

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. Paragraph (d) of subsection (6) of section
25 212.20, Florida Statutes, is amended to read:

26 212.20 Funds collected, disposition; additional powers
27 of department; operational expense; refund of taxes
28 adjudicated unconstitutionally collected.--

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

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1 (d) The proceeds of all other taxes and fees imposed
2 pursuant to this chapter or remitted pursuant to s.

3 202.18(1)(b) and (2)(b) shall be distributed as follows:

4 1. In any fiscal year, the greater of \$500 million,
5 minus an amount equal to 4.6 percent of the proceeds of the
6 taxes collected pursuant to chapter 201, or 5 percent of all
7 other taxes and fees imposed pursuant to this chapter or
8 remitted pursuant to s. 202.18(1)(b) and (2)(b) 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 Ecosystem Management and Restoration Trust Fund to be used
13 for water quality improvement and water restoration projects.

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

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

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

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

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

16 7. Of the remaining proceeds:

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

1 not the intent of this subparagraph to adversely affect the
2 rights of those holders or relieve local governments, special
3 districts, or district school boards of the duty to meet their
4 obligations as a result of previous pledges or assignments or
5 trusts entered into which obligated funds received from the
6 distribution to county governments under then-existing s.
7 550.135. This distribution specifically is in lieu of funds
8 distributed under s. 550.135 prior to July 1, 2000.

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

30 c. Beginning 30 days after notice by the Office of
31 Tourism, Trade, and Economic Development to the Department of

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

15 e. Beginning 30 days after notice by the Office of
16 Tourism, Trade, and Economic Development to the Department of
17 Revenue that the applicant has been certified as a motorsports
18 entertainment complex pursuant to s. 288.1170 and is open to
19 the public, an amount not to exceed \$166,667 shall be
20 distributed monthly to the applicant. However, each fiscal
21 year's total distribution made pursuant to this
22 sub-subparagraph shall not exceed the difference between the
23 state sales taxes collected and remitted pursuant to this
24 chapter by the facility in the previous calendar year and
25 those collected and remitted in calendar year 2000.
26 Distributions shall continue for 30 years.

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

29 Section 2. Section 288.1170, Florida Statutes, is
30 created to read:

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1 288.1170 Motorsports entertainment complex;
2 definitions; certification; duties.--
3 (1) As used in this section:
4 (a) "Applicant" means the owner of a motorsports
5 entertainment complex.
6 (b) "Motorsports entertainment complex" means a
7 closed-course racing facility, with ancillary grounds and
8 facilities, which:
9 1. Has not fewer than 65,000 permanent seats for race
10 patrons.
11 2. Has not fewer than 7 scheduled days of motorsports
12 events each calendar year.
13 3. Has paid admissions of at least 125,000 annually.
14 4. Serves food at the facility during sanctioned
15 motorsports races.
16 5. Engages in tourism promotion.
17 (c) "Motorsports event" means a motorsports race and
18 its ancillary activities, which have been sanctioned by a
19 sanctioning body.
20 (d) "Office" means the Office of Tourism, Trade, and
21 Economic Development of the Executive Office of the Governor.
22 (e) "Owner" means a unit of local government that owns
23 a motorsports entertainment complex or owns the land on which
24 the motorsports entertainment complex is located.
25 (f) "Sanctioning body" means the American Motorcycle
26 Association (AMA), Championship Auto Racing Teams (CART),
27 Grand American Road Racing Association (Grand Am), Indy Racing
28 League (IRL), National Association for Stock Car Auto Racing
29 (NASCAR), National Hot Rod Association (NHRA), Professional
30 Sportscar Racing (PSR), Sports Car Club of America (SCCA),
31 United States Auto Club (USAC), or any successor organization,

1 or any other nationally recognized governing body of
2 motorsports that establishes an annual schedule of motorsports
3 events and grants rights to conduct such events, has
4 established and administers rules and regulations governing
5 all participants involved in such events and all persons
6 conducting such events, and requires certain liability
7 assurances, including insurance.

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

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

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

21 (a) A unit of local government holds title to the land
22 on which the motorsports entertainment complex is located or
23 holds title to the motorsports entertainment complex.

24 (b) Seven scheduled days of motorsports events were
25 held at the motorsports entertainment complex in the most
26 recently completed calendar year or 7 scheduled days of
27 motorsports events are scheduled to be held at the motorsports
28 entertainment complex in the calendar year that begins after
29 the submission of the application. The applicant shall submit
30 certifications from the appropriate officials of the relevant

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1 sanctioning bodies that such sanctioned motorsports events
2 were or will be held at the motorsports entertainment complex.

3 (c) The applicant has an independent analysis or
4 study, verified by the office, which demonstrates that the
5 motorsports entertainment complex will attract, or in the most
6 recently completed calendar year has attracted, paid
7 attendance of at least 125,000 annually.

8 (d) The applicant has an independent analysis or
9 study, verified by the office, which demonstrates that the
10 amount of the revenues generated by the taxes imposed under
11 chapter 212 with respect to the use and operation of the
12 motorsports entertainment complex will equal or exceed \$1
13 million annually.

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

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

21 (4) Upon determining that an applicant meets the
22 requirements of subsection (3), the office shall notify the
23 applicant and the executive director of the Department of
24 Revenue of such certification by means of an official letter
25 granting certification. If the applicant fails to meet the
26 certification requirements of subsection (3), the office shall
27 notify the applicant not later than 10 days following such
28 determination.

29 (5) The office must recertify each year that the
30 motorsports entertainment complex continues to generate
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1 sufficient sales tax revenues annually as required pursuant to
2 paragraph (3)(d).

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

7 (7) An applicant certified as a motorsports
8 entertainment complex may use funds provided pursuant to s.
9 212.20 only for the following public purposes:

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

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

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

30 (d) Paying for programs of advertising and promotion
31 of or related to the motorsports entertainment complex or the

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

9 (8) The Department of Revenue may audit, as provided
10 in s. 213.34, to verify that the distributions pursuant to
11 this section have been expended as required in this section.
12 Such information is subject to the confidentiality
13 requirements of chapter 213. If the Department of Revenue
14 determines that the distributions pursuant to this section
15 have not been expended as required by this section, it may
16 pursue recovery of such funds pursuant to the laws and rules
17 governing the assessment of taxes.

18 Section 3. This act shall take effect July 1, 2003.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 1850

23 The committee substitute differs from the original bill by:

- 24 1) Limiting each fiscal year's amount of tax distributions
25 to the difference in state sales taxes collected and
26 remitted by a motorsports entertainment complex in the
previous calendar year with the amount collected and
remitted in the year 2000;
- 27 2) Reducing the number of permanent seats requirement from
28 70,000 to 65,000;
- 29 3) Reducing the paid admissions requirement from 200,000 to
125,000; and
- 30 4) Requiring an independent analysis or study which shows
31 the motorsports entertainment complex generates state
sales tax revenues that equal or exceed \$1 million
annually.