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Bill No. CS/HB 981

Amendment No. \_\_\_\_ (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Sorensen offered the following:

**Amendment (with title amendment)**

On page 4, between lines 5 and 6, of the bill

insert:

Section 2. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

(6) Distribution of all proceeds under this chapter shall be as follows:

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

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

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- 1           2. Two-tenths of one percent shall be transferred to  
2 the Solid Waste Management Trust Fund.
- 3           3. After the distribution under subparagraphs 1. and  
4 2., 9.653 percent of the amount remitted by a sales tax dealer  
5 located within a participating county pursuant to s. 218.61  
6 shall be transferred into the Local Government Half-cent Sales  
7 Tax Clearing Trust Fund.
- 8           4. After the distribution under subparagraphs 1., 2.,  
9 and 3., 0.054 percent shall be transferred to the Local  
10 Government Half-cent Sales Tax Clearing Trust Fund and  
11 distributed pursuant to s. 218.65.
- 12           5. Of the remaining proceeds:
- 13           a. Beginning July 1, 1992, \$166,667 shall be  
14 distributed monthly by the department to each applicant that  
15 has been certified as a "facility for a new professional  
16 sports franchise" or a "facility for a retained professional  
17 sports franchise" pursuant to s. 288.1162 and \$41,667 shall be  
18 distributed monthly by the department to each applicant that  
19 has been certified as a "new spring training franchise  
20 facility" pursuant to s. 288.1162. Distributions shall begin  
21 60 days following such certification and shall continue for 30  
22 years. Nothing contained herein shall be construed to allow an  
23 applicant certified pursuant to s. 288.1162 to receive more in  
24 distributions than actually expended by the applicant for the  
25 public purposes provided for in s. 288.1162(7). However, a  
26 certified applicant shall receive distributions up to the  
27 maximum amount allowable and undistributed under this section  
28 for additional renovations and improvements to the facility  
29 for the franchise without additional certification.
- 30           b. Beginning 30 days after notice by the Office of  
31 Tourism, Trade, and Economic Development to the Department of

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1 Revenue that an applicant has been certified as the  
2 professional golf hall of fame pursuant to s. 288.1168 and is  
3 open to the public, \$166,667 shall be distributed monthly, for  
4 up to 300 months, to the applicant.

5 c. Beginning 30 days after notice by the 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, \$83,333 shall be distributed  
10 monthly, for up to 180 months, to the applicant. This  
11 distribution is subject to reduction pursuant to s. 288.1169.

12 d. Beginning 30 days after notice by the Office of  
13 Tourism, Trade, and Economic Development to the Department of  
14 Revenue that the applicant has been certified as a motorsports  
15 entertainment complex pursuant to s. 288.1170, \$166,667 shall  
16 be distributed monthly, for up to 360 months, to the  
17 applicant. This distribution is subject to reduction pursuant  
18 to s. 288.1170.

19 6. All other proceeds shall remain with the General  
20 Revenue Fund.

21 Section 3. Section 288.1170, Florida Statutes, is  
22 created to read:

23 288.1170 Motorsports entertainment complex;  
24 definitions; certification; duties.--

25 (1) As used in this section, the following terms shall  
26 have the following meanings:

27 (a) "Applicant" means the owner of a motorsports  
28 entertainment complex or the owner of the land on which the  
29 motorsports entertainment complex is located.

30 (b) "Motorsports entertainment complex" means a  
31 closed-course racing facility, with ancillary grounds and

1 facilities, which:

2 1. Has not less than 70,000 fixed seats for race  
3 patrons.

4 2. Has not less than 7 scheduled days of motorsports  
5 events each calendar year.

6 3. Has not fewer than four motorsports events each  
7 calendar year.

8 4. Serves food at the facility during sanctioned  
9 motorsports races.

10 5. Engages in tourism promotion.

11 6. Has on the property permanent exhibitions of  
12 motorsports history, events, or vehicles.

13 (c) "Motorsports event" means a motorsports race and  
14 its ancillary activities which have been sanctioned by a  
15 sanctioning body.

16 (d) "Office" means the Office of Tourism, Trade, and  
17 Economic Development of the Executive Office of the Governor.

18 (e) "Operator" means a person who leases the  
19 motorsports entertainment complex or the land on which the  
20 motorsports entertainment complex is located from the Federal  
21 Government, the state, or a county, city or special district  
22 and operates the motorsports entertainment complex, or a  
23 person who operates and maintains the motorsports  
24 entertainment complex pursuant to an operation and management  
25 agreement entered into with the Federal Government, the state,  
26 or a county, city or special district.

27 (f) "Owner" means a unit of local government that owns  
28 the motorsports entertainment complex or owns the land on  
29 which the complex is located.

30 (g) "Sanctioning body" means the American Motorcycle  
31 Association (AMA), Automobile Racing Club of American (ARCA),

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1 Championship Auto Racing Teams (CART), Grand American Road  
 2 Racing Association (Grand Am), Indy Racing League (IRL),  
 3 National Association for Stock Car Auto Racing (NASCAR),  
 4 National Hot Rod Association (NHRA), Professional Sportscar  
 5 Racing (PSR), Sports Car Club of America (SCCA), United Sates  
 6 Auto Club (USAC), or any successor organization, or any other  
 7 nationally recognized governing body of motorsports which  
 8 establishes an annual schedule of motorsports events and  
 9 grants rights to conduct such events, has established and  
 10 administers rules and regulations governing all participants  
 11 involved in such events and all persons conducting such  
 12 events, and requires certain liability assurances, including  
 13 insurance.

14 (h) "Unit of local government" shall have the same  
 15 meaning as that term is defined in s. 218.369.

16 (2) The Office of Tourism, Trade, and Economic  
 17 Development shall serve as the state agency for screening  
 18 applicants for state funding pursuant to s. 212.20 and for  
 19 certifying an applicant as a motorsports entertainment  
 20 complex. The office shall develop and adopt rules for the  
 21 receipt and processing of applications for funding pursuant to  
 22 s. 212.20. The office shall make a determination regarding  
 23 any application filed by an applicant not later than 120 days  
 24 after the application is filed.

25 (3) Prior to certification of a motorsports  
 26 entertainment complex, the office must determine that:

27 (a) A unit of local government holds title to the land  
 28 on which the motorsports entertainment complex is located or  
 29 holds title to the motorsports entertainment complex.

30 (b) Four sanctioned motorsports events were held by  
 31 the operator under contract or an operation and management

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1 agreement with the owner at the motorsports entertainment  
2 complex in the most recently completed calendar year or four  
3 sanctioned motorsports events are scheduled to be held by the  
4 operator under contract or an operation and management  
5 agreement with the owner at the motorsports entertainment  
6 complex in the calendar year which begins after the submission  
7 of the application. The applicant shall submit certifications  
8 from the appropriate officials of the relevant sanctioning  
9 bodies that such sanctioned motorsports events were or will be  
10 held at the motorsports entertainment complex.

11 (c) The applicant has an independent analysis or  
12 study, verified by the office, which demonstrates that the  
13 amount of the revenues generated by the taxes imposed under  
14 chapter 212 with respect to the use and operation of the  
15 motorsports entertainment complex will equal or exceed \$2  
16 million annually.

17 (d) The municipality in which the motorsports  
18 entertainment complex is located, or the county if the  
19 motorsports entertainment complex is located in an  
20 unincorporated area, has certified by resolution after a  
21 public hearing that the application serves a public purpose.

22 (e) The applicant has demonstrated that it is capable  
23 of providing, or has financial or other commitments to  
24 provide, more than one-half of the costs that will be incurred  
25 after certification under this section for the improvement and  
26 development or continued improvement and development of the  
27 motorsports entertainment complex after certification under  
28 this section which will enable the motorsports entertainment  
29 complex to retain or add motorsports events sanctioned by a  
30 sanctioning body.

31 (f) The motorsports entertainment complex is located

1 in a county defined in s. 125.011(1).

2 (4) Upon determining that an applicant meets the  
3 requirements of subsection (3), the office shall notify the  
4 applicant and the Department of Revenue of such certification  
5 by means of an official letter granting certification. If the  
6 applicant fails to meet the certification requirements of  
7 subsection (3), the office shall notify the applicant not  
8 later than 10 days following such determination.

9 (5) The office must recertify each year that the  
10 motorsports entertainment complex continues to generate \$2  
11 million of sales tax revenues annually as required pursuant to  
12 paragraph (3)(d). If the motorsports entertainment complex  
13 fails to generate \$2 million of sales tax revenues annually as  
14 required pursuant to paragraph (3)(d), the distribution of  
15 revenues pursuant to s. 212.20(6)(f)5.d. shall be reduced to  
16 an amount equal to \$166,667 multiplied by a fraction, the  
17 numerator of which is the actual revenues generated and the  
18 denominator of which is \$2 million. Such reduction shall be  
19 recalculated annually until an annual recertification verifies  
20 that the revenues generated by the motorsports entertainment  
21 complex again equal or exceed \$2 million annually. The office  
22 shall provide written notification to the Department of  
23 Revenue of the recertification of a motorsports entertainment  
24 complex and the sales tax distribution amount the motorsports  
25 entertainment complex is entitled to receive.

26 (6) No motorsports entertainment complex which has  
27 been previously certified under this section and has received  
28 funding under such certification shall be eligible for any  
29 additional certification.

30 (7) An applicant certified as a motorsports  
31 entertainment complex may use funds provided pursuant to s.

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1 212.20 only for the following public purposes:

2 (a) Paying for the construction, reconstruction,  
3 expansion, or renovation of a motorsports entertainment  
4 complex.

5 (b) Paying debt service reserve funds, arbitrage  
6 rebate obligations, or other amounts payable with respect to  
7 bonds issued for the construction, reconstruction, expansion,  
8 or renovation of the motorsports entertainment complex or for  
9 the reimbursement of such costs or the refinancing of bonds  
10 issued for such purposes.

11 (c) Paying for construction, reconstruction,  
12 expansion, or renovation of transportation and parking  
13 necessary for and directly benefitting the motorsports  
14 entertainment complex or other infrastructure improvements  
15 necessary for, directly benefitting, and appurtenant to the  
16 motorsports entertainment complex, including, without  
17 limitation, paying debt service reserve funds, arbitrage  
18 rebate obligations, or other amounts payable with respect to  
19 bonds issued for the construction, reconstruction, expansion,  
20 or renovation of such transportation, parking or other  
21 infrastructure improvements, and for the reimbursement of such  
22 costs or the refinancing of bonds issued for such purposes.

23 (8) The Department of Revenue may audit, as provided  
24 in s. 213.34, to verify that the distributions pursuant to  
25 this section have been expended as required in this section.  
26 Such information is subject to the confidentiality  
27 requirements of chapter 213. If the Department of Revenue  
28 determines that the distributions pursuant to this section  
29 have not been expended as required by this section, it may  
30 pursue recovery of such funds pursuant to the laws and rules  
31 governing the assessment of taxes.



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

2 And the title is amended as follows:

3 On page 1, line 7, after the semicolon,

4

5 insert:

6 amending s. 212.20, F.S.; providing for  
7 distribution of a portion of revenues from the  
8 tax on sales, use, and other transactions to a  
9 motorsports entertainment complex; creating s.  
10 288.1170, F.S.; providing definitions;  
11 providing for certification of such facility by  
12 the Office of Tourism, Trade, and Economic  
13 Development of the Executive Office of the  
14 Governor; providing requirements for  
15 certification; requiring specified notice;  
16 providing for annual recertification; providing  
17 for a reduction of funding under certain  
18 circumstances; providing for use of the funds  
19 distributed to a motorsports entertainment  
20 complex; providing for audits by the Department  
21 of Revenue;

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