Sports Facility Sales Tax Revenues for any eligible applicant qualified pursuant to this act, the General Appropriations Act or in any general law, the following funding plan shall be implemented after the applicant produces a verified copy of a signed agreement with a professional sports franchise for a term of at least 15 years and a verified copy of approval by the governing authority of the league in which the professional sports franchise is located.

Chapter 88-226

the amount of tax revenue equal to the Professional Sports Facility Sales Tax Revenue shall be transferred to such unit of local government in substantially equal monthly installments and may be pledged for a period not to exceed 20 years and used to pay debt service on, or to fund debt service reserve funds, advance refunding obligations, or other amounts payable with respect to bonds issued by such unit of local government, or by such other unit of local government, as provided by interlocal agreement for the purpose of financing the professional sports facility and payment of other obligations for which the revenue of the facility is pledged or contractually obligated for the operation, maintenance, and financing of the professional sports franchise facility, but not after tax profit in an amount up to the amount transferred to the unit of local government pursuant to sections 5 and 6 of this act, shall be returned by the unit of local government receiving funding to the state and shall be deposited into the General Revenue Fund.

Section 6 Professional Sports Economic Trust Fund created.--There is hereby created in the Department of Commerce a Professional Sports/Economic Trust Fund for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises to the state. The Department of Commerce shall adopt rules pursuant to the provisions of this section necessary to provide standards and criteria for the provision of direct aid to units of local government for the purpose of attracting professional sports franchises to the state. No unit of local government which receives funding pursuant to section 1 shall be eligible to receive more than $5 million from the Professional Sports Economic Trust Fund over the life of the facility. Any money appropriated by the Legislature for a specific purpose in the trust fund shall be administered by the Department of Commerce, as directed by the Legislature by this act, by general law in the General Appropriations Act.

Section 7 Certain franchise agreement funding.--If an applicant meets the criteria set forth in section 7(1), as determined by the Secretary of Commerce in consultation with the professional sports franchise signing an agreement and providing evidence satisfactory to the Secretary of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida before January 1, 1984, to play regular season games in a facility in Florida containing no more than 33,000 seats.
season then such applicant is hereby approved by the Legislature to receive the annual appropriation as provided for in section 3. There is hereby appropriated to the first approved applicant the sum of $1,757,920 from the General Revenue Fund pursuant to section 3.

Section 8. Any professional sports facility constructed with financial assistance from the State of Florida shall be designated as a shelter site for the homeless in accordance with the criteria of locally existing homeless shelter programs, except when the facility is otherwise contractually obligated for a specific event or activity. Should a local program not be in existence in the facility's area, such program shall be established in accordance with normally accepted criteria as defined by the County or its designee.

Section 9. There is hereby appropriated from the Working Capital Fund to the Professional Sports/Economic Trust Fund $5 million in State fiscal year 1988-1989, $5 million in State fiscal year 1989-1990 and $5 million in State fiscal year 1990-1991 for the professional sports franchise project which first meets the requirements of section 2(2) as determined by the Secretary of Commerce and which provides evidence satisfactory to the Secretary of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida. This appropriation shall be contingent upon the professional sports franchise signing an agreement on or before January 1, 1989, to play their regular season games in a facility in Florida commencing no later than the 1991 season.

Section 10. Any applicant who receives funding pursuant to the provisions of this act shall include a provision in any contract with a sports franchise facility agreeing that at least 15 percent of food and beverage and related concessions shall be provided to minority businesses enterprises as defined in s. 288.703, Florida Statutes, on the same terms and conditions as the general food and beverage concessionaire.

Section 11. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Approved by the Governor July 1, 1988

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-227
Committee Substitute for Senate Bill No. 11

An act relating to the Florida Cemetery Act; amending s. 497.009, F.S.; revising language with respect to annual renewal license applications; amending s. 497.027, F.S.; reducing the amount of acreage used to compute an exemption to the minimum acreage requirement; amending s. 497.041, F.S.; revising language with respect to a fee a cemetery company may charge for the inspection and marking of monuments not installed by the cemetery company or its agents; amending s. 497.044, F.S.; providing a maximum amount for public liability insurance required by persons installing, placing, or setting monuments upon cemetery company land; providing legislative findings; creating s. 497.026, F.S.; providing for contract cancellation and refunds, amending s. 497.048, F.S.; revising requirements with respect to receipts from the sale of personal property or services and deposits into the merchandise trust fund; revising the method of computing the cost of certain property or services; creating s. 497.0484, F.S.; providing security bonds and letters of credit as alternatives to trust fund deposits; creating s. 497.049, F.S.; providing for proof of compliance for existing merchandise trust funds; providing for future review and repeal; providing an effective date.

Be it Enacted by the Legislature of the State of Florida

Section 1. Subsection (2) of section 497.009, Florida Statutes, is amended to read:

497.009 Annual license fees.--

(2) An application for license renewal shall be submitted on or before December 31 each year in the case of an existing cemetery company and before any sale of cemetery property in the case of a new cemetery company or a change of ownership or control pursuant to ss. 497.007 and 497.008. If the renewal application is not received by December 1, the department shall collect a penalty in the amount of $25 per month or fraction of a month for each month remaining.

Section 2. Subsection (4) of section 497.027, Florida Statutes, is amended to read:

497.027 Minimum acreage, sale or disposition of cemetery, lands.--

(4) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company licensed by the department on or before July 1, 1945, which owns a total of less than 15 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

Section 3. Subsection (2) of section 497.041, Florida Statutes, is amended to read:

497.041 Monuments, installation and maintenance fees.--

(2) To verify that a monument is installed on the proper grave in accordance with cemetery bylaws, rules, or regulations, the cemetery company shall mark the place on the grave where the marker or monument is to be inscribed and shall inspect the installation when completed. A cemetery company may charge a re-inspection fee not to exceed $25, which includes both marking the grave and inspecting any monument or inspection of monuments which are not inspected by the cemetery company or its agents. Nothing in this subsection is intended to imply or require that a cemetery company shall have to lay out or engineer a grave site or grave sites for the installation of a marker or monument.

Section 4. Paragraph (b) of subsection (1) of section 497.044, Florida Statutes, is amended to read:

1280

1281
exists approving the location of the professional sports franchise in Florida, shall define in s. 288.703, Florida Statutes, on the same terms and conditions as the general food and beverage concessionaire, normally

on January 1, 1989, to have their regular season games in a facility in Florida. This appropriation shall be contingent upon the professional sports franchise signing an agreement on or before December 31, 1989, or upon becoming a law, whichever occurs later.

Section 9. There is hereby appropriated from the Working Capital Fund to the Professional Sports/Economic Trust Fund $5 million in state fiscal year 1988-1989, $5 million in state fiscal year 1989-1990 and $5 million in state fiscal year 1990-1991 for the professional sports franchise project which first meets the requirements of section 2(2) as determined by the Secretary of Commerce and which provides evidence satisfactory to the Secretary of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida. This appropriation shall be contingent upon the professional sports franchise signing an agreement on or before January 1, 1989, to have their regular season games in a facility in Florida commencing no later than the 1991 season.

Section 10. Any applicant who receives funding pursuant to the provisions of this act shall include a provision in any contract with a sports franchise facility agreeing that at least 15 percent of foods and facilities with respect to food and beverage and related concessions shall be awarded to minority business enterprises as defined in s. 288.703, Florida Statutes, on the same terms and conditions as the general food and beverage concessionaire.

Section 11. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Approved by the Governor July 1, 1988

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-227

Committee Substitute for Senate Bill No. 11

An act relating to the Florida Cemetery Act: amending s. 497.009, F.S.; revising language with respect to annual renewal license applications: amending s. 497.027, F.S.; reducing the amount of acreage used to compute an exemption to the minimum acreage requirement; amending s. 497.041, F.S.; revising language with respect to a fee a cemetery company may charge for the inspection and marking of monuments not installed by the cemetery company or its agents; amending s. 497.044, F.S.; providing a maximum amount for public liability insurance required by persons installing, placing, or setting monuments upon cemetery company land; providing legislative findings; creating s. 497.026, F.S., providing for contract cancellation and refunds, amending s. 497.048, F.S.; revising requirements with respect to receipts from the sale of personal property or services and deposits into the merchandise trust fund; revising the method of computing the cost of certain property or services; creating s. 497.0484, F.S., providing for surety bonds and letters of credit as alternatives to trust fund deposits; creating s. 497.049, F.S.; providing for proof of compliance for existing merchandise trust funds providing for future review and repeal; providing an effective date.

Be it Enacted by the Legislature of the State of Florida

Section 1. Subsection (2) of section 497.009, Florida Statutes, is amended to read:

497.009 Annual license fees.--

(2) An application for license renewal shall be submitted on or before December 31 each year in the case of an existing cemetery company and before any sale of cemetery property in the case of a new cemetery company or a change of ownership or control pursuant to ss. 497.007 and 497.008. If the renewal application is not received by December 31, the department shall collect a penalty in the amount of $25 per month or fraction of a month for each month delinquent.

Section 2. Subsection (4) of section 497.027, Florida Statutes, is amended to read:

497.027 Minimum acreage, sale or disposition of cemetery, lands, etc.--

(4) The provisions of subsections (1) and (2) relating to a requirement for minimum acreage shall not apply to any cemetery company licensed by the department on or before July 1, 1965, which owns a total of less than 15 acres of land; however, no cemetery company shall dispose of any land without the prior written consent of the department.

Section 3. Subsection (2) of section 497.041, Florida Statutes, is amended to read:

497.041 Monuments, installation and maintenance fees.--

(2) To verify that a monument is installed on the proper grave in accordance with cemetery bylaws, rules, or regulations, the cemetery company shall mark the place on the grave where the marker of monument is to be installed and shall inspect the installation when completed. A cemetery company may charge a fee for inspection and marking of monuments not installed by the cemetery company or its agents; amending s. 497.004, F.S.; providing a maximum amount for public liability insurance.

Section 4. Paragraph (b) of subsection (1) of section 497.014, Florida Statutes, is amended to read:
the constant threat under which Israel and the Israelis live. The hard work, dedication to family and sense of community which I learned and observed on my visit made an indelible imprint. It is a privilege to add my name to this resolution, but I must make one suggestion for an amendment. The United States has not moved its Embassy from Tel Aviv to Jerusalem. I respectfully suggest that we forward a copy of this resolution to Jerusalem, capital city of Israel, as a symbolic gesture that we, the Florida House, recognize Jerusalem as the capital city of the State of Israel.

Rep Bloom recognized a number of members of the Florida Association of Jewish Federations seated in the gallery.

REPRESENTATIVE MEFFERT IN THE CHAIR

On motions by Rep Lewis—

HR 1659—A resolution commending the Pratt & Whitney Corporation for its 30 years of service to the citizens of the State of Florida

WHEREAS, United Technologies’ Pratt & Whitney officially opened its facility in Palm Beach County on May 27, 1958, and

WHEREAS, since that time Pratt & Whitney has been a steady, dependable factor in the growth of the Florida economy, and

WHEREAS, Pratt & Whitney has played a leadership role in corporate responsibility, contributing to local charities, schools, and civic projects, and

WHEREAS, Pratt & Whitney employees have played active roles in their communities, NOW, THEREFORE.

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives, on behalf of the citizens of the State of Florida, hereby congratulates Pratt & Whitney and its employees on their 30th anniversary in Florida and wishes the company and its employees many years of continued success.

—was read a second time in full and adopted.

THE SPEAKER IN THE CHAIR

CS for SM 302—A memorial to the Congress of the United States, urging Congress to adopt a joint resolution providing for an amendment to the Constitution of the United States that requires the federal budget to be in balance except under specified emergency conditions and withdrawing previous memorials to Congress on this subject

WHEREAS, the people of the State of Florida have adopted, as a provision of their state constitution, the requirement that the state government operate on the basis of a balanced budget, and that requirement has proved of great benefit to the state, and

WHEREAS, in 1976, responding to national concern over a public debt which was then in excess of $300 billion and the existence of a $43 billion federal deficit, the Florida Legislature made application to the Congress of the United States to call a constitutional convention to propose an amendment to the Constitution of the United States requiring a balanced federal budget, and

WHEREAS, the national debt in 1986 exceeded $1 trillion, and the estimated 1987 fiscal deficit is now approximately $173 2 billion, and

WHEREAS, what was a national concern in 1976 has, in 1988, become a national crisis, and

WHEREAS, this condition of our national fiscal policy threatens the security of our nation, and

WHEREAS, the threat to the security of our nation has become so imminent that we can no longer afford the time and expense of a constitutional convention to propose and debate a solution to the crisis that is self-evident, and

WHEREAS, Article V of the Constitution of the United States provides for the proposal of amendments to the Constitution of the United States by two-thirds concurrence of the members of both Houses of Congress, and

WHEREAS, We should each and every one demand of our U S Senators and Congressmen that such an amendment be introduced in both houses of the Congress and that the elected Florida delegation lead the fight to bring about the proposal of this critically important constitutional amendment, NOW, THEREFORE.

Be It Resolved by the Legislature of the State of Florida

That the Congress of the United States is urged to adopt, without delay, a joint resolution providing for an amendment to the Constitution of the United States that requires the federal budget to be in balance except under specified emergency conditions.

BE IT FURTHER RESOLVED that the Congress of the United States is urged to take appropriate and immediate action to continue to bring the federal budget into balance and to cause the reduction of the outstanding national debt in the foreseeable future.

BE IT FURTHER RESOLVED that this memorial supersedes all previous memorials applying to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to require a balanced federal budget, including Senate Memorial No. 234 and House Memorial No. 2801, both passed in 1976, and that such previous memorials are hereby revoked and withdrawn.

BE IT FURTHER RESOLVED that a copy of this memorial be dispatched to the presiding officers of the Senate and the House of Representatives of Congress and the members of the Congressional delegation from the State of Florida.

—was read the second time.

Representative Messersmith offered the following amendment.

Amendment 1—On page 2, line 14, strike everything after the resolving clause and insert "That HM 39 and SM 302 be subject to a study commission to be appointed by the Speaker of the House and the President of the Senate that will look into all facts relating to the amendment process under Article V, U S Constitution including but not limited to national and state hearings on the issue and the amendment process in general, and the balanced budget amendment specifically.

BE IT FURTHER RESOLVED that this commission report back to the Legislature no later than March 31, 1989.

Rep Messersmith moved the adoption of the amendment. During consideration thereof, without objection, further consideration of the memorial was temporarily deferred.

Subsequently, the House returned to consideration of CS/SM 302.

The question recurred on the adoption of Amendment 1. Rep Gardner moved the previous question on the amendment, any unread amendments on the desk, and the memorial, which was agreed to.

The question recurred on the adoption of Amendment 1, which failed adoption.

On motion by Rep Liberti CS/SM 302 was adopted and under the rule the memorial was immediately certified to the Senate.

REPRESENTATIVE MEFFERT IN THE CHAIR

HB 1717—A bill to be entitled An act relating to professional sports franchises, providing for the duties of the Sports Advisory Council, providing for the duties of the Department of Commerce in carrying out the provisions of this act, providing for applications, providing for review providing for legislative action, providing a state funding program, creating a Professional Sports Economic Trust Fund, providing for uses of the fund, providing appropriations, providing an effective date.

—was read the second time by title.

Representative Jamerson, Frishe Wallace, Dunbar Northam, Behm, Woodruff and D. L. Jones offered the following amendment:

Amendment 1—On page 7, line 12, after the word "agreement" insert and providing evidence satisfactory to the Secretary of Commerce.
that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida.

Rep Jamerson moved the adoption of the amendment, which was adopted.

Representatives Jamerson, Frishe, Wallace, Dunbar, Mortham, Rehm, Woodruff and D L Jones offered the following amendment:

Amendment 2—On page 7, line 25, after "Commerce" insert and which provides evidence satisfactory to the Secretary of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida.

Rep Jamerson moved the adoption of the amendment, which was adopted.

Representatives Jamerson, Frishe, Wallace, Dunbar, Mortham, Rehm, Woodruff and D L Jones offered the following amendment:


Rep Jamerson moved the adoption of the amendment, which was adopted.

Statement of Legislative Intent

On motion by Rep. Wallace, the rules were waived and the following question and answer were ordered spread upon the Journal to establish legislative intent:

Rep. Wallace: Mr. Jamerson, for the purposes of establishing legislative intent behind this amendment, is it your understanding that the purpose of lines 13 and 14, on page 7 of this bill is to establish that in order to qualify for this funding, the team would have to begin regular season home games full time, in a facility in Florida, with the beginning of the 1991 season?

Rep. Jamerson: That is exactly right, Mr. Wallace.

Representatives Woodruff, Jamerson, Frishe, Wallace, Mortham, Rehm, D L Jones and Dunbar offered the following amendment:

Amendment 4—On page 6, lines 15-22, strike all of said lines and insert In the event that any professional sports franchise facility receiving funding under this section generates a net after tax profit during any fiscal year after payment of debt services on any bonds issued to finance a professional sports franchise facility and payment of any other obligations for which the revenues of the facility are pledged or contractually obligated for the operation, maintenance and financing of the professional sports franchise facility, such net after tax profit in an amount up to the amount transferred to the unit of local government pursuant to this act shall be returned by the unit of local government receiving funding to the state and shall be deposited into the General Revenue Fund.

Rep. Woodruff moved the adoption of the amendment, which was adopted.

Statement of Legislative Intent

On motion by Rep. Jamerson, the rules were waived and the following statement was ordered spread upon the Journal to establish legislative intent:

Rep. Woodruff: This amendment clarifies language that was written in the original bill, and for legislative intent, it's the intent of this language—to make the bill with the amendment—that any profit, as defined under this amendment, related to the construction, reconstruction, and renovation of the facilities and associated improvements using such moneys spent under this bill for such reconstruction, construction, renovation, such as building of sports stadiums, scoreboards, etc., that any such profit as defined shall be returned to the state until the entire portion of the state support has been repaid.

Representatives Dunbar, Wallace, Jamerson, D L Jones, Woodruff, Rehm, Mortham and Frishe offered the following amendment:

Amendment 5—On page 4, line 12, after the period insert For the purposes of this act the term "unit of local government" includes any existing sports facility which was financed in part or in whole by industrial revenue bonds completed prior to January 1, 1988 and which was constructed upon land which was leased from a county.

Rep. Dunbar moved the adoption of the amendment, which was adopted.

Rep. Logan was recorded as voting "Nay."

Representatives Hargrett, Reeves, Casas, Morse, Souto, Gonzalez-Quevedo and Diaz-Balart offered the following amendment:

Amendment 6—On page 7, line 29, after the period insert Section 7 Any applicant who receives funding pursuant to the provisions of this act shall include a provision in any contract with a sports franchise facility agreeing that at least 15 percent of funds and facilities with respect to food and beverage and gift concessions shall be set aside for minority businesses.

Rep. Hargrett moved the adoption of the amendment. On motion by Rep. Locke, the amendment was laid on the table.

On motion by Rep. Hargrett, the House agreed to reconsider the vote by which the motion to lay the amendment on the table was agreed to. The question recurred on the motion to lay the amendment on the table, which was agreed to.

On motion by Rep. Dunbar, the rules were waived by two-thirds vote and HB 1717, as amended, was read the third time by title. On passage, the vote was:

Years—66

The Chair: Garcia

Baniam: Gardner

Bankhead: Goodes

Bass: Gordon

Bloom: Gustafson

Brown: Gutman

Carpenter: Hanson

Casas: Hargrett

Clark: Hill

Cogroge: Hodges

Crotty: Ireland

Deutsch: Jamerson

Diaz-Balart: Johnson, B L

Frankel: Jones, D L

Frishe: Lawson

Nays—38

Arnold: Grindle

Ascherl: Harden

Bronson: Harris

Burnsed: Healey

Canady: Holland

Carlton: Holzendorf

Crady: Irvine

Dantizer: Jones, C F

Davis: Kelly

Glickman: King

Langton: Sample

Lewis: Simon

Logan: Simone

Long: Smith

Mackey: Starks

McEwan: Troxler

Peeples: Webster

Renke: Wise

Rudd: Rush

Sample: Simon

Simone: Smith

Starks: Troxler

Webster: Wise

Rush: Wise

Votes after roll call

Years—Abrams, Baer, Friedman, Hawkins, Mills, Shelley

Nays—Clements, Figg, Lombard

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Explanation of Vote

At the time of the vote on HB 1717, I was absent from the Chamber attending the Education Conference Committee at the direction of
tickets removing a prohibition against retailers employees thereof, and
their relatives purchasing lottery tickets on the retailer's premises, pro-
viding limitations on imposition of criminal sanctions for violations of s
24.116, F.S., committed prior to the effective date of the act, amending
s 24.120, F.S., authorizing funds in the Administrative Trust Fund to be
invested by the Treasurer in annuities issued by insurance companies
under certain conditions, amending s 16.10, F.S., relating to deposits and
investment of state money, to conform, amending s 3, ch 88-8, Florida
revising provisions regarding access to lottery retailers for disabled
persons, providing an effective date.

On motion by Senator Crenshaw, by two-thirds vote HB 1409 as
amended was read the second time by title, passed and certified to the
House The vote on passage was

Year—34

Beard Gordon Kirkpatrick Ros-Lehtinen
Brown Grant Kaiser Scott
Childers, E. Gruzie Langley Stuart
Childers, W. D. Hair Lehtinen Thomas
Crenshaw Hill Malchon Thurman
Deraney Hollingsworth McPherson Wenstein
Dudley Jenne Meek Woodson
Frank Jennings Myers
Girardeau Johnson Plummer

Nays—None

Vote after roll call

Year—Crawford

On motions by Senator Langley, by two-thirds vote CS for HB 790 was
withdrawn from the Committees on Economic, Community and Con-
sumer Affairs, and Appropriations

On motion by Senator Langley—

CS For HB 790—A bill to be entitled An act relating to chiropractic,
amending s 460.066, F.S., providing additional requirements for licen-
sure by examination, amending s 460.065, F.S., conforming require-
ments for licensure by endorsement, amending s 460.4104, F.S., increasing
the fee for peer review, providing effective dates

—a companion measure, was substituted for CS for SB 844 and read
the second time by title On motion by Senator Langley, by two-thirds
vote CS for HB 790 was read the third time by title, passed and certified to
the House The vote on passage was

Year—33

Mr President Gordon Langley Ros-Lehtinen
Beard Grant Lehtinen Scott
Brown Gruzie Malchon Stuart
Childers, D. Hill Margolis Thomas
Childers, W. D. Hollingsworth McPherson Wenstein
Deraney Jenne Meek Wenstock
Dudley Jennings Myers
Frank Johnson Peterson
Girardeau Kaiser Plummer

Nays—None

Vote after roll call

Year—Crawford, Kirkpatrick

Consideration of CS for CS for SB 1107 was deferred

HB 1717—A bill to be entitled An act relating to professional sports
franchises, providing for the duties of the Sports Advisory Council, pro-
viding for the duties of the Department of Commerce in carrying out the
provisions of this act; providing for applications; providing for review,
providing for legislative action, providing a state funding program, creat-
ing a Professional Sports/Economic Trust Fund, providing for uses of the
fund, providing appropriations, providing an effective date.

—was read the second time by title

The Committee on Appropriations recommended the following amend-
ments which were moved by Senator Kiser and adopted

Amendment 1—On page 1 strike all of lines 17 and 18 and insert
"tourism and recreation, improves the prosperity and welfare of
the state and its citizens, and such public purposes implement the gov-
ernmental purposes under the State Constitution of providing for the
health safet and welfare of the people and

Amendment 2—On page 1 line 27, after "and" insert the Legisla-
ture recognizes such benefits to the state, and

Amendment 3—On page 2 line 6, after "appropriate" insert public

Amendment 4—On page 4, line 1, after "with" insert "the use of the profes-
sional sports franchise facility and

The Committee on Appropriations recommended the following amend-
ment which was moved by Senator Meek and failed

Amendment 5—On page 4, strike all of lines 12-17 and insert
"professional sports franchise facility is located

The Committee on Appropriations recommended the following amend-
ment which was moved by Senator Kiser and adopted

Amendment 6—On page 4, line 29, strike "$500,000" and insert
"400,000"

The Committee on Appropriations recommended the following amend-
ment which was moved by Senator Kiser and failed

Amendment 7—On page 5, lines 20-31, and on page 6, lines 1-30, strike
all of Section 3 and number subsequent sections

The Committee on Appropriations recommended the following amend-
ment which was moved by Senator Gruzie

Amendment 8—On page 7, lines 18-30, and on page 8, lines 1 and 2,
strike all of Section 5 and number subsequent sections

Senator Gruzie moved the following substitute amendment which was
adopted

Amendment 9—On page 5, between lines 19 and 20, insert

Section 3 In any county in which a professional sports franchise is to
be located pursuant to this act, the county may impose an additional
1-percent tax on the taxe-

Amendment 10—On page 8, between lines 18 and 19, insert

Section 7 Any applicant who receives funding pursuant to the pro-
visions of this act shall include a provision in any contract with a sports
franchise facility agreeing that at least 15 percent of funds and facilities
with respect to food and beverage and related concessions shall be
awarded to minority business enterprises as defined in § 288.703, Flor-
da Statutes, on the same terms and conditions as the general food and
beverage concessionaire

(Reumber subsequent sections )

The Committee on Appropriations recommended the following amend-
ment which was moved by Senator Kiser and adopted

Amendment 11—On page 8, lines 1-10, strike all of subsection (3), Flor-
da Statutes, and after "law of the State of Florida" insert

"3) TAXABLE PRIVILEGES, EXEMPTIONS, LEVY, RATE—

(l) In addition to any other tax which is imposed pursuant to this
section, a county may impose an additional 1-percent tax on the exer-

(Reumber subsequent sections )

The Committee on Appropriations recommended the following amend-
ment which was moved by Senator Kiser and adopted

Amendment 12—On page 8, between lines 18 and 19, insert

Section 7 Any applicant who receives funding pursuant to the pro-
visions of this act shall include a provision in any contract with a sports
franchise facility agreeing that at least 15 percent of funds and facilities
with respect to food and beverage and related concessions shall be
awarded to minority business enterprises as defined in § 288.703, Flor-
da Statutes, on the same terms and conditions as the general food and
beverage concessionaire

(Reumber subsequent sections )
On motions by Senator Barron, by unanimous consent SJR 1432 was taken up and by two-thirds vote read the second time by title and by two-thirds vote read the third time in full as follows.

SJR 1432—A joint resolution extending the 1988 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the sixty days of the 1988 regular session of the Florida Legislature will expire on Friday, June 3, 1988, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida

That the 1988 regular session of the Florida Legislature is extended until 11:59 p.m., Tuesday, June 7, 1988, under the authority of Article III, Section 3(d) of the State Constitution.

— and passed by the required Constitutional three-fifths vote and was certified to the House. The vote on passage was

Year—39

Mr President Girardeau Kirkpatrick Plummer
Beard Gordon Kaser Roe-Lehtinen
Brown Grant Langley Scott
Childers, D G rizzle Lehtinen Stuart
Childers, W D Hair Malchon Thomas
Crawford Hill Margolis Thurman
Crenshaw Hollingsworth McPherson Weinstein
Dudley Jennings Meek Weinstock
Frank Johnson Petoson

Nays—None

Reconsideration

On motion by Senator Woodson, the Senate reconsidered the vote by which—

CS for SB 1100—A bill to be entitled An act relating to taxes on special fuels, creating § 212.637, F.S., exempting from the tax on special fuels sales of special fuel for specified agricultural, aquacultural, or commercial fishing purposes, amending § 212.67, F.S., deleting provision for refund of special fuel taxes paid on such sales, providing an effective date—

—as amended passed this day.

Pending further consideration of CS for SB 1100 as amended, on motion by Senator Woodson, by two-thirds vote CS for HB 1254 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Woodson, by two-thirds vote—

CS for HB 1254—A bill to be entitled An act relating to taxes on special fuels, amending § 206.9825, F.S., relating to the excise tax on aviation fuels, providing that certain air carriers shall pay a tax at a specified rate on the retail price of such fuel, providing for the application of the special apportionment provisions of § 212.6598, F.S., providing that such carriers are not entitled to certain refunds, providing for refunds providing for repeal, creating § 212.637, F.S., exempting from the tax on special fuels sales of special fuel for specified agricultural, aquacultural, or commercial fishing purposes, amending § 212.67, F.S., deleting provision for refund of special fuel taxes paid on such sales, providing an effective date—

—a companion measure, was substituted for CS for SB 1100 and by two-thirds vote read the second time by title. On motion by Senator Woodson, by two-thirds vote CS for HB 1254 was read the third time by title, passed and certified to the House. The vote on passage was

Year—17

Mr President Childers, D Deratany Grant
Barron Childers, W D Dudley Grizzle
Beard Crawford Frank Hair
Brown Crenshaw Girardeau Hill
Section 15: Effective upon becoming a law, section 106.142, Florida Statutes, is amended to read

106.142 "Political advertisement" defined—"Political advertisement" is a paid expression in any communications media prescribed in s. 106.201(11)(f) means any medium, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which shall support or oppose any candidate, elected public official, or issue, excluding

(1) A statement by an organization, in existence prior to the time during which a candidate qualifies as an issue that elects support of or opposition to a candidate or issue, in that organization's newsletter which newsletter is distributed only to the members of that organization

(2) Editorial endorsements by any newspaper, radio or television station, or other recognized news medium.

Section 16: Effective upon becoming a law, section 106.143, Florida Statutes, is amended to read

106.143 Political advertisements circulated prior to election, requirements:

(1) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall be marked "paid political advertisement" or with the abbreviation "pd pol adv", shall identify the persons or organizations sponsoring the advertisement, and shall state whether the advertisement is paid for, and if so by whom, or provided in-kind by the media source in which the advertisement appears. However, this subsection does not apply to campaign messages used by a candidate and has supporters which messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for office in a general election shall express the name of the political party of which the candidate is the nominee. Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to make such representation. However, this section does not apply to

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominee.

(4) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall disclose the source of funding for the ad, whether paid or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting or circulating the political advertisement, if the source of sponsorship is not patently clear from the content or format of the political advertisement or campaign literature.

(5) Any person who willfully violates the provisions of section 106.265 or this section shall be subject to the civil penalties prescribed in s. 106.265.

Section 17: Effective upon becoming a law, subsection (1) of section 106.144, Florida Statutes, is amended to read

106.144 Endorsements or opposition by certain groups and organizations—

(1) Any group, club, association, other organization, except organizations affiliated with political parties regulated by chapter 103, which intends to endorse or oppose the candidacy of one or more candidates for public office, or which endorses or opposes any referendum, by means of political advertisements shall, prior to publishing, issuing, broadcasting, or otherwise distributing such advertisement, file a statement as provided by this section with the officer or officers provided in this section. Such statement shall be filed with the officer before whom each candidate that the organization intends to endorse or oppose qualified for office pursuant to law. Each statement shall contain the following information:

(a) The date the organization was chartered and the number of members during the most recent 12 months and how many of these members, if any, have paid dues,

(b) A list of current officers or directors of such organization and a statement as to their method of selection,

(c) A statement of the procedures used by such organization in determining which candidates to endorse or oppose,

(d) If political advertisements for endorsement or opposition purposes are to be paid from funds other than the dues of the membership of the organization, a statement describing the sources of such funds,

(e) The amount of funds paid to the organization by candidates for public office, including payments in the form of dues, and the name of, and office sought by, each such candidate

(2) Any officer, director, or other person acting on behalf of an organization who willfully violates the provisions of subsection (1) is subject to the civil penalties prescribed in s. 106.265.
Amendment 17—In title, on page 1 line 11, after the semicolon insert requiring certain professional sports facilities to be used as shelters for the homeless, as specified

On motion by Senator Kiser, HB 1717 as amended was read by title, passed and certified to the House. The vote on passage was

Yea—20

Mr President Dudley Jennings Myers
Brown Guerandeau Kiser Roh-Liston
Crawford Gordon Lehtinen Scott
Crenshaw Hill Malchon Stuart
Derany Jenne Meek Weinstein

Nay—13

Barron Hair Margolis Woodson
Beard Hollingsworth Plummer
Childers, D Johnson Thurman
Childers, W D Langley Weinstock

Vote after roll call

Yea—Kirkpatrick

Pair Votes

The following pair was announced by the Secretary in accordance with Senate Rule 54.

I am paired with Senator Grizzle on HB 1717. If she were present she would vote “yea” and I would vote “nay”

John Grant, 21st District

The following pair was announced by the Secretary in accordance with Senate Rule 54.

I am paired with Senator Frank on HB 1717. If she were present she would vote “yea” and I would vote “nay”

Tom McPherson, 30th District

The Senate resumed consideration of—

CS for SB’s 34, 83, 657, 721, 847, 1029 and 1182—A bill to be entitled An act relating to elections; amending s 96 051, F S, authorizing supervisors of elections to provide for registration on Sundays and on holidays and legal holidays that occur on weekdays, revising the date for closing voter registration books under certain circumstances, amending s 106 05, F S, excluding Saturdays from the calculation of time limits for deposit of campaign funds, amending s 106 01, F S; prescribing when campaign treasurers’ reports must be made, amending s 106 021, F S; requiring candidates for other than statewide offices to file certain reports, amending s 97 063, F S, deleting the requirement of completion of a separate form by an elector registering absentee in order to cancel a previous registration, amending s 97 041, F S, revising qualifications for the preregistration of persons under 18 years of age to vote, amending s 101 121, F S; providing certain restrictions on access to polling rooms, providing exceptions, amending s 102 031, F S, prohibiting solicitation of voters within a specified distance of a polling place, providing exceptions, providing a definition of the term “solicit”, amending s 99 087, F S, providing for the payment to supervisors of elections of the costs of verifying petition signatures to have an issue placed on the ballot, amending s 101 72, F S, providing the supervisor of elections discretion in determining the number of voting booths needed in the county, amending s 101 5696, F S, authorizing certain alternative procedures relating to absentee ballots, amending s 98 211, F S, providing time limit within which supervisors must furnish copies of voter information, providing penalties, amending s 97 091, F S, providing for registration of the homeless, providing an effective date

— with pending Amendment 8 which was adopted

Senator Langley moved the following amendments which were adopted

Amendment 9—In title, on page 2, lines 10 and 11, strike all of said lines and insert 97 091, F S, providing for registrations at main office of supervisors of elections

Amendment 10—On page 1, line 5, strike “Sundays and on”

Senator Plummer moved the following amendment which failed

Amendment 16—On page 7, line 30, insert

Amendment 16—On page 7, line 30, insert

Section 7 Subparagraph 2 d II of paragraph (b) of subsection (4) of section 212 0305, Florida Statutes, is amended to read

212 0305 Convention development taxes, intent, administration, authorization, use of proceeds —

(4) AUTHORIZATION TO LEVY, USE OF PROCEEDS, OTHER REQUIREMENTS —

(b) Charter county levy for convention development —

2 All charter county convention development monies, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

d For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph. To the extent provided herein, notwithstanding the provisions of this paragraph, if the property becomes an integral part of the project undertaken pursuant to this paragraph and at the completion of the contract the project becomes public property. The basis of the refund shall be the ratio of the cost price of incorporated property, on which Florida sales and use taxes or value added taxes have been paid, to the total contract price. Such ratio shall be determined at the completion of the contract. This ratio shall be applied to the total contract price to establish the cost price of incorporated materials subject to refund. The cost price of incorporated materials subject to refund shall be multiplied by the applicable state sales and use tax rate to determine the amount of tax subject to refund. A pro-rata adjustment shall be made when any portion of the tax obligation was paid to another state or when any portion of the project was paid from sources other than the proceeds derived from the tax imposed by this paragraph. The refund claim shall not include tax paid by the contractor on expendable tools, supplies and equipment not adding to the project. In order to receive the refund herein provided for, the municipality or authority shall file a written request for said refund with the Department within six months of the completion of the contract. Each contractor must furnish the municipality or authority which qualifies for the refund with a certified statement stating the percent of the incorporated materials on which Florida sales and use tax or value added tax has been paid. The certification statement must accompany each refund application submitted to the Department. Each contractor shall keep at his principal place of business a complete record of each purchase for which a refund under this paragraph is claimed. If any taxes are refunded erroneously, the Department shall recover from the payee the amount of erroneous refund plus a penalty of 50 percent. The Department shall deduct an amount equal to 6.532 percent of each refund granted by the provisions of this paragraph from the amount deposited in the Local Government Half-Cent Clearing Trust Fund pursuant to s 218 61 for the county in which the project is located and shall transfer that amount to the General Revenue Fund. In no case may any municipality or authority collect a refund in excess of $300,000 in any fiscal year. This section shall take effect upon becoming law.

(Reorganize subsequent sections)

Senator Gordon moved the following amendment which was adopted
I. SUMMARY:

Creates a Florida Professional Sports Commission within the Department of Commerce to advise the Secretary of Commerce with respect to professional sports franchises. Provides for the duties of the department with respect to attracting professional sports franchises to the state. Provides application criteria for funding to assist local governmental entities in procuring professional sports franchise agreements. Directs the department to transmit the application together with recommendations to the Legislature for funding. Provides a state funding program and creates a Professional Sports/Economic Trust Fund. Provides funding with respect to certain professional sports franchise agreements.

A. PRESENT SITUATION:

No current funding mechanism exists for state aid for the construction of professional sports facilities.

B. EFFECT OF PROPOSED CHANGES:

Establishes a funding mechanism for state-supported construction of professional sports facilities.

C. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates the Florida Professional Sports Commission within the Department of Commerce, specifies membership on the commission, and describes its powers and duties.

Section 2: Describes the duties of the Department of Commerce in screening applicants, developing rules for processing applications and administering funding. The application must contain specific information regarding the economic impact accruing to the state and local governments, proof of 75% financial backing, proof of being a "unit of local government", and proof of proximity to an interstate or other limited-access highway system. The applicant must also provide proof of a minimum attendance potential. The Department of Commerce is responsible for presenting all applications to the Legislature.
Section 3: Describes the procedure for state funding program implementation. Once the Legislature approves the franchise project, an amount equal to the approved Professional Sports Facility Sales Tax Revenues is appropriated from the General Revenue Fund to the unit of local government responsible. Limits any local entity participating to receive no more than $2 million in any year.

Section 4: Creates the Professional Sports/Economic Trust Fund within the Department of Commerce for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises to the state. Limits any local government who receives such funding to $15 million from the Professional Sports/Economic Trust Fund over the life of the facility. Department of Commerce will administer any funds appropriated to the trust fund.

Section 5: Provides for certain applicants who meet all criteria with respect to a professional sports franchise signing an agreement before January 1, 1989; then the applicant is approved by the Legislature to receive the annual appropriation. The first applicant will receive $1,757,920 annually.


Section 7: Repeals Section 1 on October 1, 1998.

Section 8: Provides effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   See Appropriations Consequences

2. Recurring or Annualized Continuation Effects:
   See Appropriations Consequences

3. Long Run Effects Other Than Normal Growth:
   None

4. Appropriations Consequences:
   Working Capital Fund ($5,000,000) ($5,000,000) ($5,000,000)
   Professional Sports/Economic TF $5,000,000 $5,000,000 $5,000,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate (See Fiscal Comments)
2. Recurring or Annualized Continuation Effects:
   Indeterminate (See Fiscal Comments)

3. Long Run Effects Other Than Normal Growth:
   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None

2. Direct Private Sector Benefits:
   None

3. Effects on Competition, Private Enterprise, and Employment Markets:
   None

D. FISCAL COMMENTS:

The Department of Commerce estimates the costs of administering this bill to be negligible.

If an applicant does meet the criteria with respect to signing an agreement before January 1, 1989, the applicant will receive the $1,757,920 appropriation annually, as well as $5 million for the next three years.

Some proponents of professional sports franchises estimate total annual new tax revenues of approximately $2.0 million, exclusive of any new tax revenues generated by spin-off development.

The Appropriations Committee amended PCB AP 88-7 with several technical amendments in addition to a substantive change in one section. If the sports franchise facility generates a profit, the profits will now be used to pay the debt service on the bonds and then used in reduction of the annual $1,757,920 payment from the General Revenue Fund. The original bill had all profits reverting to the General Revenue Fund.

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

While the bill implements a process for local governments to apply for state aid for the construction of professional sports facilities, no funds will be provided without prior legislative approval.

V. AMENDMENTS: 1330
VI. SIGNATURES:

APPROPRIATIONS:
Prepared by:

[Signature]
Frank Morgan

Staff Director:

[Signature]
Dr. James A. Zingale
I. SUMMARY:

A. Present Situation:

Currently, there is no statutorily prescribed funding mechanism for providing state aid for the construction of professional sports facilities within the State of Florida.

B. Effect of Proposed Changes:

This legislation establishes a funding mechanism for state-supported construction of professional sports facilities. A section-by-section analysis is as follows:

Section 1. Creates the Sports Advisory Council within the Department of Commerce, for the purpose of serving in an advisory capacity to the Secretary of Commerce in carrying out the requirements of this act and in adopting appropriate rules.

Section 2. Describes the duties of the Department of Commerce in screening applicants, developing rules for processing applications and administering funding. The application must contain specific information regarding the economic impact accruing to the state and local governments, proof of 75% financial backing, proof of proximity to an interstate or other limited-access highway system, and proof of being a “unit of local government”. The applicant must also provide proof of a minimum attendance potential. The Department of Commerce is responsible for presenting all applications to the Legislature.

Section 3. Describes the procedure for state funding program implementation. Once the Legislature approves the franchise project, an amount equal to the approved Professional Sports Facility Sales Tax Revenues is appropriated from the General Revenue Fund to the unit of local government responsible. Limits any local entity participating to receive no more than $2 million in any year. Provides for repayment to the General Revenue Fund of net after-tax profit in an amount up to the amount transferred to the unit of local government.

Section 4. Creates the Professional Sports/Economic Trust Fund within the Department of Commerce for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises to the state. Limits any local government which receives such funding to $15 million from the Professional Sports/Economic Trust Fund over the life of the facility. Department of Commerce will administer any funds appropriated to the trust fund.

Section 5.

Provides that applicants who meet all criteria with respect to a professional sports franchise signing an agreement before January 1, 1989, then the applicant is approved by the
Section 6. Appropriates from the Working Capital Fund to the Professional Sports/Economic Trust Fund $5 million in state fiscal year 1988-89, $5 million in state fiscal year 1989-90 and $5 million in state fiscal year 1990-91 for the professional sports franchise project which first meets the requirements of section 2(2) as determined by the Secretary of Commerce and which provides evidence satisfactory to the State of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida. This appropriation shall be contingent upon the professional sports franchise signing an agreement on or before January 1, 1989, to play their regular season games in a facility in Florida commencing no later than the 1991 season.

Section 7. Provide an effective date of July 1, 1988, or upon becoming a law, whichever occurs later.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

There will be an indeterminate positive fiscal impact to the local area of the state where new sports facilities pursuant to this bill will be located.

B. Government:

1. Provides an annual appropriation from the General Revenue Fund to an approved unit of local government in an amount equal to the approved Professional Sports Facility Sales Tax. Such funding shall be repaid from net after-tax profits.

2. Creates the Professional Sports/Economic Trust Fund for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises.

3. An amount of $1,757,920 is appropriated annually to the first approved applicant pursuant to Section 3 of this bill.

4. The bill appropriates from the Working Capital Fund to the Professional Sports/Economic Trust Fund $5 million in state fiscal year 1988-89, $5 million in state fiscal year 1989-90 and $5 million in state fiscal year 1990-91 for the professional sports franchise project which first meets the requirements of section 2(2) as determined by the Secretary of Commerce and which provides evidence satisfactory to the Secretary of Commerce that the applicant has the approval of the governing authority of the league in which the professional sports franchise exists approving the location of the professional sports franchise in Florida. This appropriation shall be contingent upon the professional sports franchise signing an agreement on or before January 1, 1989, to play their regular season games in a facility in Florida commencing no later than the 1991 season.

5. The Department of Commerce estimates the costs of administering this bill to be negligible.

III. COMMENTS:

While the bill implements a process for local governments to apply for state aid for the construction of professional sports facilities, it also provides for an annual appropriation to the first approved applicant and a multi-year appropriation to the Professional Sports/Economic Trust Fund. The economic impact is expected to be positive, with a negligible cost to the state for administering the bill.
facilities, no funds will be provided without prior legislative approval.

If an applicant does meet the criteria with respect to signing an agreement before January 1, 1989, the applicant will receive the $1,757,920 appropriation annually, as well as $5 million for the next three years.

Staff recommends 3 technical amendments.

This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

IV. AMENDMENTS:

#1 by Appropriations: Provides additional "whereas" language stating that professional sports franchises "...implement the governmental purposes under the State Constitution of providing for the health, safety and welfare of the people."

#2 by Appropriations: Provides additional "whereas" language with regard to the Legislature recognizing the benefits to the state of attracting and keeping professional sports franchises.

#3 by Appropriations: Provides additional "whereas" language stating that local development resulting from the attraction of professional sports franchises benefits the state and thus funding for this attraction is an appropriate "public" purpose for the expenditure of state funds.

#4 by Appropriations: Provides that the applicant may use funds provided by this act for the purpose of paying capital and other costs in connection with "...the use of the professional sports franchise facility..."

#5 by Appropriations: Strikes the expanded definition of units of local government which pertained to existing sports facilities.

#6 by Appropriations: Reduces from 500,000 down to 400,000, the required projected annual paid attendance level.

#7 by Appropriations: Strikes all of Section 3. relating to the state general revenue funding program.

#8 by Appropriations: Strikes all of Section 5. relating to the annual appropriation of $1,757,920.

#9 by Appropriations: Inserts new section providing that any applicant who receives funding pursuant to the provisions of this act shall include a provision in any contract with a sports franchise facility agreeing that at least 15 percent of funds and facilities with respect to food and beverage and related concessions shall be awarded to minority business enterprises as defined in s. 288.703, Florida Statutes, on the same terms and conditions as the general food and beverage concessionaire.

#10 by Appropriations: Title Amendment.