

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Patterson offered the following:

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3 **Amendment (with title amendment)**

4 Remove line(s) 143-254 and insert:

5 e. Beginning 30 days after notice by the Office of
6 Tourism, Trade, and Economic Development to the Department of
7 Revenue that an applicant has been certified as the NASCAR Hall
8 of Fame facility pursuant to s. 288.1170 and is open to the
9 public, \$100,000 shall be distributed monthly, for up to 300
10 months, to the applicant.

11 f. The department shall distribute monthly to units of
12 local government that have been certified as owning eligible
13 convention centers pursuant to s. 288.1171 an amount equal to 50
14 percent of the proceeds, as defined in this sub-subparagraph,
15 received and collected in the previous month by the department

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16 under the provisions of this chapter which are generated by such
17 eligible convention centers and remitted on the sales and use
18 tax returns of eligible convention centers. Proceeds, for this
19 sub-subparagraph, are limited to all applicable sales taxes
20 collected by an eligible convention center for standard services
21 provided by center staff to users of the center, which include
22 the following: parking, admission, and ticket sales, food
23 services, utilities services, space rentals, equipment rentals,
24 security services, decorating services, business services,
25 advertising services, communications services, exhibit supply
26 sales and rentals, locksmith services, and sales of gifts and
27 sundries. The total distribution to each unit of local
28 government shall not exceed \$1 million per state fiscal year.
29 However, total distributions to all units of local government
30 shall not exceed \$5 million per state fiscal year, and such
31 distribution shall be limited exclusively to the taxes collected
32 and remitted under the provisions of this chapter. If
33 collections and remittances of eligible convention centers
34 exceed the \$5 million maximum amount authorized for
35 distribution, the department shall distribute proceeds to each
36 eligible unit of local government using an apportionment factor,
37 the numerator of which is the amount remitted by an eligible
38 convention center and the denominator is the total amount
39 remitted by all eligible convention centers. The apportionment
40 factor for each eligible convention center shall be applied to
41 the \$5 million maximum amount authorized for distribution to
42 determine the amount that shall be distributed to each local

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43 government unit. The department shall prescribe forms required
44 to be filed with the department by eligible convention centers.
45 Distributions shall begin 60 days following notification of
46 certification by the Office of Tourism, Trade, and Economic
47 Development pursuant to s. 288.1171. Distributions shall be used
48 solely to encourage and provide economic development for the
49 attraction, recruitment, and retention of corporate headquarters
50 and of high-technology, manufacturing, research and development,
51 entertainment, and tourism industries as designated by the unit
52 of local government by resolution of its governing body, and to
53 assist the eligible convention centers to attract more business
54 and expand their offerings, including developing their own
55 events and shows. This sub-subparagraph is repealed effective
56 June 30, 2008.

57 8. All other proceeds shall remain with the General
58 Revenue Fund.

59 Section 2. Section 288.1170, Florida Statutes, is created
60 to read:

61 288.1170 National Association for Stock Car Auto Racing,
62 Inc. (NASCAR) Hall of Fame facility; duties of the Office of
63 Tourism, Trade, and Economic Development.--

64 (1) The Office of Tourism, Trade, and Economic Development
65 shall serve as the state entity for screening applicants for
66 state funding pursuant to s. 212.20 and for certifying one
67 applicant as the NASCAR Hall of Fame facility in the state.

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68 (2) Prior to certifying the NASCAR Hall of Fame facility,
69 the Office of Tourism, Trade, and Economic Development must
70 determine that:

71 (a) The NASCAR Hall of Fame facility would be the only
72 NASCAR Hall of Fame in the United States recognized by NASCAR,
73 Inc.

74 (b) The applicant is a unit of local government as defined
75 in s. 218.369 or a private sector group that has contracted to
76 construct or operate the NASCAR Hall of Fame facility on land
77 owned by a unit of local government.

78 (c) The municipality in which the NASCAR Hall of Fame
79 facility is located, or the county if the facility is located in
80 an unincorporated area, has certified by resolution after a
81 public hearing that the application serves a public purpose.

82 (d) There are existing projections that the NASCAR Hall of
83 Fame facility will attract a paid attendance of more than
84 350,000 annually.

85 (e) There is an independent analysis or study, using
86 methodology approved by the Office of Tourism, Trade, and
87 Economic Development, which demonstrates that the amount of the
88 revenues generated by the taxes imposed under chapter 212 with
89 respect to the use and operation of the NASCAR Hall of Fame
90 facility will equal or exceed \$1.2 million annually.

91 (f) Documentation exists that demonstrates that the
92 applicant has provided, is capable of providing, or has
93 financial or other commitments to provide more than one-half of

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94 the cost incurred or related to the improvement and development
95 of the facility.

96 (g) The application is signed by an official senior
97 executive of the applicant and is notarized according to the
98 laws of this state providing for penalties for falsification.

99 (3) The applicant may use funds provided pursuant to s.
100 212.20 for the public purpose of paying for the construction,
101 reconstruction, renovation, or operation of the NASCAR Hall of
102 Fame facility, or to pay or pledge for payment of debt service
103 on, or to fund debt service reserve funds, arbitrage rebate
104 obligations, or other amounts payable with respect to, bonds
105 issued for the construction, reconstruction, or renovation of
106 the facility or for the reimbursement of such costs or the
107 refinancing of bonds issued for such purpose.

108 (4) Upon determining that an applicant will or will not be
109 certified, the Office of Tourism, Trade, and Economic
110 Development shall notify the applicant of his or her status by
111 means of an official letter. If certified, the secretary shall
112 notify the executive director of the Department of Revenue and
113 the applicant of such certification by means of an official
114 letter granting certification. From the date of such
115 certification, the applicant shall have 5 years to open the
116 NASCAR Hall of Fame facility to the public and notify the Office
117 of Tourism, Trade, and Economic Development of such opening. The
118 Department of Revenue shall not begin distributing funds until
119 30 days following notice by the Office of Tourism, Trade, and

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120 Economic Development that the NASCAR Hall of Fame facility is
121 open to the public.

122 (5) The Department of Revenue may audit as provided in s.
123 213.34, to verify that the distributions under this section have
124 been expended as required by this section.

125 (6) The Office of Tourism, Trade, and Economic Development
126 must recertify every 10 years that the facility is open,
127 continues to be the only NASCAR Hall of Fame in the United
128 States recognized by NASCAR, Inc., and is meeting the minimum
129 projections for attendance or sales tax revenue as required at
130 the time of original certification.

131 Section 3. Section 288.1171, Florida Statutes, is created
132 to read:

133 288.1171 Convention centers owned by units of local
134 government; certification as owning eligible convention centers;
135 duties.--

136 (1) The Office of Tourism, Trade, and Economic Development
137 shall serve as the state agency for screening applicants for
138 state funding pursuant to s. 212.20(6)(d)7.e. and for certifying
139 an applicant as owning an eligible convention center.

140 (2) The Office of Tourism, Trade, and Economic Development
141 shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the
142 receipt and processing of applications for funding pursuant to
143 s. 212.20(6)(d)7.e.

144 (3) As used in this section, the term "eligible convention
145 center" means a publicly owned facility having exhibition space

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146 in excess of 30,000 square feet, the primary function of which
147 is to host meetings, conventions, or trade shows.

148 (4) Prior to certifying an applicant as owning an eligible
149 convention center, the Office of Tourism, Trade, and Economic
150 Development must determine that:

151 (a) The unit of local government, as defined in s.
152 218.369, owns an eligible convention center.

153 (b) The convention center contains more than 30,000 square
154 feet of exhibit space.

155 (c) The unit of local government in which the convention
156 center is located has certified by resolution after a public
157 hearing that the application serves a public purpose pursuant to
158 subsection (7).

159 (d) The convention center is located in a county that is
160 levying a tourist development tax pursuant to s. 125.0104.

161 (5) Upon certification of an applicant, the Office of
162 Tourism, Trade, and Economic Development shall notify the
163 executive director of the Department of Revenue of such
164 certification by means of an official letter granting
165 certification. The Department of Revenue shall not begin
166 distributing proceeds until 60 days following notice by the
167 Office of Tourism, Trade, and Economic Development that a unit
168 of local government has been certified as owning an eligible
169 convention center.

170 (6) No applicant previously certified under any provision
171 of this section who has received proceeds under such
172 certification shall be eligible for an additional certification.

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173 (7) A unit of local government certified as owning an
174 eligible convention center may use proceeds provided pursuant to
175 s. 212.20(6)(d)7.e. solely to encourage and provide economic
176 development for the attraction, recruitment, and retention of
177 corporate headquarters and of high-technology, manufacturing,
178 research and development, entertainment, and tourism industries
179 as designated by the unit of local government by resolution of
180 its governing body, and to assist the eligible convention
181 centers to attract more business and expand their offerings,
182 including developing their own events and shows.

183 (8) The Auditor General may audit as provided in s. 11.45
184 to verify that the distributions under this section have been
185 expended as required by this section. If the Auditor General
186 determines that the distributions have not been expended as
187 required by this section, the Auditor General may pursue
188 recovery of such proceeds and the unit of local government shall
189 be further barred from receiving future distributions of
190 proceeds authorized by this section.

191 (9) Failure to use the proceeds as provided in this
192 section shall be grounds for revoking certification.

193 (10) This section is repealed June 30, 2008.

194 Section 4. Paragraph (eee) is added to subsection (4) of
195 section 320.08056, Florida Statutes, to read:

196 320.08056 Specialty license plates.--

197 (4) The following license plate annual use fees shall be
198 collected for the appropriate specialty license plates:

199 (eee) NASCAR license plate, \$25.

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200 Section 5. Subsection (57) is added to section 320.08058,
201 Florida Statutes, to read:

202 320.08058 Specialty license plates.--

203 (57) NASCAR LICENSE PLATES.--

204 (a) Notwithstanding the provisions of s. 320.08053, the
205 Department of Highway Safety and Motor Vehicles shall develop a
206 NASCAR license plate as provided in this section. The word
207 "Florida" must appear at the top of the plate. The NASCAR Hall
208 of Fame, after consultation with NASCAR, Inc., and the
209 International Speedway Corporation, may submit a sample plate
210 for consideration by the department. An application fee not to
211 exceed \$60,000 as determined and charged by the Department of
212 Highway Safety and Motor Vehicles to defray the department cost
213 of developing the specialty license plate shall be paid to the
214 department by the applicant for the NASCAR Hall of Fame
215 facility.

216 (b) Eighty-five percent of the annual use fee shall be
217 distributed from the Department of Highway Safety and Motor
218 Vehicles to the Florida Department of Revenue for an amount up
219 to \$1.2 million per year to be distributed as provided in s.
220 212.20(6)(d), to offset the monthly tax disbursements for the
221 construction, reconstruction, renovation, or operation of the
222 NASCAR Hall of Fame facility in Daytona Beach, Florida. Annual
223 use fees exceeding \$1.2 million annually shall be distributed
224 from the Department of Highway Safety and Motor Vehicles to a
225 Florida not-for-profit entity organized for the purpose of
226 operating and maintaining the NASCAR Hall of Fame facility and

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227 such not-for-profit entity shall use revenues for operation,
228 maintenance, and capital improvement to the NASCAR Hall of Fame
229 facility.

230 (c) Ten percent of the annual use fee shall be distributed
231 by the Department of Highway Safety and Motor Vehicles to
232 NASCAR, Inc., for the purpose of advertising stock car auto
233 racing in this state. Fifteen percent of these advertising funds
234 shall be distributed for the purpose of generic advertising for
235 Florida tourism. Funds under this paragraph shall be distributed
236 in accordance with provisional and final certification as
237 determined by the Office of Tourism, Trade, and Economic
238 Development.

239 (d) Five percent of the annual use fee shall be
240 distributed by the Department of Highway Safety and Motor
241 Vehicles to NASCAR, Inc., for licensing, royalties, and
242 distribution to a Florida-based children's charity and
243 designated by NASCAR, Inc., that is approved by the Office of
244 Tourism Trade, and Economic Development.

245 Section 6. This act shall take effect July 1, 2005, except
246 that the creation of ss. 320.08056(4)(eee) and 320.08058(57),
247 Florida Statutes, by this act shall take effect 30 days after
248 the City of Daytona Beach is designated as the site for the
249 official NASCAR Hall of Fame facility and provisional
250 certification is granted by the Office of Tourism, Trade, and
251 Economic Development.

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

Remove line(s) 7-25 and insert:
amending s. 212.20, F.S.; providing for distribution of a
portion of revenues from the tax on sales, use, and other
transactions to a NASCAR Hall of Fame facility; providing
for distribution of a portion of revenues from the tax on
sales, use, and other transactions to specified units of
local government owning eligible convention centers;
providing limitations; requiring the Department of Revenue
to prescribe certain forms; specifying uses of certain
distributions; providing for future repeal; creating s.
288.1170, F.S.; specifying the Office of Tourism, Trade,
and Economic Development as the state entity for screening
NASCAR Hall of Fame facility applicants; providing for
certification of such facility by the office; providing
requirements for certification and operation of the
facility; providing for distribution of funds; authorizing
certain uses of funds distributed to the facility;
providing procedural requirements for the office; limiting
distribution of funds by the Department of Revenue;
providing for audits by the department; providing for
periodic recertification by the office; providing
requirements; creating s. 288.1171, F.S.; providing for
certification of units of local government owning eligible
convention centers by the Office of Tourism, Trade, and
Economic Development; requiring the office to adopt

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HOUSE AMENDMENT

Bill No. HB 173 CS

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281 specified rules; providing a definition; providing
282 requirements for certification; providing for use of
283 proceeds distributed to units of local government under
284 the act; providing for audits by the Auditor General;
285 authorizing the Auditor General to pursue recovery of
286 certain proceeds; barring certain local governments from
287 receiving future distributions under certain
288 circumstances; providing for revocation of certification;
289 providing for future repeal; amending s. 320.08056, F.S.;
290 providing for a NASCAR license plate fee; amending s.
291 320.08058, F.S.; providing for a NASCAR license plate;
292 directing the Department of Highway Safety and Motor
293 Vehicles to develop a NASCAR license plate; providing for
294 the distribution and use of fees; providing that
295 development and issuance of the license plate is
296 contingent upon the designation of the City of Daytona
297 Beach as the site for the official NASCAR Hall of Fame
298 facility and provisional certification is granted by the
299 Office of Tourism, Trade, and Economic Development;
300 providing effective dates.

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