

By Senator Silver

38-630-98

1 A bill to be entitled
2 An act relating to the International
3 Motorsports Museum facility; amending s.
4 212.20, F.S.; providing for distribution of a
5 portion of revenues from the tax on sales, use,
6 and other transactions to such facility;
7 creating s. 288.11695, F.S.; providing for
8 certification of such facility by the Office of
9 Tourism, Trade, and Economic Development;
10 providing requirements for certification;
11 requiring the International Motorsports Museum
12 facility to contribute certain advertising;
13 terminating or abating funding under certain
14 circumstances; providing for use of the funds
15 distributed to the museum; providing for audits
16 by the Department of Revenue; providing for
17 periodic recertification; requiring applicants
18 for certification to contract with the
19 Department of Labor and Employment Security to
20 hire WAGES program participants; providing
21 contract requirements; requiring a report;
22 amending ss. 218.65, 288.1169, F.S.; conforming
23 cross-references; providing an effective date.

24
25 WHEREAS, Homestead and the South Dade area are
26 continuing to recover from the devastation of Hurricane Andrew
27 and are benefiting significantly both from the direct economic
28 impact generated by facilities such as the Metro-Dade
29 Homestead Motorsports Complex and the indirect economic impact
30 generated by the positive publicity resulting from the
31 numerous national and international broadcasts from and press

1 coverage generated by the Metro-Dade Homestead Motorsports
2 Complex, and

3 WHEREAS, more than 5 million international travelers
4 visited the Greater Miami area in 1995, marking a 7 percent
5 increase over 1994, while the first quarter of 1996 saw a 4.7
6 percent increase in international visitors over the same
7 period of 1995, and

8 WHEREAS, an estimated 1 million international travelers
9 visited the Florida Keys in 1995, and

10 WHEREAS, the City of Homestead has announced its
11 support for and participation in an international educational
12 automotive and racing history museum owned and operated by the
13 Grand Prix Foundation, Inc., a not-for-profit Florida
14 corporation headed by a board of directors made up of local
15 community leaders and national and international racing
16 officials, to be located at the state-of-the-art facility, and

17 WHEREAS, the International Motorsports Museum, to be
18 located in the Metro-Dade Homestead area, will benefit from
19 its strategic location midway between Greater Miami and the
20 Florida Keys and its easy access to both the Florida Turnpike
21 and U.S. 1, and

22 WHEREAS, the Grand Prix Foundation, Inc., will create a
23 stand-alone and exciting attraction that will be open
24 year-round and plans to work with tour operators to make the
25 international educational automotive and racing history museum
26 a family-oriented attraction for the millions of visitors from
27 North America and around the world who tour through South
28 Florida and the Florida Keys, and

29 WHEREAS, the additional tourism generated by the
30 International Motorsports Museum will have a positive impact
31 on the taxes and economy of the state, and

1 WHEREAS, the International Motorsports Museum project
2 will build upon the economic development already being reaped
3 from the creation of the Metro-Dade Homestead Motorsports
4 Complex, and

5 WHEREAS, according to the International Association of
6 Sports Museums and Halls of Fame, an estimated 40 million
7 people annually visit sports and entertainment-related museums
8 world-wide, and

9 WHEREAS, the International Motorsports Museum will
10 serve as a world centerpiece of exhibits to educate visitors
11 on the advanced technology involved in automobile racing, the
12 use of computers in racing and automobile design, vehicle
13 dynamics, and the rich world history of automobile racing, and

14 WHEREAS, a permanent exhibit at the International
15 Motorsports Museum is also envisioned, featuring the
16 devastating impact of Hurricane Andrew on the South Dade
17 community and the community's recovery from the hurricane, and

18 WHEREAS, the International Motorsports Museum will
19 further create economic development for the Homestead and
20 South Dade community, and

21 WHEREAS, attendance at auto races across North America
22 during 1995 increased nearly 4 percent over 1994 to almost 15
23 million, further contributing to motorsport's increasingly
24 growing worldwide population, and

25 WHEREAS, in addition to the United States, over 150
26 countries aired coverage of the 1996 season of IndyCar, the
27 body which sanctions the annual IndyCar Grand Prix of Miami,
28 including national stations in France, Germany, Italy, the
29 Netherlands, Russia, Sweden, the United Kingdom, Brazil,
30 Canada, Chile, the Dominican Republic, Mexico, Peru, South

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1 Africa, Australia, China, Japan, New Zealand, and Singapore,
2 and

3 WHEREAS, the international museum will be featured in
4 national and international broadcasts from the Metro-Dade
5 Homestead Motorsports Complex and will be the subject of a
6 variety of press coverages during the many events scheduled
7 annually at the facility, and

8 WHEREAS, IndyCar and the Sports Car Club of America
9 have designated the planned museum as their Official
10 International Museum, subject to groundbreaking for the museum
11 taking place before May 1999, NOW, THEREFORE,

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

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15 Section 1. Paragraph (f) of subsection (6) of section
16 212.20, Florida Statutes, is amended to read:

17 212.20 Funds collected, disposition; additional powers
18 of department; operational expense; refund of taxes
19 adjudicated unconstitutionally collected.--

20 (6) Distribution of all proceeds under this part shall
21 be as follows:

22 (f) The proceeds of all other taxes and fees imposed
23 pursuant to this part shall be distributed as follows:

24 1. In any fiscal year, the greater of \$500 million,
25 minus an amount equal to 4.6 percent of the proceeds of the
26 taxes collected pursuant to chapter 201, or 5 percent of all
27 other taxes and fees imposed pursuant to this part shall be
28 deposited in monthly installments into the General Revenue
29 Fund.

30 2. Two-tenths of one percent shall be transferred to
31 the Solid Waste Management Trust Fund.

1 3. After the distribution under subparagraphs 1. and
2 2., 9.653 percent of the amount remitted by a sales tax dealer
3 located within a participating county pursuant to s. 218.61
4 shall be transferred into the Local Government Half-cent Sales
5 Tax Clearing Trust Fund.

6 4. After the distribution under subparagraphs 1., 2.,
7 and 3., 0.054 percent shall be transferred to the Local
8 Government Half-cent Sales Tax Clearing Trust Fund and
9 distributed pursuant to s. 218.65.

10 5. Of the remaining proceeds:

11 a. Beginning July 1, 1992, \$166,667 shall be
12 distributed monthly by the department to each applicant that
13 has been certified as a "facility for a new professional
14 sports franchise" or a "facility for a retained professional
15 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be
16 distributed monthly by the department to each applicant that
17 has been certified as a "new spring training franchise
18 facility" pursuant to s. 288.1162. Distributions shall begin
19 60 days following such certification and shall continue for 30
20 years. Nothing contained herein shall be construed to allow an
21 applicant certified pursuant to s. 288.1162 to receive more in
22 distributions than actually expended by the applicant for the
23 public purposes provided for in s. 288.1162(7). However, a
24 certified applicant shall receive distributions up to the
25 maximum amount allowable and undistributed under this section
26 for additional renovations and improvements to the facility
27 for the franchise without additional certification.

28 b. Beginning 30 days after notice by the Office of
29 Tourism, Trade, and Economic Development to the Department of
30 Revenue that an applicant has been certified as the
31 professional golf hall of fame pursuant to s. 288.1168 and is

1 open to the public, the department shall distribute \$166,667
2 ~~shall be distributed~~ monthly, for up to 300 months, to the
3 applicant.

4 c. Beginning 30 days after notice by the Office of
5 Tourism, Trade, and Economic Development ~~Department of~~
6 ~~Commerce~~ to the Department of Revenue that the applicant has
7 been certified as the International Game Fish Association
8 World Center facility pursuant to s. 288.1169, and the
9 facility is open to the public, the department shall
10 distribute \$83,333 ~~shall be distributed~~ monthly, for up to 180
11 months, to the applicant. This distribution is subject to
12 reduction pursuant to s. 288.1169.

13 d. Beginning 30 days after notice by the Office of
14 Tourism, Trade, and Economic Development to the Department of
15 Revenue that the applicant has been certified as the
16 International Motorsports Museum facility pursuant to s.
17 288.11695, and the facility is open to the public, the
18 department shall distribute \$83,333 monthly, for up to 180
19 months, to the applicant. This distribution is subject to
20 reduction pursuant to s. 288.11695.

21 6. All other proceeds shall remain with the General
22 Revenue Fund.

23 Section 2. Section 288.11695, Florida Statutes, is
24 created to read:

25 288.11695 International Motorsports Museum facility;
26 duties of the Office of Tourism, Trade, and Economic
27 Development.--

28 (1) The Office of Tourism, Trade, and Economic
29 Development shall serve as the state agency approving
30 applicants for funding pursuant to s. 212.20 and for
31 certifying the applicant as the International Motorsports

1 Museum facility. As used in this section, the term "facility"
2 means the International Motorsports Museum, and the term
3 "project" means the International Motorsports Museum and new
4 colocated improvements by private sector concerns who have
5 made cash or in-kind contributions to the facility of \$1
6 million or more.

7 (2) Before certifying this facility, the Office of
8 Tourism, Trade, and Economic Development must determine that:

9 (a) The International Motorsports Museum, to be
10 headquartered in Homestead, Florida, has been awarded and
11 designated as the official museum of at least one nationally
12 recognized motorsport sanctioning body, including, but not
13 limited to, IndyCar or the Sports Car Club of America (SCCA),
14 and that one or more public or private sector concerns have
15 committed to donate to the International Motorsports Museum
16 Foundation land upon which the International Motorsports
17 Museum will operate. Such land must not be part of the
18 Metro-Dade Homestead Motorsports Complex.

19 (b) The Grand Prix Foundation, Inc., is a
20 not-for-profit Florida corporation that has contracted to
21 construct and operate the facility.

22 (c) The municipality in which the facility is located,
23 or the county if the facility is located in an unincorporated
24 area, has certified by resolution after a public hearing that
25 the facility serves a public purpose.

26 (d) There are existing projections that the
27 International Motorsports Museum facility and the colocated
28 facilities of private sector concerns will attract an
29 attendance of more than 1 million annually.

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1 (e) There are existing projections that the project
2 will attract annually more than 100,000 persons who are not
3 residents of this state.

4 (f) The applicant has submitted an agreement to
5 provide \$500,000 annually in national and international media
6 promotion of the facility, the Metro-Dade Homestead area, or
7 the Motorsports Complex, or other similar attractions in the
8 Metro-Dade Homestead area, which shall include event
9 promotions and television broadcasts, during the period of
10 time that the facility receives funds pursuant to s. 212.20.
11 Failure on the part of the applicant to annually provide the
12 advertising as provided in this paragraph shall result in the
13 termination of the funding as provided in s. 212.20. The
14 applicant can discharge its obligation under this paragraph by
15 contracting with other persons, including private sector
16 concerns who participate in the project.

17 (g) Documentation exists that demonstrates that the
18 applicant has provided, and is capable of providing, or has
19 financial or other commitments to provide, more than one-half
20 of the cost incurred or related to the improvements and the
21 development of the facility.

22 (h) The application is signed by senior officials of
23 the Grand Prix Foundation, Inc., and is notarized according to
24 Florida law providing for penalties for falsification.

25 (3) The applicant may use funds provided pursuant to
26 s. 212.20 for the purpose of paying for the construction,
27 reconstruction, renovation, promotion, or operation of the
28 facility, or to pay or pledge for payment of debt service on,
29 or to fund debt service reserve funds, arbitrage rebate
30 obligations, or other amounts payable with respect to, bonds
31 issued for the construction, reconstruction, or renovation of

1 the facility or for the reimbursement of such costs or by
2 refinancing of bonds issued for such purposes.

3 (4) Upon determining that an applicant is or is not
4 certifiable, the Office of Tourism, Trade, and Economic
5 Development shall notify the applicant of its status by means
6 of an official letter. If the applicant is certifiable, the
7 Office of Tourism, Trade, and Economic Development shall
8 notify the executive director of the Department of Revenue and
9 the applicant of such certification by means of an official
10 letter granting certification. The applicant shall have 5
11 years after the date of such certification to open the
12 facility to the public and notify the Office of Tourism,
13 Trade, and Economic Development of the opening. The Department
14 of Revenue shall not begin distributing funds until 30 days
15 following notice by the Office of Tourism, Trade, and Economic
16 Development that the facility is open to the public.

17 (5) The Department of Revenue may audit as provided in
18 s. 213.34 to verify that the contributions pursuant to this
19 section have been expended as required by this section.

20 (6) The Office of Tourism, Trade, and Economic
21 Development must recertify every 10 years that the facility is
22 open, that the International Motorsports Museum continues to
23 be designated by a sanctioning body. If the facility is not
24 recertified during this 10-year review as meeting the minimum
25 projections, funding must be abated until certification
26 criteria are met.

27 (7) The Office of Tourism, Trade, and Economic
28 Development shall, in addition to any other requirements of
29 this section, determine that an applicant that has been
30 certified under this section has entered into a contract with
31 the Department of Labor and Employment Security in which the

1 applicant agrees to register with the Work and Gain Economic
2 Self-Sufficiency (WAGES) Program Business Registry established
3 by the local WAGES coalition for the area in which the
4 applicant is located. The contract must further provide that
5 the applicant shall hire WAGES Program participants to the
6 maximum extent possible and must provide for appropriate
7 monitoring and training of such employees. The applicant
8 shall agree to employ a specified number of WAGES participants
9 in each year that the applicant receives a distribution under
10 s. 212.20. The number of WAGES participants to be employed by
11 the applicant must be based upon the applicant's good-faith
12 efforts, workforce availability, and suitable jobs, and must
13 be in keeping with the applicant's minimum standards of
14 employment as provided in the contract with the department.
15 The applicant may renegotiate the contract and employ fewer
16 WAGES program participants if the applicant demonstrates to
17 the satisfaction of the department that, due to economic
18 condition or the nature of the applicant's business in a given
19 year, the requirement to hire the specified number of
20 employees is unattainable. Each applicant subject to the
21 requirements of this subsection shall report to the Governor,
22 the President of the Senate, and the Speaker of the House of
23 Representatives by December 31 of each year in which the
24 applicant receives a distribution under s. 212.20 on the
25 extent to which the applicant's employees are WAGES
26 participants.

27 Section 3. Subsections (5) and (6) of section 218.65,
28 Florida Statutes, are amended to read:

29 218.65 Emergency distribution.--

30 (5) At the beginning of each fiscal year, the
31 Department of Revenue shall calculate a base allocation for

1 each eligible county equal to the difference between the
2 current per capita limitation times the county's population,
3 minus prior year ordinary distributions to the county pursuant
4 to ss. 212.20(6)(f)~~(g)~~3., 218.61, and 218.62. If moneys
5 deposited into the Local Government Half-cent Sales Tax
6 Clearing Trust Fund pursuant to s. 212.20(6)(f)~~(g)~~4.,
7 excluding moneys appropriated for supplemental distributions
8 pursuant to subsection (7), for the current year are less than
9 or equal to the sum of the base allocations, each eligible
10 county shall receive a share of the appropriated amount
11 proportional to its base allocation. If the deposited amount
12 exceeds the sum of the base allocations, each county shall
13 receive its base allocation, and the excess appropriated
14 amount shall be distributed equally on a per capita basis
15 among the eligible counties.

16 (6) There is hereby annually appropriated from the
17 Local Government Half-cent Sales Tax Clearing Trust Fund the
18 distribution provided in s. 212.20(6)(f)~~(g)~~4. to be used for
19 emergency and supplemental distributions pursuant to this
20 section.

21 Section 4. Subsection (6) of section 288.1169, Florida
22 Statutes, is amended to read:

23 288.1169 International Game Fish Association World
24 Center facility; department duties.--

25 (6) The Office of Tourism, Trade, and Economic
26 Development ~~Department of Commerce~~ must recertify every 10
27 years that the facility is open, that the International Game
28 Fish Association World Center continues to be the only
29 international administrative headquarters, fishing museum, and
30 Hall of Fame in the United States recognized by the
31 International Game Fish Association, and that the project is

1 meeting the minimum projections for attendance or sales tax
2 revenues as required at the time of original certification.
3 If the facility is not recertified during this 10-year review
4 as meeting the minimum projections, ~~then~~ funding will be
5 abated until certification criteria are met. If the project
6 fails to generate \$1 million of annual revenues pursuant to
7 paragraph (2)(e), the distribution of revenues pursuant to s.
8 212.20(6)(f)~~(g)~~5.c. shall be reduced to an amount equal to
9 \$83,333 multiplied by a fraction, the numerator of which is
10 the actual revenues generated and the denominator of which is
11 \$1 million. Such reduction shall remain in effect until
12 revenues generated by the project in a 12-month period equal
13 or exceed \$1 million.

14 Section 5. This act shall take effect October 1, 1998.

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SENATE SUMMARY

18 Provides for distributing a portion of revenues from the
19 tax on sales, use, and other transactions to the
20 International Motorsports Museum facility. Provides for
21 the certification of the facility by the Office of
22 Tourism, Trade, and Economic Development. Provides
23 requirements for certification. Requires the
24 International Motorsports Museum facility to contribute
25 certain advertising. Terminates or abates funding in
26 specified circumstances. Provides for use of the funds
27 distributed to the museum. Provides for audits by the
28 Department of Revenue. Provides for periodic
29 recertification. Requires applicants for certification to
30 contract with the Department of Labor and Employment
31 Security to hire WAGES program participants. Provides
contract requirements. Requires a report to the Governor
and to legislative officials.

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