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## A Survey Of Florida Baseball Cases

Louis H. Schiff\*

Robert M. Jarvis†

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# A Survey Of Florida Baseball Cases

Louis H. Schiff and Robert M. Jarvis

## **Abstract**

Florida has long been a hotbed of baseball activity.<sup>1</sup> Today, the state is home to two Major League Baseball (“MLB”) teams, fourteen minor league teams, fifteen spring training sites, both of the schools that train future big league umpires, and numerous amateur and youth teams

**KEYWORDS:** civil rights, family law, immigration

## A SURVEY OF FLORIDA BASEBALL CASES<sup>†</sup>

LOUIS H. SCHIFF<sup>\*</sup>  
ROBERT M. JARVIS<sup>\*\*</sup>

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<sup>\*</sup> Broward County Court Judge—17th Judicial Circuit (schiff@baseballandthelaw.org). B.S., University of Florida; J.D., Hamline University. Co-author, *BASEBALL AND THE LAW: CASES AND MATERIALS* (Carolina Academic Press, 2016).

<sup>\*\*</sup> Professor of Law, Nova Southeastern University (jarvisb@nova.edu). B.A., Northwestern University; J.D., University of Pennsylvania; LL.M., New York University. Co-author, *BASEBALL AND THE LAW: CASES AND MATERIALS* (Carolina Academic Press, 2016).

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## I. INTRODUCTION

Florida has long been a hotbed of baseball activity.<sup>1</sup> Today, the state is home to two Major League Baseball (“MLB”) teams, fourteen minor league teams, fifteen spring training sites, both of the schools that train future big league umpires, and numerous amateur and youth teams.<sup>2</sup> As a result, its case reporters are filled with baseball opinions that stretch back more than a century.<sup>3</sup> Collectively, these judgments chronicle the significant role that

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1. KEVIN M. MCCARTHY, *BASEBALL IN FLORIDA 5* (1996) (tracing Florida’s baseball roots back to 1874). Although McCarthy’s text remains definitive, useful examinations of Florida’s baseball history also appear in a number of other works. *See, e.g.*, SCOTT BROWN, *BASEBALL IN PENSACOLA: AMERICA’S PASTIME & THE CITY OF FIVE FLAGS* (2013); A.M. DE QUESADA JR., *BASEBALL IN TAMPA BAY* (2000); ALEJANDRO M. DE QUESADA, *SPRING TRAINING IN CLEARWATER: FENCEBUSTERS AND FASTBALLS FROM THE PHILADELPHIA PHILLIES AND THE CLEARWATER THRESHERS* (2007); RODY JOHNSON, *THE RISE AND FALL OF DODGERTOWN: 60 YEARS OF BASEBALL IN VERO BEACH* (2008); JEFF LAHURD, *SPRING TRAINING IN SARASOTA, 1924–1960: NEW YORK GIANTS AND BOSTON RED SOX* (2006); JOHN PHILLIPS, *A SHORT HISTORY OF MINOR LEAGUE BASEBALL IN MIAMI AND MIAMI BEACH* (1997); WES SINGLETARY, *FLORIDA’S FIRST BIG LEAGUE BASEBALL PLAYERS: A NARRATIVE HISTORY* (2006); RAYMOND SINIBALDI, *SPRING TRAINING IN BRADENTON AND SARASOTA* (2013); Joe Connor, *Baseball History Rich in Sunshine State*, NBC SPORTS (Mar. 27, 2013), <http://www.nbcsports.com/baseball-history-rich-sunshine-state#page=1>.

2. *Batter Up! A Visual History of Baseball in Florida*, FLA. MEMORY, [https://www.floridamemory.com/photographiccollection/photo\\_exhibits/baseball](https://www.floridamemory.com/photographiccollection/photo_exhibits/baseball); *see also Amateur & Semi-Pro: Florida*, JOHN SKILTON’S BASEBALL-LINKS.COM, [http://www.baseball-links.com/links/Amateur\\_&\\_Semi-Pro/Florida](http://www.baseball-links.com/links/Amateur_&_Semi-Pro/Florida); *Florida’s Grapefruit League Is Home to Major League Baseball’s Pre-Season*, FLA. GRAPEFRUIT LEAGUE, <http://www.floridagrapefruitleague.com> (hover over “Teams”); *Team-by-Team Information*, MLB.COM, <http://mlb.mlb.com/team/index.jsp>; *Teams by Geographical Location*, MiLB.COM, <http://www.milb.com/milb/info/geographical.jsp> *Umpire School Information*, MLB.COM, [http://mlb.mlb.com/mlb/official\\_info/umpires/camp/schools.jsp](http://mlb.mlb.com/mlb/official_info/umpires/camp/schools.jsp)

3. Lawsuits that did not result in a precedential opinion are not included in this survey. *See, e.g.*, *Nix v. Major League Baseball*, No. 3D14–2967, 2015 WL 1930327 (Fla. 3d Dist. Ct. App. Apr. 27, 2015) (unpublished table decision); *Burch v. Little League Baseball, Inc.*, 33 So. 3d 39 (Fla. 2d Dist. Ct. App. 2010) (unpublished table decision); *Young v. City of Dunedin*, 974 So. 2d 1075 (Fla. 2d Dist. Ct. App. 2008) (unpublished table decision); *Bochtler v. Florida Marlins LP*, 961 So. 2d 935 (Fla. 1st Dist. Ct. App. 2007) (unpublished table decision); *Ogletree v. Fitzpatrick*, 935 So. 2d 507 (Fla. 2d Dist. Ct. App. 2006) (unpublished table decision); *Del Valle v. Major League Baseball, Inc.*, 901 So. 2d 131 (Fla. 3d Dist. Ct. App. 2005) (unpublished table decision); *S. Fla. Stadium Corp. v. Klein ex rel. Klein*, 789 So. 2d 1002 (Fla. 4th Dist. Ct. App. 2001) (unpublished table decision); *Toronto Blue Jays, Inc. v. State, Dep’t of Revenue*, 717 So. 2d 1018 (Fla. 2d Dist. Ct. App.

Florida's bench and bar have played in the development of America's national pastime. To make these decisions more accessible, they are briefly summarized below.

## II. ANTITRUST LAW

In 1922, the Supreme Court of the United States granted MLB immunity from the nation's antitrust laws.<sup>4</sup> The Eleventh Circuit has applied this ruling twice—first in a case involving the scheduling of minor league baseball games,<sup>5</sup> and then in a case investigating the proposed elimination of the Minnesota Twins and Montreal Expos.<sup>6</sup> In contrast, the Supreme Court of Florida has read the exemption as applying only to player contracts.<sup>7</sup> Accordingly, the Second District reinstated a lawsuit in which the plaintiffs claimed that numerous parties had conspired to keep them from buying the Minnesota Twins and moving them to Florida.<sup>8</sup>

## III. BANKRUPTCY LAW

Two cases from the Middle District have examined baseball through the prism of the country's bankruptcy laws.<sup>9</sup> In the former, a group of creditors objected to the debtor's proposal to sell his interest in the Fort Wayne Wizards and use the proceeds to pay his attorneys.<sup>10</sup> In affirming the

1998) (unpublished table decision); *Chiamparino v. Florida Marlins Baseball Club*, 668 So. 2d 605 (Fla. 1st Dist. Ct. App. 1996) (unpublished table decision); *Tolar v. Chicago White Sox, Ltd.*, 684 So. 2d 1356 (Fla. 1st Dist. Ct. App. 1996) (unpublished table decision); *Wiggins v. City of Plant City*, 633 So. 2d 1080 (Fla. 2d Dist. Ct. App. 1994) (unpublished table decision); *Leasefirst v. Baseball Cards Unlimited, Inc.*, 550 So. 2d 472 (Fla. 2d Dist. Ct. App. 1990) (unpublished table decision); *Pro Baseball Clubs & Sch., Inc. v. Baseball Enters., Inc.*, 522 So. 2d 390 (Fla. 1st Dist. Ct. App. 1988) (unpublished table decision); *Pinkston v. Little League Baseball, Inc.*, 365 So. 2d 727 (Fla. 3d Dist. Ct. App. 1979) (unpublished table decision).

4. *Fed. Baseball Club of Balt., Inc. v. Nat'l League of Prof'l Baseball Clubs*, 259 U.S. 200, 208–09 (1922).

5. *Prof'l Baseball Sch. & Clubs, Inc. v. Kuhn*, 693 F.2d 1085, 1085 (11th Cir. 1982).

6. *Major League Baseball v. Crist*, 331 F.3d 1177, 1179, 1183 (11th Cir. 2003).

7. *Butterworth v. Nat'l League of Prof'l Baseball Clubs*, 644 So. 2d 1021, 1025 (Fla. 1994).

8. *Morsani v. Major League Baseball*, 739 So. 2d 610, 612 (Fla. 2d Dist. Ct. App. 1999).

9. *Van Buren Indus. Inv'rs v. Henderson (In re Henderson)*, 341 B.R. 783, 786 (M.D. Fla. 2006); *Major Sports Fantasy, Ltd. v. Dowdell (In re Dowdell)*, 406 B.R. 106, 108–09 (Bankr. M.D. Fla. 2009).

10. *In re Henderson*, 341 B.R. at 786–87.

bankruptcy court, the district court found the debtor's plan to be a reasonable one.<sup>11</sup>

In the latter, the owners of two fantasy baseball camps sold their businesses.<sup>12</sup> Despite a non-competition agreement, they soon opened several new camps.<sup>13</sup> After the purchasers obtained a \$241,000 judgment from a Texas state court, the sellers filed for bankruptcy in Florida and sought to discharge the judgment.<sup>14</sup> Agreeing with the purchasers, the bankruptcy court held the sellers could only discharge so much of the judgment as was not attributable to their willful misconduct.<sup>15</sup>

#### IV. CIVIL RIGHTS LAW

In a *pro se* complaint, a federal prisoner claimed the Tampa Bay Devil Rays were plotting to kill him when he got out of jail.<sup>16</sup> Finding this allegation to be delusional, the Middle District dismissed the case.<sup>17</sup>

#### V. CONTRACT LAW

In 1949, the City of Miami opened Miami Stadium and hired Florida Sportservice, Inc. ("Sportservice") to run the concession stands.<sup>18</sup> For the next five years, the Miami Sun Sox, a Brooklyn Dodgers farm team, called the field home.<sup>19</sup> In 1954, however, the Sun Sox folded.<sup>20</sup> Following two seasons without baseball, Sidney Salomon, Jr., Sportservice's owner, purchased the Syracuse Chiefs and moved the team to Florida, where they became the original Miami Marlins.<sup>21</sup>

After having the Marlins sign a one-sided concession agreement with Sportservice, Salomon sold the club to media mogul George B. Storer.<sup>22</sup>

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11. *Id.* at 791.

12. *In re Dowdell*, 406 B.R. at 110.

13. *Id.*

14. *Id.* at 112.

15. *Id.* at 115.

16. *Riches v. Schiavo*, No. 8:07-CV-1644-T-30TGW, 2007 WL 2729681, at \*1 (M.D. Fla. Sept. 18, 2007).

17. *Id.*

18. *Storer v. Fla. Sportservice, Inc.*, 115 So. 2d 433, 434–35 (Fla. 3d Dist. Ct. App. 1959); SAM ZYGNER, *THE FORGOTTEN MARLINS: A TRIBUTE TO THE 1956–1960 ORIGINAL MIAMI MARLINS* 325 (2013).

19. ZYGNER, *supra* note 18, at 131–32.

20. *Id.* at 132.

21. *Storer*, 115 So. 2d at 435; ZYGNER, *supra* note 18, at 14.

22. *Storer*, 115 So. 2d at 434–35; ZYGNER, *supra* note 18, at 64.

When Storer found out about the sweetheart deal, he moved to set it aside.<sup>23</sup> The trial court dismissed his complaint but the Third District reversed.<sup>24</sup>

A short time later, the City of Miami informed Sportservice it had decided not to renew its contract.<sup>25</sup> Sportservice responded by suing the City, arguing that the absence of baseball from 1954 to 1956 entitled it to a two-year extension.<sup>26</sup> The Third District rejected this contention because other events had taken place at Miami Stadium at which Sportservice had been able to sell concessions.<sup>27</sup>

Several contract cases have involved the current Miami Marlins. When the engineering company building the team's spring training complex was fired, for example, it sued Brevard County to recover the cost of various change orders.<sup>28</sup> Because the orders were issued orally rather than in writing, the Supreme Court of Florida found collection on them barred by sovereign immunity.<sup>29</sup>

In 1997, the Marlins delighted their fans by winning their first World Series; as a result, CFI Sales & Marketing, Ltd. ("CFI") purchased premium stadium seats and advertising for the 1998 season.<sup>30</sup> When the club then held a fire sale and wound up finishing in last place, CFI, believing it had been duped, sued for a refund but lost.<sup>31</sup> On appeal, the Third District affirmed.<sup>32</sup>

At a 2008 charity auction, Marlins president David Samson jokingly announced he was putting the team up for bid.<sup>33</sup> The Pomeranz & Landsman Corporation ("P & L") immediately offered \$10 million.<sup>34</sup> When the Marlins refused to go through with the "sale," P & L sued.<sup>35</sup> After P & L dropped its

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23. *Storer*, 115 So. 2d at 435–36.  
 24. *Id.* at 434, 438.  
 25. *Fla. Sportservice, Inc. v. City of Miami*, 121 So. 2d 450, 453 (Fla. 3d Dist. Ct. App. 1960).  
 26. *Id.* at 452.  
 27. *Id.*  
 28. *County of Brevard v. Miorelli Eng'g, Inc.*, 703 So. 2d 1049, 1050 (Fla. 1997).  
 29. *Id.* at 1051.  
 30. E-mail from Richard W. Epstein, Esq., attorney for CFI Sales & Marketing, Ltd., to Professor Robert M. Jarvis (Sept. 24, 2014, 6:47 p.m. EDT) (on file with the authors).  
 31. *CFI Sales & Mktg., Ltd. v. Florida Marlins Baseball, Ltd.*, 837 So. 2d 423, 423 (Fla. 3d Dist. Ct. App. 2002).  
 32. *Id.*  
 33. Complaint at 1–2, *Omeranz & Landsman Corp. v. Miami Marlins Baseball Club, L.P.*, 143 So. 3d 1182 (Fla. 4th Dist. Ct. App. 2014) (No. 12-03405).  
 34. *Id.* at 2.  
 35. Jeff Sullivan, *Marlins Being Sued by Would-Be Owners*, SB NATION (Feb. 22, 2012), <http://sbnation.com/2012/2/22/2817036/miami-marlins-sued-action>.

lawsuit, the Marlins moved for attorneys' fees.<sup>36</sup> In issuing a prohibitory writ, the Fourth District explained the trial court had lost its power to impose sanctions when the case was dismissed.<sup>37</sup>

In an action involving considerably less drama, the City of Winter Haven filed a three-count complaint against the Cleveland Indians over the team's failure to pay the City for using its Chain-O-Lakes baseball complex.<sup>38</sup> Agreeing with the Indians, the Middle District held the first count (breach of contract) necessitated dismissal of the second and third counts (open account and account stated).<sup>39</sup>

Two contract cases have involved baseball memorabilia.<sup>40</sup> In one of them, the plaintiff accused an out-of-state defendant of selling him a fake Joe DiMaggio jersey.<sup>41</sup> The defendant moved to dismiss for lack of personal jurisdiction, but the Southern District found the defendant had sufficient contacts with Florida.<sup>42</sup>

In the other case, the plaintiff claimed the defendants had issued a grossly inflated appraisal for a "Hall of Fame Baseball Montage."<sup>43</sup> The trial court dismissed for failure to state a claim, but the Fourth District reversed.<sup>44</sup>

## VI. CRIMINAL LAW

Florida's two earliest reported baseball decisions arose from the state's 1905 ban on Sunday baseball.<sup>45</sup> In the first, the Supreme Court of Florida upheld the newly-enacted law against multiple constitutional attacks.<sup>46</sup> In the second, it set the defendant free after finding that the complainant, a minister, lacked standing.<sup>47</sup>

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36. *Pomeranz & Landsman Corp. v. Miami Marlins Baseball Club, L.P.*, 143 So. 3d 1182, 1182 (Fla. 4th Dist. Ct. App. 2014).

37. *Id.* at 1183.

38. *City of Winter Haven v. Cleveland Indians Baseball Co.*, No. 8:09-CV-00190-T-17EAJ, 2009 WL 1107670, at \*1 (M.D. Fla. Apr. 22, 2009).

39. *Id.* at \*1–3.

40. *Pathman v. Grey Flannel Auctions, Inc.*, 741 F. Supp. 2d 1318, 1320 (S.D. Fla. 2010); *Blumstein v. Sports Immortals, Inc.*, 67 So. 3d 437, 438 (Fla. 4th Dist. Ct. App. 2011).

41. *Pathman*, 741 F. Supp. 2d at 1320–21.

42. *Id.* at 1321–22, 1324, 1326.

43. *Blumstein*, 67 So. 3d at 439.

44. *Id.* at 438–39.

45. *See* Act of June 5, 1905, 1905 Fla. Laws ch. 5436, § 1. The statute was repealed in 1969. *See* Act effective July 1, 1969, ch. 69–87, 1969 Fla. Laws 322.

46. *West v. State*, 39 So. 412, 415 (Fla. 1905).

47. *Nickelson v. State ex rel. Blich*, 57 So. 194, 196 (Fla. 1911).



In a more typical criminal case, a con man created a fictitious baseball team (the Gainesville All Stars) and convinced a local jeweler to be its sponsor.<sup>48</sup> A jury convicted him of forgery for cashing the jeweler's check.<sup>49</sup> On appeal, the Supreme Court of Florida affirmed.<sup>50</sup>

In a somewhat similar scheme, Vincent Antonucci, the owner of a Crystal River souvenir shop called Talkin' Baseball, swindled Ted Williams, the legendary Boston Red Sox left fielder and the business's silent partner.<sup>51</sup> When the State of Florida and Williams both went after Antonucci, the trial judge continued the State's criminal case to allow Williams' civil case to finish first.<sup>52</sup> On appeal, the Fifth District found this to be error.<sup>53</sup>

In another case involving a famous major leaguer, former Detroit Tigers pitcher Denny McLain had his federal racketeering conviction overturned by the Eleventh Circuit because the actions of the prosecutor and the trial judge had denied him a fair trial.<sup>54</sup>

More recently, a woman convinced a bank that two World Series baseballs—one signed by the New York Yankees and the other by the Detroit Tigers—were worth \$8 million.<sup>55</sup> The jury found her guilty of bank fraud, but the Northern District threw out the verdict for lack of evidence.<sup>56</sup> On appeal, the Eleventh Circuit ordered it reinstated.<sup>57</sup>

In two separate incidents, a New York Mets minor league player and a little league coach were convicted of sexual misconduct.<sup>58</sup> The Fourth District upheld the player's conviction,<sup>59</sup> but the First District reversed the coach's conviction because the prosecutors had relied on an improper theory.<sup>60</sup>

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48. *Green v. State*, 76 So. 2d 645, 646 (Fla. 1954).

49. *Id.*

50. *Id.* at 648.

51. *State v. Antonucci*, 590 So. 2d 998, 999 (Fla. 5th Dist. Ct. App. 1991); BEN BRADLEE, JR., *THE KID: THE IMMORTAL LIFE OF TED WILLIAMS* 624 (2013).

52. *Antonucci*, 590 So. 2d at 999.

53. *Id.* at 1000.

54. *United States v. McLain*, 823 F.2d 1457, 1459, 1462, 1468 (11th Cir. 1987).

55. *United States v. Williams*, 390 F.3d 1319, 1321 n.3 (11th Cir. 2004).

56. *Id.* at 1320.

57. *Id.* at 1326.

58. *Palmer v. State*, 838 So. 2d 579, 579–80 (Fla. 1st Dist. Ct. App. 2002); *Gonzalez v. State*, 745 So. 2d 542, 543 (Fla. 4th Dist. Ct. App. 1999).

59. *Gonzalez*, 745 So. 2d at 543.

60. *Palmer*, 838 So. 2d at 579.

In yet another case, an off-duty police officer at a St. Lucie Mets game had too much to drink.<sup>61</sup> When he was asked to leave, he became hostile and was taken into custody.<sup>62</sup> Following his release, he sued for false arrest and false imprisonment, but the Southern District dismissed his complaint.<sup>63</sup>

## VII. DISABILITY LAW

There are two reported cases involving disabled baseball fans.<sup>64</sup> In the first, the plaintiff sought to force the Florida Marlins to make Pro Player Stadium more accessible.<sup>65</sup> The Southern District dismissed because the plaintiff's proposed modifications were not readily achievable.<sup>66</sup>

In the second, involving similar claims against the St. Lucie Mets at Tradition Field, the Southern District put off ruling on the team's motions to dismiss for lack of standing and mootness until a full record could be developed.<sup>67</sup>

## VIII. EDUCATION LAW

The baseball coach at Coconut Creek High School was disciplined for failing to prevent hazing during a team trip to Orlando.<sup>68</sup> On appeal, the Fourth District reversed the Broward County School Board's decision because the coach had been unaware of the players' activities.<sup>69</sup>

In four cases, high school baseball players challenged decisions of the Florida High School Athletic Association.<sup>70</sup> In the first, a Hialeah Miami Lakes High School player who had used up his eligibility and had been

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61. *Magielski v. Sheriff of St. Lucie Cty.*, No. 2:11-CV-14235-KMM, 2012 WL 292285, at \*1 (S.D. Fla. Jan. 27, 2012).

62. *Id.*

63. *Id.* at \*2, \*4.

64. *Wein v. St. Lucie Cty.*, 461 F. Supp. 2d 1261, 1262 (S.D. Fla. 2006); *Access Now, Inc. v. S. Fla. Stadium Corp.*, 161 F. Supp. 2d 1357, 1360 (S.D. Fla. 2001).

65. *Access Now, Inc.*, 161 F. Supp. 2d at 1361.

66. *Id.* at 1371.

67. *Wein*, 461 F. Supp. 2d at 1262, 1265.

68. *McMillan v. Broward Cty. Sch. Bd.*, 834 So. 2d 903, 904 (Fla. 4th Dist. Ct. App. 2003).

69. *Id.*

70. *Fla. High Sch. Athletic Ass'n v. Marazzito*, 891 So. 2d 653, 654 (Fla. 2d Dist. Ct. App. 2005); *Lee v. Fla. High Sch. Activities Ass'n, Inc.*, 291 So. 2d 636, 638–39 (Fla. 3d Dist. Ct. App. 1974); *Coletti v. Fla. High Sch. Athletic Ass'n, Inc.*, 23 Fla. L. Weekly Supp. 38 (Fla. 17th Cir. Ct. May 11, 2015); *White v. Fla. High Sch. Activities Ass'n*, 9 Fla. L. Weekly Supp. 536 (Fla. 2d Cir. Ct. May 8, 2002).

denied a hardship waiver had his case dismissed by the trial court.<sup>71</sup> On appeal, the Third District reversed and held he was entitled to a hearing.<sup>72</sup>

In the second, four home-schooled players sued after school officials declared them ineligible to play for the Chattahoochee High Magnet School baseball team.<sup>73</sup> Finding that no rules had been broken, the trial court ordered them reinstated.<sup>74</sup>

In the third, a catcher at All Saints Academy in Winter Haven petitioned for an extra year of eligibility.<sup>75</sup> The trial court granted his request, but the Second District reversed after concluding the record did not support such an extraordinary remedy.<sup>76</sup>

In the fourth, a Nova High School player argued that his team's regional semi-final game against St. Thomas High School should not have been called due to rain.<sup>77</sup> The trial court dismissed the lawsuit for lack of standing, failure to exhaust administrative remedies, and failure to state a cause of action.<sup>78</sup> It also found that the umpires had been right to give the victory to St. Thomas.<sup>79</sup>

## IX. FAMILY LAW

Just before going on a team trip, Boston Red Sox pitching coach Dennis Rasmussen signed a note leaving all of his property to his wife Jan "in the event of death or separation."<sup>80</sup> The couple later divorced.<sup>81</sup> Relying on the note, the trial court ruled that Rasmussen's individual retirement account and MLB pension were marital assets.<sup>82</sup> The Second District reversed because the note, being conditional, failed to create a valid gift.<sup>83</sup>

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71. *Lee*, 291 So. 2d at 638.

72. *Id.* at 638–39.

73. *White*, 23 Fla. L. Weekly Supp. 536.

74. *Id.*

75. *Marazzito*, 891 So. 2d at 654.

76. *Id.*

77. *Coletti*, 23 Fla. L. Weekly Supp. 38.

78. *Id.*

79. *Id.*

80. *Rasmussen v. Rasmussen*, 909 So. 2d 969, 970 (Fla. 2d Dist. Ct. App. 2005).

81. *Id.*

82. *Id.*

83. *Id.* at 970–71.

## X. GAMBLING LAW

Three cases have involved prosecutions for wagering on baseball.<sup>84</sup> In the first, the Southern District ordered cash seized from a bookmaker who had taken bets on baseball to be returned.<sup>85</sup> On appeal, the Fifth Circuit ordered a new trial.<sup>86</sup>

In the second, the defendants “were found guilty of maintaining a gambling room.”<sup>87</sup> On appeal, the Third District reversed because the evidence—a bet on one baseball game—was insufficient to support the charges.<sup>88</sup>

In the third, the defendants were convicted by the Southern District of taking bets on baseball games.<sup>89</sup> Finding no error, the Fifth Circuit affirmed their sentences.<sup>90</sup>

## XI. GENDER DISCRIMINATION LAW

Claiming she had been denied a promotion because of her gender, a woman baseball umpire sued multiple defendants.<sup>91</sup> When she failed to make timely service, two of the defendants moved for dismissal, which the Middle District granted.<sup>92</sup>

In two different lawsuits against the Brevard County School Board, the Middle District found that the disparities between the boys’ baseball and girls’ softball programs at various local high schools were so substantial they violated federal and state law.<sup>93</sup>

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84. United States v. Sklaroff, 552 F.2d 1156, 1157 (5th Cir. 1977); United States v. Frank, 265 F.2d 529, 529–30 (5th Cir. 1959); Cohen v. State, 189 So. 2d 498, 498–99 (Fla. 3d Dist. Ct. App. 1966).

85. *Frank*, 265 F.2d at 529–30.

86. *Id.* at 531.

87. *Cohen*, 189 So. 2d at 498.

88. *Id.* at 499.

89. *Sklaroff*, 552 F.2d at 1157, 1162.

90. *Id.* at 1162.

91. Cox v. Ariz. League of Prof’l Baseball Clubs, Inc., 151 F.R.D. 436, 437 (M.D. Fla. 1993).

92. *Id.* at 439.

93. Landow *ex rel.* Landow v. Sch. Bd. of Brevard Cty., 132 F. Supp. 2d 958, 958–59 (M.D. Fla. 2000); Daniels v. Sch. Bd. of Brevard Cty., 985 F. Supp. 1458, 1459 (M.D. Fla. 1997).

## XII. IMMIGRATION LAW

After successfully smuggling Cuban infielder Yuniesky Betancourt into the United States and obtaining a \$2.8 million contract for him with the Seattle Mariners, sports agent Gustavo Dominguez decided to try his luck again with five more Cuban players.<sup>94</sup> This time the plan blew up and Dominguez was convicted by the Southern District of smuggling, concealing, and transporting unlawful aliens.<sup>95</sup> On appeal, the Eleventh Circuit affirmed the smuggling conviction but reversed the other charges for lack of evidence.<sup>96</sup>

## XIII. INSURANCE LAW

Following the closure of a baseball card store, one of its investors agreed to keep its inventory in his home.<sup>97</sup> A short time later, the home was broken into, and the cards were stolen.<sup>98</sup> The investor sued his insurer and was awarded \$25,000.<sup>99</sup> Considering this amount to be too little, the investor filed a new action against his agent for failing to provide him with the proper coverage.<sup>100</sup>

In the trial court and at the Fourth District, the agent successfully defended on the ground that the investor's suit was time-barred.<sup>101</sup> On appeal, the Supreme Court of Florida rejected this contention.<sup>102</sup> Nevertheless, it ordered the complaint dismissed due to the investor's bad faith in suing the agent.<sup>103</sup>

A little league coach injured during a game sued both the league and the City of South Daytona.<sup>104</sup> Nutmeg, the City's insurer, tendered the case to Continental, the league's insurer, but it denied liability.<sup>105</sup> After the coach's claim was dismissed, the City filed a declaratory judgment action against Continental for attorneys' fees.<sup>106</sup> The trial court ordered Continental

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94. United States v. Dominguez, 661 F.3d 1051, 1057 (11th Cir. 2011).

95. *Id.* at 1056–57.

96. *Id.* at 1056.

97. Blumberg v. USAA Cas. Ins. Co., 790 So. 2d 1061, 1062 (Fla. 2001).

98. *Id.* at 1063.

99. *Id.*

100. *Id.*

101. *Id.*

102. Blumberg, 790 So. 2d at 1065–66.

103. *Id.* at 1066–68.

104. Cont'l Cas. Co. v. City of South Daytona, 807 So. 2d 91, 92 (Fla. 5th Dist. Ct. App. 2002).

105. *Id.*

106. *Id.*

to reimburse the City for both actions.<sup>107</sup> On appeal, the Fifth District held the City was entitled to attorneys' fees only in the coach's action.<sup>108</sup>

When pitcher Alex Fernandez re-injured his shoulder, the Florida Marlins sought reimbursement from its insurer Lloyd's of London.<sup>109</sup> Having paid out on a previous claim, Lloyd's denied coverage.<sup>110</sup> During discovery, it sought to learn what the Marlins had been told by a Missouri lawyer named Michael Whittle.<sup>111</sup> The Marlins objected, claiming that Whittle's advice was protected by attorney-client privilege.<sup>112</sup> The trial court rejected this contention because Whittle was not admitted in Florida, but the Third District reversed.<sup>113</sup>

After prospect Matthew White tore his rotator cuff while pitching for the 2000 U.S. Olympic team, the Tampa Bay Devil Rays submitted a claim to the Standard Security Life Insurance Company.<sup>114</sup> It refused to pay because White was able to pitch sporadically during the 2001 season for the Durham Bulls.<sup>115</sup> Finding that numerous unresolved fact issues existed, the Middle District denied Standard's summary judgment motion and referred the Devil Rays' summary judgment motion to a magistrate judge.<sup>116</sup>

#### XIV. INTELLECTUAL PROPERTY LAW

In two different actions, Little League Baseball, Inc. sued parties who were using its trademarks.<sup>117</sup> In the first, the Middle District ordered the defendant to stop using the marks.<sup>118</sup> In the second, the Southern District refused to let the defendant depose the league's president after finding he had

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107. *Id.*

108. *Id.* at 93.

109. Andrew Cave, *Lloyd's Whacks \$7.7M Claim by Baseball Team*, DAILY TELEGRAPH (London), July 5, 2004, at 25.

110. *Id.*

111. Florida Marlins Baseball Club, LLC v. Certain Underwriters at Lloyd's London Subscribing to Policy No. 893/HC/97/9096, 900 So. 2d 720, 721 (Fla. 3d Dist. Ct. App. 2005).

112. *Id.*

113. *Id.*

114. Tampa Bay Devil Rays, LED v. Standard Sec. Life Ins. Co. of N.Y., No. 8:04-CV-1330-T-17MAP, 2006 WL 1119207, at \*4 (M.D. Fla. Apr. 26, 2006).

115. *Id.* at \*4.

116. *Id.* at \*4-5.

117. Little League Baseball, Inc. v. Kaplan, No. 08-60554-CIV, 2009 WL 426277, at \*1 (S.D. Fla. Feb. 20, 2009); Little League Baseball, Inc. v. Daytona Beach Little League, Inc., No. 76-108, 1977 WL 22777, at \*1 (M.D. Fla. Mar. 17, 1977).

118. *Daytona Beach Little League, Inc.*, 1977 WL 22777, at \*1.

no pertinent knowledge and the defendant already had deposed four other league officials.<sup>119</sup>

In another case, a songwriter who wrote a ballad about the Fort Myers Miracle sued the team for playing it at its home games.<sup>120</sup> When the Miracle produced proof it had twice obtained permission to do so, the Middle District granted the team summary judgment.<sup>121</sup> On appeal, the Eleventh Circuit affirmed.<sup>122</sup>

In a different action, a developer accused various parties of stealing his idea of having a baseball stadium anchor a mixed-used development project in Jupiter.<sup>123</sup> Finding the concept to be an obvious one, the trial court dismissed,<sup>124</sup> and the Fourth District affirmed.<sup>125</sup>

In two cases, former MLB players sued others for using their names.<sup>126</sup> In the first, the Southern District dismissed for lack of personal jurisdiction a lawsuit filed by the estate of Joe DiMaggio against various San Francisco officials who had named a park in his honor.<sup>127</sup> In the second, the Fourth District decided the jury hearing Cecil Fielder's lawsuit against an interior decorating company had been unduly influenced by Fielder's fame.<sup>128</sup>

## XV. INTERNATIONAL LAW

After escaping Cuba and signing a \$30 million contract with the Cincinnati Reds, pitcher Aroldis Chapman found himself sued by four individuals who claimed they had been tortured by the Cuban government after Chapman gave false testimony against them to avoid losing his spot on the Cuban national baseball team.<sup>129</sup> Citing the Act of State and political question doctrines, Chapman moved to dismiss the suit, but the Southern District found neither defense to be a bar.<sup>130</sup>

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119. *Kaplan*, 2009 WL 426277, at \*1.

120. *Jacob Maxwell, Inc. v. Veeck*, 110 F.3d 749, 751 (11th Cir. 1997).

121. *Id.* at 751–53.

122. *Id.* at 754.

123. *Alevizos v. John D. & Catherine T. MacArthur Found.*, 764 So. 2d 8, 10–11 (Fla. 4th Dist. Ct. App. 1999).

124. *Id.* at 11, 13.

125. *Id.* at 13.

126. *DiMaggio, LLC v. City & County of San Francisco*, 187 F. Supp. 2d 1359, 1361 (S.D. Fla. 2000); *Weinstein Design Grp., Inc. v. Fielder*, 884 So. 2d 990, 993 (Fla. 4th Dist. Ct. App. 2004).

127. *DiMaggio*, 187 F. Supp. 2d at 1362.

128. *Weinstein Design Grp., Inc.*, 884 So. 2d at 995.

129. *Garcia v. Chapman*, 911 F. Supp. 2d 1222, 1229, 1231 (S.D. Fla. 2012).

130. *Id.* at 1240–42.

## XVI. JUDICIAL ETHICS

Broward Circuit Judge John T. Luzzo accepted Florida Marlins tickets from lawyers who regularly appeared in front of him.<sup>131</sup> For this lapse in judgment, the Judicial Qualifications Commission recommended a public reprimand, which the Supreme Court of Florida imposed.<sup>132</sup>

## XVII. LABOR AND EMPLOYMENT LAW

When he was denied overtime, a Sarasota White Sox groundskeeper sued the team.<sup>133</sup> Based on the Fair Labor Standards Act's "recreational operator" exemption,<sup>134</sup> the Middle District dismissed.<sup>135</sup> On appeal, the Eleventh Circuit affirmed.<sup>136</sup>

In another FLSA case, workers who had helped build the Miami Marlins' new stadium sued for wages they claimed they had not received.<sup>137</sup> The Southern District dismissed for lack of subject matter jurisdiction,<sup>138</sup> but the Eleventh Circuit reversed.<sup>139</sup>

After officiating a game together at Spoto High School in Riverview, one umpire filed a report accusing the other umpire of inappropriate conduct.<sup>140</sup> The Umpires Association refused to give the second umpire a copy of the report but remained willing to hire him for future games.<sup>141</sup> Indignant, the second umpire refused to accept any new assignments and sued the association for embarrassment and loss of income.<sup>142</sup> Finding the plaintiff's claims to be meritless, the Hillsborough Circuit Court dismissed them.<sup>143</sup>

In an action arising out of the Biogenesis steroids scandal, MLB Commissioner Bud Selig sought testimony from Yuri Sucart, Alex

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131. *In re Luzzo*, 756 So. 2d 76, 77 (Fla. 2000).

132. *Id.* at 79.

133. *Jeffery v. Sarasota White Sox, Inc.*, 64 F.3d 590, 592 (11th Cir. 1995).

134. 29 U.S.C. § 213(a)(3).

135. *Jeffrey*, 64 F.3d at 597.

136. *Id.* at 592.

137. *Calderon v. Baker Concrete Constr., Inc.*, 771 F.3d 807, 808–09 (11th Cir. 2014).

138. *Id.* at 809.

139. *Id.* at 811.

140. *Sousa v. W. Cent. Fla. Umpires Inc.*, No. 09CA08550, 2010 WL 9606079, at \*1 (Fla. 13th Cir. Ct. Apr. 29, 2010).

141. *Id.* at \*2.

142. *Id.* at \*1–2.

143. *Id.* at \*2.



Rodriguez's cousin, and a second man.<sup>144</sup> When they moved to quash their subpoenas, the trial court dismissed for lack of standing.<sup>145</sup> On appeal, the Third District denied for the alternate reason that the petitioners had failed to prove that the lawsuit was preempted by federal labor law.<sup>146</sup>

### XVIII. LIBEL LAW

In an interview in the *Ladies Home Journal*, Kelly Ripken, the wife of Baltimore Orioles shortstop Cal Ripken, implied that a particular woman was a baseball groupie who wanted to sleep with her husband.<sup>147</sup> Taking offense, the woman sued, but the trial court dismissed.<sup>148</sup> On appeal, the Fourth District affirmed because the comment was "pure opinion."<sup>149</sup>

### XIX. MEDICAL MALPRACTICE LAW

A student at Braulio Alonso High School in Tampa died from cardiac arrest during a pre-season baseball workout.<sup>150</sup> The jury found that the doctor who had signed the student's medical release form was 20% liable.<sup>151</sup> On appeal, the Second District reversed because the student's estate failed to establish that the doctor's actions were a proximate cause of death.<sup>152</sup>

### XX. MUNICIPAL FINANCE LAW

In 1966, the Supreme Court of Florida ruled the City of Deerfield Beach could not build a spring training facility for the Pittsburgh Pirates.<sup>153</sup> Thirty-five years later, with public sentiment regarding such projects having

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144. *Sucart v. Office of the Comm'r*, 129 So. 3d 1112, 1113 (Fla. 3d Dist. Ct. App. 2013).

145. *Id.* at 1114.

146. *Id.* at 1113–14.

147. *Morse v. Ripken*, 707 So. 2d 921, 921–22 (Fla. 4th Dist. Ct. App. 1998).

148. *Id.* at 921.

149. *Id.* at 921, 923.

150. *Shartz v. Miulli*, 127 So. 3d 613, 614 (Fla. 2d Dist. Ct. App. 2013), *review denied*, 148 So. 3d 771 (Fla. 2014).

151. *Id.* at 616, 618.

152. *Id.* at 618–19, 621. Prior to trial, the family's lawsuit against various school officials was dismissed for failing to state a cause of action. *Miulli v. Fla. High Sch. Athletic Ass'n*, 998 So. 2d 1155, 1157 (Fla. 2d Dist. Ct. App. 2008).

153. *Brandes v. City of Deerfield Beach*, 186 So. 2d 6, 7–8, 12 (Fla. 1966).

shifted, it held the City of Clearwater could build a spring training facility for the Philadelphia Phillies.<sup>154</sup>

When it appeared that Orlando might get an MLB expansion team, Orange County pledged to build a new stadium using a 1% tourist tax.<sup>155</sup> In response, a group of hotels filed a lawsuit.<sup>156</sup> The trial court dismissed their action as premature, but the Fifth District reversed.<sup>157</sup> The matter became moot after the franchise was awarded to Tampa Bay.<sup>158</sup>

A decade later, the City of Miami agreed to build a new stadium for the Florida Marlins.<sup>159</sup> Two taxpayers sought but were denied a temporary injunction prohibiting the City from selling the bonds needed to pay for the project.<sup>160</sup> In dismissing their appeal as moot, the Third District pointed out that their failure to request an emergency stay had resulted in the bonds being issued.<sup>161</sup>

## XXI. OPEN GOVERNMENT LAW

In a case involving St. Petersburg's failure to land the Chicago White Sox as a tenant for its new stadium, the Second District ordered the City to share its records with the public.<sup>162</sup> But in a subsequent case involving the relocation of the Baltimore Orioles' spring training home from Fort Lauderdale to Sarasota, the Supreme Court of Florida decided that Sarasota had not violated any laws by conducting negotiations in private.<sup>163</sup>

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154. Roper v. City of Clearwater, 796 So. 2d 1159, 1159–60, 1164 (Fla. 2001).

155. Tamar 7600, Inc. v. Orange Cty., 686 So. 2d 790, 790 (Fla. 5th Dist. Ct. App. 1997).

156. *Id.* at 791.

157. *Id.* at 791, 793.

158. *Id.* at 790, 793; DE QUESADA JR., *supra* note 1, at 128.

159. Solares v. City of Miami, 23 So. 3d 227, 227–28 (Fla. 3d Dist. Ct. App. 2009).

160. *Id.* at 228.

161. *Id.* This decision followed the earlier dismissal of a similar lawsuit championed by automobile magnate Norman Braman. *See* Braman v. Miami-Dade Cty., 18 So. 3d 1259, 1259 (Fla. 3d Dist. Ct. App. 2009).

162. Times Publ'g Co. v. City of St. Petersburg, 558 So. 2d 487, 490–91, 495 (Fla. 2d Dist. Ct. App. 1990). *See generally* BOB ANDELMAN, STADIUM FOR RENT: TAMPA BAY'S QUEST FOR MAJOR LEAGUE BASEBALL (1993).

163. Sarasota Citizens for Responsible Gov't v. City of Sarasota, 48 So. 3d 755, 758, 766 (Fla. 2010).

## XXII. PERSONAL INJURY LAW

In an early case, a Pensacola boy chasing a baseball was seriously injured when he ran into the street and was hit by a car.<sup>164</sup> The jury found for the youngster, but the Supreme Court of Florida reversed due to his contributory negligence.<sup>165</sup> In a much more recent case, the Middle District held that a van carrying a baseball team was not responsible for a bicyclist's injuries.<sup>166</sup>

In most of Florida's personal injury baseball cases, the plaintiff either has been a spectator or a bystander.<sup>167</sup> Sometimes, however, the plaintiff has been a player. For example, when a batter was injured because the helmet he was wearing failed to protect him, he sued its out-of-state manufacturer.<sup>168</sup> Although the trial court twice found the defendant amenable to suit in Florida, the First District reversed both times.<sup>169</sup>

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164. *Magee v. Friedrichsen*, 109 So. 197, 197 (Fla. 1926) (en banc).

165. *Id.*

166. *Donaldson v. United States*, No. 6:09-CV-1049-ORL-28GJK, 2011 WL 1988803, at \*4 (M.D. Fla. Mar. 16, 2011).

167. *See, e.g., Baker v. Major League Baseball Props., Inc.*, No. 3:08CV114/MCR, 2009 WL 1098482, at \*1, \*4 (N.D. Fla. Apr. 22, 2009) (Florida fan injured at World Baseball Classic in San Diego had to sue in California); *Woodford v. City of St. Petersburg*, 84 So. 2d 25, 26–27 (Fla. 1955) (homeowner could sue City for failing to protect him from baseball-chasing crowd); *City of Coral Springs v. Rippe*, 743 So. 2d 61, 62, 65 (Fla. 4th Dist. Ct. App. 1999) (jury's finding that City knew its fences were too short to protect spectators was reasonable); *Collazos v. City of West Miami*, 683 So. 2d 1161, 1162 (Fla. 3d Dist. Ct. App. 1996) (judgment notwithstanding the verdict should not have been entered in case involving four-year-old struck by baseball bat); *City of Jacksonville v. Raulerson*, 415 So. 2d 1303, 1304, 1306 (Fla. 1st Dist. Ct. App. 1982) (whether injured youngster appreciated dangers posed by baseball chalking machine was a question for the jury); *Jackson v. Atlanta Braves, Inc.*, 227 So. 2d 63, 63–64 (Fla. 4th Dist. Ct. App. 1969) (summary judgment entered against fan hit by baseball reversed for further fact-finding); *City of Bradenton v. Finley*, 208 So. 2d 675, 676 (Fla. 3d Dist. Ct. App. 1968) (City named as third-party defendant in accident arising from its alleged failure to maintain spring training facility had to be sued in county in which it was located); *Buck v. McLean*, 115 So. 2d 764, 765, 768 (Fla. 1st Dist. Ct. App. 1959) (spectator's suit dismissed because of sovereign immunity); *Nielsen v. City of Sarasota*, 110 So. 2d 417, 417, 420 (Fla. 2d Dist. Ct. App. 1959) (summary judgment for defendants appropriate where fan who fell through open space in baseball stadium's grandstand could not explain how accident happened); *Giordano v. Babe Ruth League, Inc.*, No. 11CA1352, 2013 WL 6911496, at \*1 (Fla. 7th Cir. Ct. July 10, 2013) (summary judgment granted to defendants in suit brought by spectator hit in the head by errant warm-up throw).

168. *Am. Baseball Cap, Inc. v. Duzinski*, 359 So. 2d 483, 485 (Fla. 1st Dist. Ct. App. 1978).

169. *Id.* at 485, 489.

Three player cases have involved pitching machines.<sup>170</sup> In the first, two friends were sharing a batting cage.<sup>171</sup> While taking a swing at a pitch, one of the friends accidentally hit the other with his bat.<sup>172</sup> The injured friend later sued the facility's operator, claiming he should have warned patrons that it was dangerous for two players to be in the cage at the same time.<sup>173</sup> The trial court agreed, but the Second District reversed.<sup>174</sup>

In the second, a child was injured when a pitching machine's arm unexpectedly struck him.<sup>175</sup> After his parents sued the machine's manufacturer and its distributors, they were counter-sued for contribution.<sup>176</sup> Finding that the child had released his parents from liability, the Third District affirmed the dismissal of the counter-suit.<sup>177</sup>

In the third, a batter was injured when a pitching machine malfunctioned.<sup>178</sup> After jury selection, one of the defendants settled the case for \$1.1 million.<sup>179</sup> It then sought contribution from the other defendants.<sup>180</sup> Two of the co-defendants refused to pay and claimed they had defenses that would have shielded them from any judgment.<sup>181</sup> The trial court agreed with the co-defendants, but the First District reversed.<sup>182</sup>

### XXIII. REAL PROPERTY LAW

As part of its plan to build a new power station, the City of Jacksonville filed an eminent domain lawsuit to acquire thirty-six acres of privately-held land.<sup>183</sup> Contending that it did not need the entire parcel, the property's owner, as well as a baseball team with a subordinate interest,

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170. Home Ins. Co. v. Advance Mach. Co., 500 So. 2d 664, 665 (Fla. 1st Dist. Ct. App. 1986); Dudley Sports Co. v. Berry, 407 So. 2d 335, 336 (Fla. 3d Dist. Ct. App. 1981); Chambers v. Cline, 161 So. 2d 224, 224–25 (Fla. 2d Dist. Ct. App. 1964).

171. Chambers, 161 So. 2d at 225.

172. *Id.*

173. *Id.*

174. *Id.*

175. Dudley Sports Co., 407 So. 2d at 336.

176. *Id.*

177. *Id.* at 337.

178. Home Ins. Co. v. Advance Mach. Co., 500 So. 2d 664, 665 (Fla. 1st Dist. Ct. App. 1986).

179. *Id.* at 666.

180. *Id.*

181. *Id.*

182. *Id.* at 665–66, 668–69 (rejecting manufacturer's statute of repose defense).

183. Inland Waterway Dev. Co. v. City of Jacksonville, 38 So. 2d 676, 676–77 (Fla. 1948).

objected but lost at trial.<sup>184</sup> On appeal, the Supreme Court of Florida affirmed.<sup>185</sup>

In a different action to stop the City of Gulfport from leasing a portion of Tomlinson Park to a baseball league, the Second District found the proposed arrangement to be a valid public use.<sup>186</sup>

When a law transferring Al Lopez Field—the spring training home of the Cincinnati Reds—from the City of Tampa to the Tampa Sports Authority was challenged, the Supreme Court of Florida upheld the statute as a proper exercise of the Florida Legislature’s municipal oversight powers.<sup>187</sup>

In a similar action, a taxpayer sued the City of Fort Myers for failing to give proper notice of its plan to transfer City of Palms Park—the spring training home of the Boston Red Sox—to Lee County.<sup>188</sup> Finding that the plaintiff did not have standing, the Second District dismissed.<sup>189</sup>

In yet another case, a group of North Bay Village homeowners sought to prevent the construction of a baseball field at Treasure Island Elementary School, claiming it would create a nuisance.<sup>190</sup> The Third District dismissed the complaint on sovereign immunity grounds.<sup>191</sup>

#### XXIV. TAX LAW

In 1948, a husband and wife won a car during a raffle at a Tampa Smokers baseball game.<sup>192</sup> The IRS assessed income taxes, which the couple paid under protest.<sup>193</sup> In court, they argued that a sign at Plant Field had informed fans that a car would be given away, thereby making the vehicle a gift.<sup>194</sup> Agreeing with this contention, the Southern District ordered the government to issue a refund.<sup>195</sup>

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184. *Id.* at 677.

185. *Id.* at 679.

186. Fla. Little Major League Ass’n v. Gulfport Lion’s Little League, Inc., 127 So. 2d 707, 708, 711 (Fla. 2d Dist. Ct. App. 1961).

187. State v. Tampa Sports Auth., 188 So. 2d 795, 798 (Fla. 1966).

188. Smith v. City of Fort Myers, 944 So. 2d 1092, 1093 (Fla. 2d Dist. Ct. App. 2006).

189. *Id.* at 1093, 1096.

190. Paredes v. City of North Bay Village, 693 So. 2d 1153, 1153 (Fla. 3d Dist. Ct. App. 1997).

191. *Id.* at 1153–54.

192. Fernandez v. Fahs, 144 F. Supp. 630, 630–31 (S.D. Fla. 1956).

193. *Id.* at 630.

194. *Id.* at 632.

195. *Id.* at 631–32. By the time the court ruled, the Smokers had folded. See DE QUESADA JR., *supra* note 1, at 8 (explaining that the team’s last year was 1954).

When the Hillsborough County Value Adjustment Board granted a tax break to the New York Yankees' spring training facility in Tampa, the Hillsborough County property appraiser challenged the decision.<sup>196</sup> The trial court dismissed the complaint for lack of standing.<sup>197</sup> On appeal, the Second District affirmed.<sup>198</sup> In later proceedings, the Supreme Court of Florida affirmed the Second District.<sup>199</sup>

Because of a back-loaded contract, the New York Mets owed deferred compensation to outfielder Darryl Strawberry.<sup>200</sup> When the team sought to make the first payment, both the IRS and Strawberry's former wife stepped forward.<sup>201</sup> Agreeing with the magistrate judge's recommendation, the Northern District found for the IRS as the first-in-time creditor.<sup>202</sup>

## XXV. WORKERS' COMPENSATION LAW

Generally speaking, professional athletes are entitled to receive workers' compensation.<sup>203</sup> Two Florida cases have authorized such benefits,<sup>204</sup> and two others have rejected procedural attempts to block such claims.<sup>205</sup>

## XXVI. CONCLUSION

As the foregoing makes clear, Florida's courts have been in the middle of almost every conceivable type of baseball-related dispute. What sorts of cases will they handle in the future? Although prognostications always are fraught with risk, it seems likely that actions involving injured

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196. Turner v. Hillsborough Cty. Aviation Auth., 739 So. 2d 175, 176 (Fla. 2d Dist. Ct. App. 1999).

197. *Id.* at 177.

198. *Id.* at 179–80.

199. Fuchs v. Robbins, 818 So. 2d 460, 464 (Fla. 2002).

200. Colon v. Strawberry, No. 4:12-CV-101 MCR/CAS, 2013 WL 7023169, at \*1–2 (N.D. Fla. July 26, 2013).

201. *Id.* at \*3.

202. *Id.* at \*4.

203. WALTER T. CHAMPION, JR., SPORTS LAW IN A NUTSHELL 256 (4th ed. 2011).

204. Miles v. Montreal Baseball Club, 379 So. 2d 1325, 1325–26 (Fla. 1st Dist. Ct. App. 1980) (infielder injured at a team press party); Sielicki v. New York Yankees, 388 So. 2d 25, 25–26 (Fla. 1st Dist. Ct. App. 1980) (pitcher forced into early retirement due to arm strain).

205. Hartzog v. New York Yankees, 847 So. 2d 1115, 1115 (Fla. 1st Dist. Ct. App. 2003) (statute of limitations); Detroit Tigers v. Castillo, 843 So. 2d 1026, 1026 (Fla. 1st Dist. Ct. App. 2003) (venue).

fans will continue to be brought, especially if the nascent movement to jettison the venerable “Baseball Rule”—which protects stadium operators from liability for balls that leave the field and hit spectators—takes root in Florida.<sup>206</sup>

A number of lawsuits will arise if the Tampa Bay Rays decide to exercise their new-found right to depart Tropicana Field early.<sup>207</sup> Indeed, it almost is a certainty that a group of wary taxpayers will challenge whatever funding mechanism is used to finance the project. Moreover, if the negotiations are not transparent, an open government lawsuit is practically a given. And, of course, at least some residents will seek to force the club to fully honor its existing lease.<sup>208</sup>

The minimum wage litigation taking place in California between minor league players and MLB has enormous potential ramifications for Florida. The players contend they are being grossly underpaid in violation of federal law.<sup>209</sup> If they prevail, the continued financial viability of one or more of Florida’s minor league teams could be in jeopardy.

Just before the start of the 2015 season, MLB punished Miami Marlins pitcher Jarred Cosart after rumors spread that he had bet on baseball.<sup>210</sup> Nevertheless, MLB and the country’s three other major sports leagues are getting closer to dropping their longstanding opposition to sports gambling.<sup>211</sup> This will have significant implications for Florida’s casinos,

206. The Baseball Rule was announced in *Crane v. Kansas City Baseball & Exhibition Co.* and quickly gained widespread acceptance. 153 S.W. 1076, 1077–78 (Mo. Ct. App. 1913). Four recent cases, however, have called it into question. See *Coomer v. Kansas City Royals Baseball Corp.*, 437 S.W.3d 184, 197–98 (Mo. 2014) (en banc); *S. Shore Baseball, LLC v. DeJesus*, 11 N.E.3d 903, 907–09 (Ind. 2014); *Rountree v. Boise Baseball, L.L.C.*, 296 P.3d 373, 376 (Idaho 2013); *Atlanta Nat’l League Baseball Club, Inc. v. F.F.*, 761 S.E.2d 613, 616 (Ga. Ct. App. 2014). Somewhat surprisingly, the Supreme Court of Florida has not had to construe the Baseball Rule.

207. Charlie Frago, *City, Rays Break Logjam on Stadium*, TAMPA BAY TIMES, Jan. 15, 2016, at 1 (explaining that after nearly a decade of negotiations, the City of St. Petersburg has authorized the Rays to leave Tropicana Field before their lease ends in 2027).

208. For on-going coverage of the Rays’ efforts to find a new home, see Noah Pransky, *Shadow of the Stadium*, <http://shadowofthestadium.blogspot.com>.

209. *Senne v. Kansas City Royals Baseball Corp.*, 105 F. Supp. 3d 981, 991–92 (N.D. Cal. 2015).

210. Craig Davis, *MLB Fines Cosart but Finds No Baseball Bets*, SUN-SENTINEL, Apr. 4, 2015, at 5C. Concluding he had gambled on other sports but not baseball, MLB fined Cosart an undisclosed amount of money. *Id.*

211. Barry Svrluga, *Unafraid of Change, Rob Manfred Steps to Plate, Faces Pitches on Pace of Play, Gambling*, WASH. POST (Feb. 5, 2015), <http://www.washingtonpost.com/news/sports/wp/2015/02/05/unafraid-of-change-rob-manfred-steps-to-plate-faces-pitches-on-pace-of-play-gambling> (“Adam Silver, who has been the

which undoubtedly will lobby state legislators for permission to operate sports books.<sup>212</sup>

President Obama's decision at the end of 2014 to normalize relations with Cuba will have important consequences for baseball in general and Florida in particular. Already, there is talk of holding spring training games in Cuba.<sup>213</sup> Many baseball fans—especially those in South Florida—will travel to such games, and it is not difficult to imagine some of these road trips ending in lawsuits if something goes wrong.

Lastly, baseball is seemingly a topic of conversation every time Florida's lawmakers meet. During its 2015 regular session, for example, the Florida Legislature helped advance construction of a joint-use facility for the Houston Astros and Washington Nationals in West Palm Beach by approving needed zoning changes.<sup>214</sup> It also considered bills relaxing the transfer rules for high school athletes,<sup>215</sup> imposing new restrictions on ticket resellers,<sup>216</sup> punishing disruptive youth sports coaches,<sup>217</sup> and requiring the state to regularly assess its efforts to retain MLB spring training sites.<sup>218</sup> Additionally, to mark the sixtieth anniversary of Roberto Clemente's big league debut, the Florida Senate passed a resolution honoring the Pittsburgh Pirates' Hall of Fame right fielder.<sup>219</sup>

NBA's commissioner just more than a year, has embraced the idea of legalizing sports gambling, and he has discussed that with his counterparts in baseball, football and hockey.”).

212. Of course, even if MLB greenlights gambling on its games, Florida's casinos will not be able to operate sports books until the Professional and Amateur Sports Protection Act of 1992, 28 U.S.C. §§ 3701-3704, either is repealed by Congress or struck down by the courts. A challenge to the statute currently is pending before the full Third Circuit in Philadelphia. See Joe Drape, *Court Will Reconsider Its Ban on Sports Betting in New Jersey*, N.Y. Times, Oct. 15, 2015, at B17.

213. *Manfred Foresees Teams Visiting Cuba*, SUN-SENTINEL, Mar. 11, 2015, at 1C.

214. Joe Capozzi, *Scott's Pen Clears Way for Stadium*, PALM BEACH POST, June 11, 2015, at 1B.

215. Dan Sweeney, *Bill Gives Young Athletes Options on Where to Play: Possibility of Creating 'Powerhouse' High Schools a Fear*, SUN-SENTINEL, Mar. 29, 2015, at 1A.

216. Dan Sweeney, *Lawmakers Want to Ban Bots for Ticket Resellers*, ORLANDO SENTINEL, Apr. 14, 2015, at 8A.

217. Sean Rossman, *Bill Boots Unruly Coaches*, TALLAHASSEE DEMOCRAT (Apr. 1, 2015), <http://www.tallahassee.com/story/news/politics/2015/03/31/bill-boots-unruly-coaches/70732638>.

218. H.B. 7067, 2015 Leg., Reg. Sess. (Fla. 2015); S.B. 1214, 2015 Leg., Reg. Sess. (Fla. 2015) (amending FLA. STAT. § 288.0001 to require triennial reports by the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability).

219. S. Res. 1666, 2015 Leg., Reg. Sess. (Fla. 2015).



Farther afield, the Florida House of Representatives voted to let private adoption agencies refuse to place children with same-sex couples.<sup>220</sup> This much-criticized step came just weeks after the Tampa Bay Rays urged the Supreme Court of the United States to recognize gay marriages,<sup>221</sup> and MLB, in response to Indiana's new religious restoration statute, which many observers viewed as an attack on LGBT rights, issued a press release condemning discrimination in any form.<sup>222</sup>

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220. Gray Rohrer, *House Bill Has Tax Cuts, Gay-Adoption Controversy*, ORLANDO SENTINEL, Apr. 10, 2015, at 1B.

221. Roger Mooney, *Rays Backing Gay Marriage in Supreme Court Cases*, TAMPA TRIB. (Mar. 6, 2015), <http://www.tbo.com/news/crime/rays-backing-gay-marriage-in-supreme-court-cases-20150306>.

222. Lucy McCalmont, *MLB Responds to Indiana's 'Religious Freedom' Law*, HUFFINGTON POST (Apr. 1, 2015), [http://www.huffingtonpost.com/2015/04/01/mlb-indiana-law\\_n\\_6987220.html](http://www.huffingtonpost.com/2015/04/01/mlb-indiana-law_n_6987220.html).