

1988

Session Law 88-226

Florida Senate & House of Representatives

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Florida Information Associates Florida Legislature Staff Analyses 1988 Sessions	<u>LAWS OF FLORIDA CHAPTER NO.</u> 88-0226
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<u>PRIME BILL NUMBER</u> 88/H1717 *	<u>TYPE OF BILL</u> general	<u>SPONSOR</u> H. Appropriations Comm.
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PRIME BILL TITLE (short title)

Professional Sports Franchises

SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL: n/a

<u>DOCUMENTATION REPRODUCED</u>	<u>Analysis</u>
PRIME SENATE COMMITTEE: Appropriations	()
----- FINAL SENATE COMMITTEE: Appropriations	(X)
----- PRIME HOUSE COMMITTEE: Appropriations	(X)
----- FINAL HOUSE COMMITTEE: Appropriations	()
----- SUBSTITUTED BILL: (n/a)	()
----- OTHER:	()

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.

ADDITIONAL INFORMATION:

(FRM 25-12/88)

from: Final Legislative Bill Information Book, 1988 Regular Session,
pp. 447-448.

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 Ordered engrossed, then enrolled
06/16/88 Signed by Officers and presented to Governor
07/01/88 Approved by Governor; Chapter No. 88-226

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(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

1 A bill to be entitled
2 An act relating to professional sports
3 franchises; providing for the duties of the
4 Sports Advisory Council; providing for the
5 duties of the Department of Commerce in
6 carrying out the provisions of this act;
7 providing for applications; providing for
8 review; providing for legislative action;
9 providing a state funding program; creating a
10 Professional Sports/Economic Trust Fund;
11 providing for uses of the fund; providing
12 appropriations; providing an effective date.

13
14 WHEREAS, the Legislature recognizes that the location
15 of professional sports franchises in the state represents
16 nonpolluting economic development for the state and promotes
17 tourism and recreation and improves the prosperity and welfare
18 of the state and its citizens, and

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

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

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

31

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

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Sports Advisory Council; duties.--The
12 Sports Advisory Council, created within the Department of
13 Commerce pursuant to s. 20.17, Florida Statutes, shall serve
14 in an advisory capacity to the Secretary of Commerce to assist
15 the secretary, as he may require, in carrying out the
16 requirements of this act and in adopting appropriate rules.

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

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

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

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

1 indicating overall economic impact accruing to the state in
2 terms of increased tax revenues, an element indicating the
3 direct impact on the local area of funds generated by the
4 location of the professional sports franchise in such area;
5 and an element indicating the indirect benefits such as long-
6 term economic growth in such area due to the location of the
7 professional sports franchise facility. The applicant shall
8 also include in the economic impact study an estimate of the
9 annual amount of the revenues generated by the taxes imposed
10 under part I of chapter 212, Florida Statutes, with respect to
11 the use and operation of the professional sports franchise
12 facility; provided, however, that with respect to any facility
13 in existence and in use by a professional sports franchise on
14 the effective date of this act, such estimate shall include
15 only those revenues directly related to new and additional use
16 and operation of such facility resulting from the
17 construction, reconstruction, or renovation for which funding
18 is sought pursuant to this act. Such estimate shall not
19 include that portion of revenues which are to be transferred
20 to the Local Government Half-cent Sales Tax Clearing Trust
21 Fund pursuant to s. 218.61, Florida Statutes. The revenues
22 described in this paragraph shall be referred to as the
23 "Professional Sports Facility Sales Tax Revenues "

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

30 (c) The applicant may use funds provided for pursuant
31 to this act only for the public purpose of paying capital and

1 other costs in connection with the location or relocation of a
2 professional sports franchise.

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

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

13 (f)1. The applicant shall include, prior to the
14 release of any funding under this act, a verified copy of a
15 signed agreement with a professional sports franchise for the
16 use of the facility for a term of at least 15 years.

17 2. The applicant shall include, prior to the release
18 of any funding under this act, a verified copy of the approval
19 from the governing authority of the league in which the
20 professional sports franchise exists authorizing the location
21 of the professional sports franchise in Florida.

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

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

31

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

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

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

1 sports franchise facility or to the unit of local government
2 which holds title to the property on which the professional
3 sports facility is located. The approved Professional Sports
4 Facility Sales Tax Revenues shall be transferred to such unit
5 of local government in substantially equal monthly
6 installments and may be pledged for a period not to exceed 30
7 years and used to pay debt service on, or to fund debt service
8 reserve funds, arbitrage rebate obligations, or other amounts
9 payable with respect to bonds issued by such unit of local
10 government or by such other unit of local government as
11 provided by interlocal agreement for the purposes for which
12 funds distributed under this act to a unit of local government
13 may be used. No governmental entity shall receive more than
14 \$2 million in any state fiscal year pursuant to this section.
15 In the event that any professional sports franchise facility
16 receiving funds under this act generates an after tax profit
17 during any fiscal year during which bonds issued pursuant to
18 this act pledging Professional Sports Facility Sales Tax
19 Revenues are outstanding, any such profit of the funded
20 facility shall be used to pay the debt service on such bonds
21 to the extent of such profit and in reduction of such payment
22 from the General Revenue Fund.

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

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

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

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

30 Section 7. This act shall take effect July 1, 1988, or
31 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.

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(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.

~~(8)(a) It is declared that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in and 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 the purposes of this section, an escalation clause is any clause in a cooperative lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.~~

~~(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 or political subdivision thereof.~~

(8)(9) If rent under the lease is a fixed amount for the full duration of the lease and the rent thereunder is payable by the association or the unit owners, the division director shall have the discretion to accept alternative assurances sufficient to secure the payment of rent, including, but not limited to, annuities with an insurance company authorized to do business in this state, the beneficiary of which shall be the association, or, cash deposits in trust, the beneficiary of which shall be the association, which deposit shall be at an amount sufficient to generate interest sufficient to meet lease payments as they occur. If alternative

assurances are accepted by the division director, the following apply:

(a) Disclosures contemplated by subsection (2), if not contained within the lease, may be made by the developer.

(b) Disclosures as to the minimum number of unit owners that will be required, directly or indirectly, to pay the rent under the lease, and the maximum number of units that will be served by the leased property, if not contained in the lease, may be stated by the developer.

(c) The provisions of subsections (4) and (5) apply, but need not be stated in the lease.

(d) The provisions of subsection (7) do not apply.

Section 4. Section 719.4015, Florida Statutes, is created 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 the purposes of this section, an escalation clause is any clause in a cooperative lease or agreement which provides that the rental under the lease or agreement shall increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.

(2) This section 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 direct 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

House Bill No. 1717

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 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 nonpolluting 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, 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. 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 indicating overall economic impact accruing to the state in terms of increased 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. 218.61, 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 other costs in connection with the use of the professional sports franchise facility and 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 one mile 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. 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, not completed prior to January 1, 1988, and which was constructed upon land which is leased from a county.

(f)1. 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.

2. The applicant shall include, prior to the release of any funding under this act, a verified copy of the approval from the governing authority of the league in which the professional sports

franchise exists authorizing the location of the professional sports franchise in Florida.

(g) The applicant shall include projections showing that the professional sports franchise will attract a paid attendance of more than 400,000 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 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 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 exercise of the privilege 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 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 as hereby annually appropriated from the General Revenue Fund to the unit of local government responsible for the construction, management, or operation of the professional 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 amount of general revenue equal to 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 10 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 purpose 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 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, including funds appropriated 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 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 7. 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 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 commencing no later than the 22

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 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 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.

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 497.003, Florida Statutes, is amended to read:

497.003 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 ~~s.~~ 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, laws --

(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 30 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 installed and shall inspect the installation when completed. A cemetery company may charge a ~~an~~ inspection fee not to exceed \$25, which includes both marking the grave and inspecting any monument to ~~inspect monuments which are~~ not installed 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:

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 of adoption.

On motion by Rep Liberty 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.

Representatives Jamerson, Frishe, Wallace, Dunbar, Mortham, Rehm, 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

Amendment 3—On page 7 lines 14 and 29 strike "1990" and insert 1991

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, was completed prior to January 1, 1988 and which was constructed upon land which is leased from a county*

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

Rep Logan was recorded as voting "Nay"

Representatives Hargrett, Reaves, 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

Yeas—66

The Chair	Garcia	Liberti	Rehm
Banjanin	Gardner	Lippman	Rochlin
Bankhead	Goode	Locke	Sanderson
Bass	Gordon	Mackenzie	Saunders
Bell	Guber	Martan	Silver
Bloom	Gustafson	Martinez	Souto
Brown	Gutman	Messersmith	Stone
Carpenter	Hanson	Metcalf	Titone
Casas	Hargrett	Mitchell	Tobiasen
Clark	Hill	Morse	Tobin
Cogrove	Hodges	Mortham	Trammell
Crotty	Ireland	Nergard	Upchurch
Deutsch	Jamerson	Ostrau	Wallace
Diaz-Balart	Johnson, B L	Patchett	Woodruff
Dunbar	Johnson, R C	Press	Young
Frankel	Jones, D L	Reaves	
Frishe	Lawson	Reddick	

Nays—38

Arnold	Grindle	Langton	Sample
Ascherl	Harden	Lewis	Simon
Bronson	Harris	Logan	Simone
Burnsed	Healey	Long	Smith
Canady	Holland	Mackey	Starks
Carlton	Holzendorf	McEwan	Troxler
Crady	Irvine	Peeples	Webster
Dantzler	Jones, C F	Renke	Wise
Davis	Kelly	Rudd	
Glickman	King	Rush	

Votes after roll call

Yeas—Abrams, Bainter, 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, providing 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 24 126 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 18 10, F.S., relating to deposits and investment of state money, to conform, amending s 3, ch 88-8, Laws of 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 third time by title, passed and certified to the House. The vote on passage was

Yeas—34

Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D	Grizzle	Langley	Stuart
Childers, W D	Hair	Lehtinen	Thomas
Crenshaw	Hill	Malchon	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Woodson
Frank	Jennings	Myers	
Girardeau	Johnson	Plummer	

Nays—None

Vote after roll call

Yea—Crawford

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

On motion by Senator Langley—

CS for HB 790—A bill to be entitled An act relating to chiropractic, amending s 460 406, F.S., providing additional requirements for licensure by examination, amending s 460 4065, F.S., conforming requirements for 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

Yeas—33

Mr President	Gordon	Langley	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Stuart
Childers, D.	Hill	Margolis	Thomas
Childers, W D	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	
Frank	Johnson	Peterson	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call

Yea—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, 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

The Committee on Appropriations recommended the following amendments 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 governmental purposes under the State Constitution of providing for the health safety and welfare of the people and

Amendment 2—On page 1 line 27, after “and” insert the Legislature 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 professional sports franchise facility, and

The Committee on Appropriations recommended the following amendment 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 amendment 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 amendment 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 renumber subsequent sections

The Committee on Appropriations recommended the following amendment which was moved by Senator Grizzle

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

Senator Grizzle 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 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 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 exercise of the privilege 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

(Renumber subsequent sections)

The Committee on Appropriations recommended the following amendment which was moved by Senator Kiser and adopted

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

(Renumber subsequent sections)

Senator Kiser moved the following amendments which were adopted

Amendment 11—On page 6, strike all of lines 7-28 and insert: *sports facility is located The amount of general revenue equal to 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 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, including funds appropriated pursuant to sections 5 and 6 of this act, shall be returned by*

Amendment 12—On page 8, line 1, before "pursuant" insert *from the General Revenue Fund*

Senator Gordon moved the following amendment which failed

Amendment 13—On page 8, between lines 2 and 3, insert

Section 6 *Any professional sports facility constructed with funds from the Professional Sports/Economic Trust Fund shall be used to provide shelter for the homeless, free of charge, when the facility is not being used for a specific sporting event The homeless shall be allowed to use facilities such as locker rooms, bathrooms, and kitchens within the professional sports facility Organizations which serve the homeless shall be given access to such a facility for the purpose of providing food, bedding, or other services relating to the homeless*

(Renumber subsequent sections.)

Senator Grizzle moved the following amendment which was adopted

Amendment 14—In title, on page 1, line 8, following the second semicolon (;) insert: *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,*

Senator Kiser moved that the rules be waived and HB 1717 as amended be read the third time by title The motion failed to receive the required two-thirds vote The vote was

Yeas—25

Mr President	Girardeau	Kiser	Stuart
Barron	Grant	Lehtinen	Thomas
Brown	Grizzle	Malchon	Thurman
Crawford	Hill	Meek	Weinstein
Crenshaw	Jenne	Myers	
Dudley	Johnson	Ros-Lehtinen	
Frank	Kirkpatrick	Scott	

Nays—14

Beard	Gordon	Margolis	Weinstock
Childers, D	Hair	McPherson	Woodson
Childers, W D	Hollingsworth	Peterson	
Deratany	Langley	Plummer	

Vote after roll call

Senator Thomas changed his vote from yea to not voting

Motion

On motion by Senator Barron, the rules were waived and the Senate reverted to Introduction for the purpose of introducing the following joint resolution out of order

INTRODUCTION

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

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

Yeas—39

Mr President	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D	Grizzle	Lehtinen	Stuart
Childers, W D	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Frank	Johnson	Peterson	

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 s 212 637, F S , exempting from the tax on special fuels sales of special fuel for specified agricultural, aquacultural, or commercial fishing purposes, amending s 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 s. 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 s 212 0598, F S., providing that such carriers are not entitled to certain refunds, providing for refunds; providing for repeal, creating s 212.637, F S , exempting from the tax on special fuels sales of special fuel for specified agricultural, aquacultural, or commercial fishing purposes, amending s 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

Yeas—37

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 106 011(13) ~~mass~~ 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 or an issue is placed on the ballot for that election, in 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 his 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 nominees

(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)(4) Any person who willfully violates the provisions of this section 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, or 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, and

(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

Section 18 Except as otherwise provided herein, this act shall take effect January 1, 1989

Amendment 7—On page 19, line 12, insert a new Section 14 to read

Section 14 Subsection (5) of section 106 04, Florida Statutes, is amended to read

106 04 Committees of continuous existence.—

(5) No committee of continuous existence shall contribute to any candidate or political committee an amount in excess of the limits contained in s 106 08(1) or participate in any other activity which is prohibited by this chapter If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate No such committee shall make expenditures in support of, or in opposition to, an issue unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof, provided a committee may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s 106 03, F.S., formed to support or oppose issues

(Renumbr subsequent sections)

Senator Deratany moved the following amendment

Amendment 8—On page 19, line 12, insert a new Section 14 to read

Section 14 Subsection (8)(d) of Section 106 04, Florida Statutes, is created to read

106 04 Committees of continuous existence.—

(8)(d) Effective July 1, 1988, the filing officer shall waive the fine for first-time offenders who had no activity during the reporting period and shall abate any uncollected fines against such offenders levied prior to July 1, 1988 The division of elections shall promulgate rules to carry out the provisions of this paragraph

Further consideration of CS for SB's 34, 83, 857, 721, 847, 1029 and 1182 as amended was deferred

The hour of 2 40 p m having arrived, the Senate resumed consideration of—

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 third time by title, having been amended June 3

Senator Gordon moved the following amendment which was adopted by two-thirds vote

Amendment 15—On page 3, between lines 2 and 3, insert

Section 6 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.

Senator Plummer moved the following amendment which failed:

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 moneys, 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 part to the contrary, those municipalities or authorities whose funds are derived from sub-subparagraph b may make application to the Department for the refund of any Florida sales or use tax paid by a contractor on the cost price of tangible personal property used in the fulfillment of any written contract with a municipality or authority 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 tax has 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 or becoming a component part of 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 due 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 25 percent. The Department shall deduct an amount equal to 8.333 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 shall any municipality or authority collect a refund in excess of \$300,000 in any fiscal year. This section shall take effect upon becoming law.

(Renumber subsequent sections.)

Senator Gordon moved the following amendment which was adopted:

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:

Yeas—20

Mr. President	Dudley	Jennings	Myers
Brown	Girardeau	Kiser	Ros-Lehtinen
Crawford	Gordon	Lehtinen	Scott
Crenshaw	Hill	Malchon	Stuart
Deratany	Jenne	Meek	Weinstein

Nays—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 5.4.

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 5.4.

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. 98.051, 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. 106.07, 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. 99.097, 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. 101.5609, 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"

STORAGE NAME: pcb7a.ap
Date: May 19, 1988

19 MAY 25, 1988

HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

HO1717

BILL #: PCB 7 As Amended

RELATING TO: Professional Sports Franchises

SPONSOR(S): Committee on Appropriations

EFFECTIVE DATE: July 1, 1988, or upon becoming a law, whichever occurs later

COMPANION BILL(S): _____

OTHER COMMITTEES OF REFERENCE: (1) _____

(2) _____

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.

1328 MAY 25 1988

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 6: Appropriates from the Working Capital Fund to the Professional Sports/Economic Trust Fund \$5 million each year for FY 1988-89, FY 1989-90 and FY 1990-91 for the professional sports franchise project who first meets all requirements.

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)

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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:

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Page 4
Bill #: PCB AP 88-7A
Date: May 19, 1988

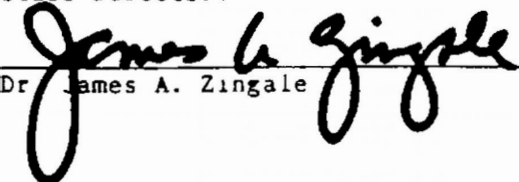
VI. SIGNATURES:

APPROPRIATIONS:

Prepared by:


Frank Morgan

Staff Director:


Dr. James A. Zingale

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Barrett</u>	<u>Smith</u>	1. <u>AP</u>	<u>Fav/10 amend.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Professional Sports Franchises

BILL NO. AND SPONSOR:

HB 1717 by
Appropriations Committee

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

Legislature to receive the annual appropriation. The first approved applicant will receive \$1,757,920 annually.

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 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 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, 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.