

By the Committee on Commerce and Economic Opportunities; and
Senator Garcia

310-1468-01

1 A bill to be entitled

2 An act relating to commercial development and

3 capital improvements; amending s. 212.20, F.S.;

4 providing for distribution of a portion of

5 revenues from the tax on sales, use, and other

6 transactions to a motorsports entertainment

7 complex; creating s. 288.1170, F.S.; providing

8 definitions; providing for certification of

9 such facility by the Office of Tourism, Trade,

10 and Economic Development of the Executive

11 Office of the Governor; providing requirements

12 for certification; requiring specified notice;

13 providing for annual recertification; providing

14 for reduction of funding under certain

15 circumstances; providing for use of the funds

16 distributed to a motorsports entertainment

17 complex; providing for audits by the Department

18 of Revenue; providing an effective date.

19

20 WHEREAS, it is the finding of the Legislature that

21 Florida has long been the preeminent site in the nation for

22 motorsports racing, and

23 WHEREAS, motorsports racing has been a major tourist

24 attraction in Florida for nearly 100 years, and

25 WHEREAS, motorsports entertainment is the fastest

26 growing sports industry in the United States, and

27 WHEREAS, as a result of the increased popularity of

28 motorsports racing, many new motorsports facilities are being

29 constructed in other states, and

30 WHEREAS, to continue to attract spectators to

31 sanctioned championship motorsports events, the owner or

1 operator of a motorsports entertainment complex must build
2 additional spectator seating and renovate existing facilities
3 to improve the amenities available to spectators, and

4 WHEREAS, attracting, retaining, and providing favorable
5 conditions for conducting sanctioned championship motorsports
6 events and the continued development of the motorsports
7 entertainment industry in Florida provides skilled-employment
8 opportunities for citizens of this state, and

9 WHEREAS, continued development and improvement of
10 Florida's motorsports entertainment industry is vital to
11 Florida's tourism industry and to state revenues, and

12 WHEREAS, the motorsports entertainment industry is a
13 major contributor to Florida's economic development because of
14 the technology and service businesses that provide goods and
15 services to the industry, and

16 WHEREAS, the provisions of this act are necessary to
17 protect and strengthen Florida's motorsports entertainment
18 industry, and the purposes to be achieved by this act are
19 predominately public purposes vital to the protection and
20 improvement of Florida's economy, NOW, THEREFORE,

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

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24 Section 1. If section 35 of chapter 2000-260, Laws of
25 Florida, is repealed by section 58 of that chapter, paragraph
26 (e) of subsection (6) of section 212.20, Florida Statutes, is
27 amended to read:

28 212.20 Funds collected, disposition; additional powers
29 of department; operational expense; refund of taxes
30 adjudicated unconstitutionally collected.--

31

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

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

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

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

13 3. After the distribution under subparagraphs 1. and
14 2., 9.653 percent of the amount remitted by a sales tax dealer
15 located within a participating county pursuant to s. 218.61
16 shall be transferred into the Local Government Half-cent Sales
17 Tax Clearing Trust Fund.

18 4. After the distribution under subparagraphs 1., 2.,
19 and 3., 0.065 percent shall be transferred to the Local
20 Government Half-cent Sales Tax Clearing Trust Fund and
21 distributed pursuant to s. 218.65.

22 5. For proceeds received after July 1, 2000, and after
23 the distributions under subparagraphs 1., 2., 3., and 4., 2.25
24 percent of the available proceeds pursuant to this paragraph
25 shall be transferred monthly to the Revenue Sharing Trust Fund
26 for Counties pursuant to s. 218.215.

27 6. For proceeds received after July 1, 2000, and after
28 the distributions under subparagraphs 1., 2., 3., and 4.,
29 1.0715 percent of the available proceeds pursuant to this
30 paragraph shall be transferred monthly to the Revenue Sharing
31 Trust Fund for Municipalities pursuant to s. 218.215. If the

1 total revenue to be distributed pursuant to this subparagraph
2 is at least as great as the amount due from the Revenue
3 Sharing Trust Fund for Municipalities and the Municipal
4 Financial Assistance Trust Fund in state fiscal year
5 1999-2000, no municipality shall receive less than the amount
6 due from the Revenue Sharing Trust Fund for Municipalities and
7 the Municipal Financial Assistance Trust Fund in state fiscal
8 year 1999-2000. If the total proceeds to be distributed are
9 less than the amount received in combination from the Revenue
10 Sharing Trust Fund for Municipalities and the Municipal
11 Financial Assistance Trust Fund in state fiscal year
12 1999-2000, each municipality shall receive an amount
13 proportionate to the amount it was due in state fiscal year
14 1999-2000.

15 7. Of the remaining proceeds:

16 a. Beginning July 1, 2000, and in each fiscal year
17 thereafter, the sum of \$29,915,500 shall be divided into as
18 many equal parts as there are counties in the state, and one
19 part shall be distributed to each county. The distribution
20 among the several counties shall begin each fiscal year on or
21 before January 5th and shall continue monthly for a total of 4
22 months. If a local or special law required that any moneys
23 accruing to a county in fiscal year 1999-2000 under the
24 then-existing provisions of s. 550.135 be paid directly to the
25 district school board, special district, or a municipal
26 government, such payment shall continue until such time that
27 the local or special law is amended or repealed. The state
28 covenants with holders of bonds or other instruments of
29 indebtedness issued by local governments, special districts,
30 or district school boards prior to July 1, 2000, that it is
31 not the intent of this subparagraph to adversely affect the

1 rights of those holders or relieve local governments, special
2 districts, or district school boards of the duty to meet their
3 obligations as a result of previous pledges or assignments or
4 trusts entered into which obligated funds received from the
5 distribution to county governments under then-existing s.
6 550.135. This distribution specifically is in lieu of funds
7 distributed under s. 550.135 prior to July 1, 2000.

8 b. The department shall distribute \$166,667 monthly
9 pursuant to s. 288.1162 to each applicant that has been
10 certified as a "facility for a new professional sports
11 franchise" or a "facility for a retained professional sports
12 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
13 distributed monthly by the department to each applicant that
14 has been certified as a "facility for a retained spring
15 training franchise" pursuant to s. 288.1162; however, not more
16 than \$208,335 may be distributed monthly in the aggregate to
17 all certified facilities for a retained spring training
18 franchise. Distributions shall begin 60 days following such
19 certification and shall continue for not more than 30 years.
20 Nothing contained in this paragraph shall be construed to
21 allow an applicant certified pursuant to s. 288.1162 to
22 receive more in distributions than actually expended by the
23 applicant for the public purposes provided for in s.
24 288.1162(6). However, a certified applicant is entitled to
25 receive distributions up to the maximum amount allowable and
26 undistributed under this section for additional renovations
27 and improvements to the facility for the franchise without
28 additional certification.

29 c. Beginning 30 days after notice by the Office of
30 Tourism, Trade, and Economic Development to the Department of
31 Revenue that an applicant has been certified as the

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

4 d. Beginning 30 days after notice by the Office of
5 Tourism, Trade, and Economic Development to the Department of
6 Revenue that the applicant has been certified as the
7 International Game Fish Association World Center facility
8 pursuant to s. 288.1169, and the facility is open to the
9 public, \$83,333 shall be distributed monthly, for up to 168
10 months, to the applicant. This distribution is subject to
11 reduction pursuant to s. 288.1169. A lump sum payment of
12 \$999,996 shall be made, after certification and before July 1,
13 2000.

14 e. Beginning 30 days after notice by the Office of
15 Tourism, Trade, and Economic Development to the Department of
16 Revenue that the applicant has been certified as a motorsports
17 entertainment complex pursuant to s. 288.1170 and is open to
18 the public, an amount not to exceed \$83,333 shall be
19 distributed monthly, for up to 360 months, to the applicant
20 unless the Office of Tourism, Trade, and Economic Development
21 notifies the Department of Revenue that the applicant is no
22 longer a certified motorsports entertainment complex, in which
23 case the distributions will cease within 30 days after the
24 receipt of such notice. This distribution is subject to
25 reduction pursuant to s. 288.1170.

26 8. All other proceeds shall remain with the General
27 Revenue Fund.

28 Section 2. If section 35 of chapter 2000-260, Laws of
29 Florida, is not repealed by section 58 of that chapter,
30 paragraph (e) of subsection (6) of section 212.20, Florida
31 Statutes, is amended to read:

1 212.20 Funds collected, disposition; additional powers
2 of department; operational expense; refund of taxes
3 adjudicated unconstitutionally collected.--

4 (6) Distribution of all proceeds under this chapter
5 and s. 202.18(1)(b) and (2)(b) shall be as follows:

6 (e) The proceeds of all other taxes and fees imposed
7 pursuant to this chapter or remitted pursuant to s.
8 202.18(1)(b) and (2)(b) shall be distributed as follows:

9 1. In any fiscal year, the greater of \$500 million,
10 minus an amount equal to 4.6 percent of the proceeds of the
11 taxes collected pursuant to chapter 201, or 5 percent of all
12 other taxes and fees imposed pursuant to this chapter or
13 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
14 deposited in monthly installments into the General Revenue
15 Fund.

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

18 3. After the distribution under subparagraphs 1. and
19 2., 9.653 percent of the amount remitted by a sales tax dealer
20 located within a participating county pursuant to s. 218.61
21 shall be transferred into the Local Government Half-cent Sales
22 Tax Clearing Trust Fund.

23 4. After the distribution under subparagraphs 1., 2.,
24 and 3., 0.065 percent shall be transferred to the Local
25 Government Half-cent Sales Tax Clearing Trust Fund and
26 distributed pursuant to s. 218.65.

27 5. For proceeds received after July 1, 2000, and after
28 the distributions under subparagraphs 1., 2., 3., and 4., 2.25
29 percent of the available proceeds pursuant to this paragraph
30 shall be transferred monthly to the Revenue Sharing Trust Fund
31 for Counties pursuant to s. 218.215.

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2 the distributions under subparagraphs 1., 2., 3., and 4.,
3 1.0715 percent of the available proceeds pursuant to this
4 paragraph shall be transferred monthly to the Revenue Sharing
5 Trust Fund for Municipalities pursuant to s. 218.215. If the
6 total revenue to be distributed pursuant to this subparagraph
7 is at least as great as the amount due from the Revenue
8 Sharing Trust Fund for Municipalities and the Municipal
9 Financial Assistance Trust Fund in state fiscal year
10 1999-2000, no municipality shall receive less than the amount
11 due from the Revenue Sharing Trust Fund for Municipalities and
12 the Municipal Financial Assistance Trust Fund in state fiscal
13 year 1999-2000. If the total proceeds to be distributed are
14 less than the amount received in combination from the Revenue
15 Sharing Trust Fund for Municipalities and the Municipal
16 Financial Assistance Trust Fund in state fiscal year
17 1999-2000, each municipality shall receive an amount
18 proportionate to the amount it was due in state fiscal year
19 1999-2000.

20 7. Of the remaining proceeds:

21 a. Beginning July 1, 2000, and in each fiscal year
22 thereafter, the sum of \$29,915,500 shall be divided into as
23 many equal parts as there are counties in the state, and one
24 part shall be distributed to each county. The distribution
25 among the several counties shall begin each fiscal year on or
26 before January 5th and shall continue monthly for a total of 4
27 months. If a local or special law required that any moneys
28 accruing to a county in fiscal year 1999-2000 under the
29 then-existing provisions of s. 550.135 be paid directly to the
30 district school board, special district, or a municipal
31 government, such payment shall continue until such time that

1 the local or special law is amended or repealed. The state
2 covenants with holders of bonds or other instruments of
3 indebtedness issued by local governments, special districts,
4 or district school boards prior to July 1, 2000, that it is
5 not the intent of this subparagraph to adversely affect the
6 rights of those holders or relieve local governments, special
7 districts, or district school boards of the duty to meet their
8 obligations as a result of previous pledges or assignments or
9 trusts entered into which obligated funds received from the
10 distribution to county governments under then-existing s.
11 550.135. This distribution specifically is in lieu of funds
12 distributed under s. 550.135 prior to July 1, 2000.

13 b. The department shall distribute \$166,667 monthly
14 pursuant to s. 288.1162 to each applicant that has been
15 certified as a "facility for a new professional sports
16 franchise" or a "facility for a retained professional sports
17 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
18 distributed monthly by the department to each applicant that
19 has been certified as a "facility for a retained spring
20 training franchise" pursuant to s. 288.1162; however, not more
21 than \$208,335 may be distributed monthly in the aggregate to
22 all certified facilities for a retained spring training
23 franchise. Distributions shall begin 60 days following such
24 certification and shall continue for not more than 30 years.
25 Nothing contained in this paragraph shall be construed to
26 allow an applicant certified pursuant to s. 288.1162 to
27 receive more in distributions than actually expended by the
28 applicant for the public purposes provided for in s.
29 288.1162(6). However, a certified applicant is entitled to
30 receive distributions up to the maximum amount allowable and
31 undistributed under this section for additional renovations

1 and improvements to the facility for the franchise without
2 additional certification.

3 c. Beginning 30 days after notice by the Office of
4 Tourism, Trade, and Economic Development to the Department of
5 Revenue that an applicant has been certified as the
6 professional golf hall of fame pursuant to s. 288.1168 and is
7 open to the public, \$166,667 shall be distributed monthly, for
8 up to 300 months, to the applicant.

9 d. Beginning 30 days after notice by the Office of
10 Tourism, Trade, and Economic Development to the Department of
11 Revenue that the applicant has been certified as the
12 International Game Fish Association World Center facility
13 pursuant to s. 288.1169, and the facility is open to the
14 public, \$83,333 shall be distributed monthly, for up to 168
15 months, to the applicant. This distribution is subject to
16 reduction pursuant to s. 288.1169. A lump sum payment of
17 \$999,996 shall be made, after certification and before July 1,
18 2000.

19 e. Beginning 30 days after notice by the Office of
20 Tourism, Trade, and Economic Development to the Department of
21 Revenue that the applicant has been certified as a motorsports
22 entertainment complex pursuant to s. 288.1170 and is open to
23 the public, an amount not to exceed \$83,333 shall be
24 distributed monthly, for up to 360 months, to the applicant
25 unless the Office of Tourism, Trade, and Economic Development
26 notifies the Department of Revenue that the applicant is no
27 longer a certified motorsports entertainment complex, in which
28 case the distributions will cease within 30 days after the
29 receipt of such notice. This distribution is subject to
30 reduction pursuant to s. 288.1170.

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1 8. All other proceeds shall remain with the General
2 Revenue Fund.

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

5 288.1170 Motorsports entertainment complex;
6 definitions; certification; duties.--

7 (1) As used in this section, the term:

8 (a) "Applicant" means the owner of a motorsports
9 entertainment complex.

10 (b) "Motorsports entertainment complex" means a
11 closed-course racing facility, with ancillary grounds and
12 facilities, which:

13 1. Has not fewer than 70,000 permanent seats for race
14 patrons.

15 2. Has not fewer than 7 scheduled days of motorsports
16 events each calendar year.

17 3. Has paid admissions of more than 200,000 annually.

18 4. Serves food at the facility during sanctioned
19 motorsports races.

20 5. Engages in tourism promotion.

21 (c) "Motorsports event" means a motorsports race and
22 its ancillary activities, which have been sanctioned by a
23 sanctioning body.

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

26 (e) "Owner" means a person who owns or operates a
27 motorsports entertainment complex, or a person who leases a
28 motorsports entertainment complex or the land on which a
29 motorsports entertainment complex is located from the Federal
30 Government, the state, or a county, municipality, or special
31 district, and operates the motorsports entertainment complex.

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

15 (g) "Unit of local government" has the meaning
16 ascribed in s. 218.369.

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

26 (3) Prior to certifying an applicant as a motorsports
27 entertainment complex, the office must determine that:

28 (a) A unit of local government holds title to the land
29 on which the motorsports entertainment complex is located,
30 holds title to the motorsports entertainment complex, or is
31

1 responsible for the construction, management, and operation of
2 the motorsports entertainment complex.

3 (b) Seven scheduled days of motorsports events were
4 held at the motorsports entertainment complex in the most
5 recently completed calendar year or seven scheduled days of
6 motorsports events are scheduled to be held at the motorsports
7 entertainment complex in the calendar year which begins after
8 the submission of the application. The applicant shall submit
9 certifications from the appropriate officials of the relevant
10 sanctioning bodies that such sanctioned motorsports events
11 were or will be held at the motorsports entertainment complex.

12 (c) The applicant has an independent analysis or
13 study, verified by the office, which demonstrates that the
14 motorsports entertainment complex will attract, or in the most
15 recently completed calendar year has attracted, paid
16 attendance of more than 200,000 annually.

17 (d) The applicant has an independent analysis or
18 study, verified by the office, which demonstrates that the
19 amount of the revenues generated by the taxes imposed under
20 chapter 212 with respect to the use and operation of the
21 motorsports entertainment complex will equal or exceed \$1
22 million annually.

23 (e) The municipality in which the motorsports
24 entertainment complex is located, or the county if the
25 motorsports entertainment complex is located in an
26 unincorporated area, has certified by resolution after a
27 public hearing that the application serves a public purpose.

28 (f) The motorsports entertainment complex is located
29 in a county defined in s. 125.011(1).

30 (g) The applicant has demonstrated that it is capable
31 of providing, or has financial or other commitments to

1 provide, more than one-half of the costs that will be incurred
2 after certification under this section for the improvement and
3 development or continued improvement and development of the
4 motorsports entertainment complex which will enable the
5 motorsports entertainment complex to retain or add motorsports
6 events sanctioned by a sanctioning body.

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

15 (5) The office must recertify each year that the
16 motorsports entertainment complex continues to generate \$1
17 million of sales tax revenues annually as required pursuant to
18 paragraph (3)(d). If the motorsports entertainment complex
19 fails to generate \$1 million of sales tax revenues annually as
20 required pursuant to paragraph (3)(d), the distribution of
21 revenues pursuant to s. 212.20(6)(e)7.e. shall be reduced to
22 an amount equal to \$83,333 multiplied by a fraction, the
23 numerator of which is the actual revenues generated and the
24 denominator of which is \$1 million. Such reduction shall
25 remain in effect until revenues generated by the motorsports
26 entertainment complex in a consecutive 12-month period equal
27 or exceed \$1 million. The office must notify the Department of
28 Revenue if it determines that the motorsports entertainment
29 complex is no longer certified to receive distributions
30 pursuant to s. 212.20 or if the amount of such distributions
31 is to be adjusted.

1 (6) No motorsports entertainment complex which has
2 been previously certified under this section and has received
3 funding under such certification shall be eligible for any
4 additional certification.

5 (7) An applicant certified as a motorsports
6 entertainment complex may use funds provided pursuant to s.
7 212.20 only for the following public purposes:

8 (a) Paying for the construction, reconstruction,
9 expansion, or renovation of a motorsports entertainment
10 complex.

11 (b) Paying debt service reserve funds, arbitrage
12 rebate obligations, or other amounts payable with respect to
13 bonds issued for the construction, reconstruction, expansion,
14 or renovation of the motorsports entertainment complex or for
15 the reimbursement of such costs or the refinancing of bonds
16 issued for such purposes.

17 (c) Paying for construction, reconstruction,
18 expansion, or renovation of transportation or other
19 infrastructure improvements related to, necessary for, or
20 appurtenant to the motorsports entertainment complex,
21 including, without limitation, paying debt service reserve
22 funds, arbitrage rebate obligations, or other amounts payable
23 with respect to bonds issued for the construction,
24 reconstruction, expansion, or renovation of such
25 transportation or other infrastructure improvements, and for
26 the reimbursement of such costs or the refinancing of bonds
27 issued for such purposes.

28 (d) Paying for programs of advertising and promotion
29 of or related to the motorsports entertainment complex or the
30 municipality in which the motorsports entertainment complex is
31 located, or the county if the motorsports entertainment

1 complex is located in an unincorporated area, provided such
2 programs of advertising and promotion are designed to increase
3 paid attendance at the motorsports entertainment complex or
4 increase tourism in or promote the economic development of the
5 community in which the motorsports entertainment complex is
6 located.

7 (8) The Department of Revenue may audit, as provided
8 in s. 213.34, to verify that the distributions pursuant to
9 this section have been expended as required in this section.

10 Such information is subject to the confidentiality
11 requirements of chapter 213. If the Department of Revenue
12 determines that the distributions pursuant to this section
13 have not been expended as required by this section, it may
14 pursue recovery of such funds pursuant to the laws and rules
15 governing the assessment of taxes.

16 Section 4. This act shall take effect October 1, 2001.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 650

4 The Committee Substitute makes the following changes to SB
5 650:

- 6 1) Reduces the maximum monthly distribution to a certified
7 applicant from \$166,667 to \$83,333, unless the Office of
8 Tourism, Trade, and Economic Development (OTTED)
9 notifies the Department of Revenue that the applicant is
10 no longer certified, in which case distributions will
11 cease.
- 12 2) Provides that the monthly distribution to a certified
13 applicant is subject to reduction pursuant to s.
14 288.1170, F.S.
- 15 3) Adds language to require that, prior to certification,
16 an applicant have an independent analysis or study which
17 demonstrates that the amount of sales tax revenues
18 generated by a motorsports entertainment complex will
19 equal or exceed \$1 million annually.
- 20 4) Adds language to require that, prior to certification,
21 an applicant demonstrate that it is capable of providing
22 one-half of the costs incurred for capital improvements
23 to the motorsports entertainment complex for adding or
24 retaining events.
- 25 5) Adds language to provide that OTTED must recertify
26 annually that a certified complex generates \$1 million
27 in sales tax revenues and that, if the complex fails to
28 do so, the distribution of revenues will be reduced
29 until revenues generated by the complex equal or exceed
30 \$1 million for a consecutive 12-month period.
- 31 6) Adds language to provide that OTTED must notify the
 Department of Revenue if it determines that a
 motorsports entertainment complex is no longer certified
 to receive distributions or if the distribution amount
 is to be adjusted.
- 7) Changes the effective date from July 1, 2001, to October
 1, 2001.