

1 A bill to be entitled
2 An act relating to economic development incentives;
3 amending s. 212.20, F.S.; revising a limitation on monthly
4 aggregate distributions to certified facilities for a
5 retained spring training franchise; deleting provisions
6 with respect to the entitlement of certified applicants to
7 receive distributions for additional renovations and
8 improvements to a facility without additional
9 certification; providing for distribution of a portion of
10 revenues from the tax on sales, use, and other
11 transactions to a NASCAR Hall of Fame facility; providing
12 for distribution of a portion of revenues from the tax on
13 sales, use, and other transactions to specified units of
14 local government owning eligible convention centers;
15 providing limitations; requiring the Department of Revenue
16 to prescribe certain forms; specifying uses of certain
17 distributions; providing for future repeal; amending s.
18 288.1162, F.S.; requiring a verified copy of a binding
19 agreement for payment of cost overruns as prerequisite for
20 certification under certain circumstances; providing
21 procedures for certification of additional facilities for
22 a retained spring training franchise; providing for
23 application and selection; establishing a maximum number
24 of certifications and funding; providing evaluation
25 criteria; clarifying the number of certifications of
26 facilities for retained spring training franchises;
27 specifying criteria certification for the remaining
28 available certification slot; providing for future repeal;

29 | increasing the number of facilities certified by the
30 | Office of Tourism, Trade, and Economic Development as
31 | facilities for a new professional sports franchise or as
32 | facilities for a retained professional sports franchise;
33 | providing an additional exception to disqualification for
34 | certification of an applicant when the franchise formed
35 | the basis of a previous certification; providing that
36 | payments to a certified applicant may not extend beyond
37 | the period for which the original certification was
38 | issued; specifying the date on which an applicant
39 | certified after the effective date of the act may receive
40 | disbursements; creating s. 288.1170, F.S.; specifying the
41 | Office of Tourism, Trade, and Economic Development as the
42 | state entity for screening NASCAR Hall of Fame facility
43 | applicants; providing for certification of such facility
44 | by the office; providing requirements for certification
45 | and operation of the facility; providing for distribution
46 | of funds; authorizing certain uses of funds distributed to
47 | the facility; providing procedural requirements for the
48 | office; limiting distribution of funds by the Department
49 | of Revenue; providing for audits by the department;
50 | providing for periodic recertification by the office;
51 | providing requirements; creating s. 288.1171, F.S.;
52 | providing for certification of units of local government
53 | owning eligible convention centers by the Office of
54 | Tourism, Trade, and Economic Development; requiring the
55 | office to adopt specified rules; providing a definition;
56 | providing requirements for certification; providing for

57 use of proceeds distributed to units of local government
 58 under the act; providing for audits by the Auditor
 59 General; authorizing the Auditor General to pursue
 60 recovery of certain proceeds; barring certain local
 61 governments from receiving future distributions under
 62 certain circumstances; providing for revocation of
 63 certification; providing for future repeal; amending s.
 64 320.08056, F.S.; providing for a NASCAR license plate fee;
 65 amending s. 320.08058, F.S.; providing for a NASCAR
 66 license plate; providing for a use fee; directing the
 67 Department of Highway Safety and Motor Vehicles to develop
 68 a NASCAR license plate; providing for the distribution and
 69 use of fees; providing contingent authorization to develop
 70 the tag; providing for an alternative deposit of certain
 71 license plate funds until certification of a NASCAR Hall
 72 of Fame; providing for alternative uses of such funds
 73 without certification; providing effective dates.

74

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

76

77 Section 1. Paragraph (d) of subsection (6) of section
 78 212.20, Florida Statutes, is amended to read:

79 212.20 Funds collected, disposition; additional powers of
 80 department; operational expense; refund of taxes adjudicated
 81 unconstitutionally collected.--

82 (6) Distribution of all proceeds under this chapter and s.
 83 202.18(1)(b) and (2)(b) shall be as follows:

84 (d) The proceeds of all other taxes and fees imposed
 85 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
 86 and (2)(b) shall be distributed as follows:

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

93 2. Two-tenths of one percent shall be transferred to the
 94 Ecosystem Management and Restoration Trust Fund to be used for
 95 water quality improvement and water restoration projects.

96 3. After the distribution under subparagraphs 1. and 2.,
 97 8.814 percent of the amount remitted by a sales tax dealer
 98 located within a participating county pursuant to s. 218.61
 99 shall be transferred into the Local Government Half-cent Sales
 100 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
 101 be transferred pursuant to this subparagraph to the Local
 102 Government Half-cent Sales Tax Clearing Trust Fund shall be
 103 reduced by 0.1 percent, and the department shall distribute this
 104 amount to the Public Employees Relations Commission Trust Fund
 105 less \$5,000 each month, which shall be added to the amount
 106 calculated in subparagraph 4. and distributed accordingly.

107 4. After the distribution under subparagraphs 1., 2., and
 108 3., 0.095 percent shall be transferred to the Local Government
 109 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 110 to s. 218.65.

111 5. After the distributions under subparagraphs 1., 2., 3.,
 112 and 4., 2.0440 percent of the available proceeds pursuant to
 113 this paragraph shall be transferred monthly to the Revenue
 114 Sharing Trust Fund for Counties pursuant to s. 218.215.

115 6. After the distributions under subparagraphs 1., 2., 3.,
 116 and 4., 1.3409 percent of the available proceeds pursuant to
 117 this paragraph shall be transferred monthly to the Revenue
 118 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If
 119 the total revenue to be distributed pursuant to this
 120 subparagraph is at least as great as the amount due from the
 121 Revenue Sharing Trust Fund for Municipalities and the former
 122 Municipal Financial Assistance Trust Fund in state fiscal year
 123 1999-2000, no municipality shall receive less than the amount
 124 due from the Revenue Sharing Trust Fund for Municipalities and
 125 the former Municipal Financial Assistance Trust Fund in state
 126 fiscal year 1999-2000. If the total proceeds to be distributed
 127 are less than the amount received in combination from the
 128 Revenue Sharing Trust Fund for Municipalities and the former
 129 Municipal Financial Assistance Trust Fund in state fiscal year
 130 1999-2000, each municipality shall receive an amount
 131 proportionate to the amount it was due in state fiscal year
 132 1999-2000.

133 7. Of the remaining proceeds:

134 a. In each fiscal year, the sum of \$29,915,500 shall be
 135 divided into as many equal parts as there are counties in the
 136 state, and one part shall be distributed to each county. The
 137 distribution among the several counties shall begin each fiscal
 138 year on or before January 5th and shall continue monthly for a

139 total of 4 months. If a local or special law required that any
 140 moneys accruing to a county in fiscal year 1999-2000 under the
 141 then-existing provisions of s. 550.135 be paid directly to the
 142 district school board, special district, or a municipal
 143 government, such payment shall continue until such time that the
 144 local or special law is amended or repealed. The state covenants
 145 with holders of bonds or other instruments of indebtedness
 146 issued by local governments, special districts, or district
 147 school boards prior to July 1, 2000, that it is not the intent
 148 of this subparagraph to adversely affect the rights of those
 149 holders or relieve local governments, special districts, or
 150 district school boards of the duty to meet their obligations as
 151 a result of previous pledges or assignments or trusts entered
 152 into which obligated funds received from the distribution to
 153 county governments under then-existing s. 550.135. This
 154 distribution specifically is in lieu of funds distributed under
 155 s. 550.135 prior to July 1, 2000.

156 b. The department shall distribute \$166,667 monthly
 157 pursuant to s. 288.1162 to each applicant that has been
 158 certified as a "facility for a new professional sports
 159 franchise" or a "facility for a retained professional sports
 160 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
 161 distributed monthly by the department to each applicant that has
 162 been certified as a "facility for a retained spring training
 163 franchise" pursuant to s. 288.1162; however, not more than
 164 \$375,000 ~~\$208,335~~ may be distributed monthly in the aggregate to
 165 all certified facilities for a retained spring training
 166 franchise. Distributions shall begin 60 days following such

167 certification and shall continue for not more than 30 years.
168 Nothing contained in this paragraph shall be construed to allow
169 an applicant certified pursuant to s. 288.1162 to receive more
170 in distributions than actually expended by the applicant for the
171 public purposes provided for in s. 288.1162(6). ~~However, a~~
172 ~~certified applicant is entitled to receive distributions up to~~
173 ~~the maximum amount allowable and undistributed under this~~
174 ~~section for additional renovations and improvements to the~~
175 ~~facility for the franchise without additional certification.~~

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

182 d. Beginning 30 days after notice by the Office of
183 Tourism, Trade, and Economic Development to the Department of
184 Revenue that the applicant has been certified as the
185 International Game Fish Association World Center facility
186 pursuant to s. 288.1169, and the facility is open to the public,
187 \$83,333 shall be distributed monthly, for up to 168 months, to
188 the applicant. This distribution is subject to reduction
189 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
190 made, after certification and before July 1, 2000.

191 e. Beginning 30 days after notice by the Office of
192 Tourism, Trade, and Economic Development to the Department of
193 Revenue that an applicant has been certified as the NASCAR Hall
194 of Fame facility pursuant to s. 288.1170 and is open to the

195 public, \$100,000 shall be distributed monthly, for up to 300
196 months, to the applicant.

197 f. The department shall distribute monthly to units of
198 local government that have been certified as owning eligible
199 convention centers pursuant to s. 288.1171 an amount equal to 50
200 percent of the proceeds, as defined in this sub-subparagraph,
201 received and collected in the previous month by the department
202 under the provisions of this chapter which are generated by such
203 eligible convention centers and remitted on the sales and use
204 tax returns of eligible convention centers. Proceeds, for this
205 sub-subparagraph, are limited to all applicable sales taxes
206 collected by an eligible convention center for standard services
207 provided by center staff to users of the center, which include
208 the following: parking, admission, and ticket sales, food
209 services, utilities services, space rentals, equipment rentals,
210 security services, decorating services, business services,
211 advertising services, communications services, exhibit supply
212 sales and rentals, locksmith services, and sales of gifts and
213 sundries. The total distribution to each unit of local
214 government shall not exceed \$1 million per state fiscal year.
215 However, total distributions to all units of local government
216 shall not exceed \$5 million per state fiscal year, and such
217 distribution shall be limited exclusively to the taxes collected
218 and remitted under the provisions of this chapter. If
219 collections and remittances of eligible convention centers
220 exceed the \$5-million maximum amount authorized for
221 distribution, the department shall distribute proceeds to each
222 eligible unit of local government using an apportionment factor,

223 the numerator of which is the amount remitted by an eligible
224 convention center and the denominator is the total amount
225 remitted by all eligible convention centers. The apportionment
226 factor for each eligible convention center shall be applied to
227 the \$5-million maximum amount authorized for distribution to
228 determine the amount that shall be distributed to each local
229 government unit. The department shall prescribe forms required
230 to be filed with the department by eligible convention centers.
231 Distributions shall begin 60 days following notification of
232 certification by the Office of Tourism, Trade, and Economic
233 Development pursuant to s. 288.1171. Distributions shall be used
234 solely to encourage and provide economic development for the
235 attraction, recruitment, and retention of corporate headquarters
236 and of high-technology, manufacturing, research and development,
237 entertainment, and tourism industries as designated by the unit
238 of local government by resolution of its governing body, and to
239 assist the eligible convention centers to attract more business
240 and expand their offerings, including developing their own
241 events and shows. This sub-subparagraph is repealed effective
242 June 30, 2008.

243 8. All other proceeds shall remain with the General
244 Revenue Fund.

245 Section 2. Paragraph (h) is added to subsection (4) of
246 section 288.1162, Florida Statutes, and paragraph (c) of
247 subsection (5) and subsections (7) and (9) are amended, to read:

248 288.1162 Professional sports franchises; spring training
249 franchises; duties.--

250 (4) Prior to certifying an applicant as a "facility for a
251 new professional sports franchise" or a "facility for a retained
252 professional sports franchise," the Office of Tourism, Trade,
253 and Economic Development must determine that:

254 (h) The applicant for a facility for a new professional
255 sports franchise has a verified copy of a binding agreement with
256 the new professional sports franchise that requires the
257 franchise to pay for any cost overrun when the franchise was
258 used as the basis for the original certification of the
259 applicant described in paragraph (9) (a) and is the basis for the
260 current certification request.

261 (5)

262 (c)1. The Office of Tourism, Trade, and Economic
263 Development shall competitively evaluate applications for
264 funding of a facility for a retained spring training franchise.
265 Applications must be submitted by October 1, 2000, with
266 certifications to be made by January 1, 2001. If the number of
267 applicants exceeds five and the aggregate funding request of all
268 applications exceeds \$208,335 per month, the office shall rank
269 the applications according to a selection criteria, certifying
270 the highest ranked proposals. The evaluation criteria shall
271 include, with priority given in descending order to the
272 following items:

273 a.1- The intended use of the funds by the applicant, with
274 priority given to the construction of a new facility.

275 b.2- The length of time that the existing franchise has
276 been located in the state, with priority given to retaining
277 franchises that have been in the same location the longest.

278 ~~c.3.~~ The length of time that a facility to be used by a
279 retained spring training franchise has been used by one or more
280 spring training franchises, with priority given to a facility
281 that has been in continuous use as a facility for spring
282 training the longest.

283 ~~d.4.~~ For those teams leasing a spring training facility
284 from a unit of local government, the remaining time on the lease
285 for facilities used by the spring training franchise, with
286 priority given to the shortest time period remaining on the
287 lease.

288 ~~e.5.~~ The duration of the future-use agreement with the
289 retained spring training franchise, with priority given to the
290 future-use agreement having the longest duration.

291 ~~f.6.~~ The amount of the local match, with priority given to
292 the largest percentage of local match proposed.

293 ~~g.7.~~ The net increase of total active recreation space
294 owned by the applying unit of local government following the
295 acquisition of land for the spring training facility, with
296 priority given to the largest percentage increase of total
297 active recreation space.

298 ~~h.8.~~ The location of the facility in a brownfield, an
299 enterprise zone, a community redevelopment area, or other area
300 of targeted development or revitalization included in an Urban
301 Infill Redevelopment Plan, with priority given to facilities
302 located in these areas.

303 ~~i.9.~~ The projections on paid attendance attracted by the
304 facility and the proposed effect on the economy of the local

305 community, with priority given to the highest projected paid
306 attendance.

307 2. Beginning July 1, 2005, the Office of Tourism, Trade,
308 and Economic Development shall competitively evaluate
309 applications for funding of facilities for retained spring
310 training franchises in addition to those certified and funded
311 under subparagraph 1. Applications must be submitted by October
312 1, 2005, with certifications to be made by January 1, 2006. The
313 office shall rank the applications according to selection
314 criteria, certifying no more than four proposals. The aggregate
315 funding request of all applicants certified shall not exceed
316 \$166,668 per month. The evaluation criteria shall include the
317 following, with priority given in descending order:

318 a. The intended use of the funds by the applicant for
319 acquisition or construction of a new facility.

320 b. The intended use of the funds by the applicant to
321 renovate a facility.

322 c. The length of time that a facility to be used by a
323 retained spring training franchise has been used by one or more
324 spring training franchises, with priority given to a facility
325 that has been in continuous use as a facility for spring
326 training the longest.

327 d. For those teams leasing a spring training facility from
328 a unit of local government, the remaining time on the lease for
329 facilities used by the spring training franchise, with priority
330 given to the shortest time period remaining on the lease. For
331 consideration under this subparagraph, the remaining time on the
332 lease shall not exceed 4 years.

333 e. The duration of the future-use agreement with the
334 retained spring training franchise, with priority given to the
335 future-use agreement having the longest duration.

336 f. The amount of the local match, with priority given to
337 the largest percentage of local match proposed.

338 g. The net increase of total active recreation space owned
339 by the applying unit of local government following the
340 acquisition of land for the spring training facility, with
341 priority given to the largest percentage increase of total
342 active recreation space.

343 h. The location of the facility in a brownfield area, an
344 enterprise zone, a community redevelopment area, or another area
345 of targeted development or revitalization included in an urban
346 infill redevelopment plan, with priority given to facilities
347 located in those areas.

348 i. The projections on paid attendance attracted by the
349 facility and the proposed effect on the economy of the local
350 community, with priority given to the highest projected paid
351 attendance.

352
353 Notwithstanding the provisions of this paragraph, any applicant
354 with an agreement for a retained spring training franchise for
355 15 or more years that is entered into between July 1, 2003, and
356 July 1, 2004, shall be eligible for funding and should be
357 considered as a future use agreement pursuant to this paragraph.

358 (7) (a) The Office of Tourism, Trade, and Economic
359 Development shall notify the Department of Revenue of any
360 facility certified as a facility for a new professional sports

361 franchise or a facility for a retained professional sports
 362 franchise or as a facility for a retained spring training
 363 franchise. The Office of Tourism, Trade, and Economic
 364 Development shall certify no more than nine ~~eight~~ facilities as
 365 facilities for a new professional sports franchise or as
 366 facilities for a retained professional sports franchise and
 367 ~~shall certify at least five as facilities for retained spring~~
 368 ~~training franchises~~, including in such total any facilities
 369 certified by the Department of Commerce before July 1, 1996. The
 370 number of certifications of facilities for retained spring
 371 training franchises shall be pursuant to subsection (5). The
 372 office may make no more than one certification for any facility.
 373 The office may not certify funding for less than the requested
 374 amount to any applicant certified as a facility for a retained
 375 spring training franchise.

376 (b) Certification of an applicant under this section for
 377 the eighth certification for a facility for a new professional
 378 sports franchise or for a facility for a retained professional
 379 sports franchise shall be for an applicant for which the
 380 franchise that serves as the basis of the certification is a
 381 member of the National Basketball Association, has been located
 382 within the state since 1987, and has not been previously
 383 certified. This paragraph is repealed July 1, 2010.

384 (9)(a) An applicant is not qualified for certification
 385 under this section if the franchise formed the basis for a
 386 previous certification, unless:

387 1. The previous certification was withdrawn by the
 388 facility or invalidated by the Office of Tourism, Trade, and

389 Economic Development or the Department of Commerce before any
390 funds were distributed pursuant to s. 212.20; or

391 2. The previous certification was for an applicant that
392 served as the home facility for two professional sports
393 franchises and the franchise was used as a basis for the
394 certification of a new applicant. Notwithstanding any other
395 provision of this section, the franchise continuing to use the
396 original applicant shall be deemed the franchise forming the
397 basis of the previous certification and the previous
398 certification shall continue to apply for the time period
399 permitted from the original date of certification.

400 (b) This subsection does not disqualify an applicant if
401 the previous certification occurred between May 23, 1993, and
402 May 25, 1993; however, any funds to be distributed pursuant to
403 s. 212.20 for the second certification shall be offset by the
404 amount distributed to the previous certified facility.
405 Distribution of funds for the second certification shall not be
406 made until all amounts payable for the first certification have
407 been distributed.

408 (c) Payments to a certified applicant may not extend
409 beyond the period for which the original certification was
410 issued.

411 Section 3. Notwithstanding any other provision of law, an
412 applicant that is certified after the effective date of this act
413 pursuant to s. 288.1162, Florida Statutes, by the Office of
414 Tourism, Trade, and Economic Development as a facility for a new
415 professional sports franchise or a facility for a retained
416 professional sports franchise may not receive disbursements

417 pursuant to s. 212.20(6)(d)7.b., Florida Statutes, until July 1,
418 2006.

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

421 288.1170 National Association for Stock Car Auto Racing,
422 Inc. (NASCAR) Hall of Fame facility; duties of the Office of
423 Tourism, Trade, and Economic Development.--

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

428 (2) Prior to certifying the NASCAR Hall of Fame facility,
429 the Office of Tourism, Trade, and Economic Development must
430 determine that:

431 (a) The NASCAR Hall of Fame facility would be the only
432 NASCAR Hall of Fame in the United States recognized by NASCAR,
433 Inc.

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

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

442 (d) There are existing projections that the NASCAR Hall of
443 Fame facility will attract a paid attendance of more than
444 350,000 annually.

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

451 (f) Documentation exists that demonstrates that the
452 applicant has provided, is capable of providing, or has
453 financial or other commitments to provide more than one-half of
454 the cost incurred or related to the improvement and development
455 of the facility.

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

459 (3) The applicant may use funds provided pursuant to s.
460 212.20 for the public purpose of paying for the construction,
461 reconstruction, renovation, or operation of the NASCAR Hall of
462 Fame facility, or to pay or pledge for payment of debt service
463 on, or to fund debt service reserve funds, arbitrage rebate
464 obligations, or other amounts payable with respect to, bonds
465 issued for the construction, reconstruction, or renovation of
466 the facility or for the reimbursement of such costs or the
467 refinancing of bonds issued for such purpose.

468 (4) Upon determining that an applicant will or will not be
469 certified, the Office of Tourism, Trade, and Economic
470 Development shall notify the applicant of his or her status by
471 means of an official letter. If certified, the secretary shall
472 notify the executive director of the Department of Revenue and

473 the applicant of such certification by means of an official
474 letter granting certification. From the date of such
475 certification, the applicant shall have 5 years to open the
476 NASCAR Hall of Fame facility to the public and notify the Office
477 of Tourism, Trade, and Economic Development of such opening. The
478 Department of Revenue shall not begin distributing funds until
479 30 days following notice by the Office of Tourism, Trade, and
480 Economic Development that the NASCAR Hall of Fame facility is
481 open to the public.

482 (5) The Department of Revenue may audit as provided in s.
483 213.34, to verify that the distributions under this section have
484 been expended as required by this section.

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

491 Section 5. Section 288.1171, Florida Statutes, is created
492 to read:

493 288.1171 Convention centers owned by units of local
494 government; certification as owning eligible convention centers;
495 duties.--

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

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

504 (3) As used in this section, the term "eligible convention
505 center" means a publicly owned facility having exhibition space
506 in excess of 30,000 square feet, the primary function of which
507 is to host meetings, conventions, or trade shows.

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

511 (a) The unit of local government, as defined in s.
512 218.369, owns an eligible convention center.

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

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

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

521 (5) Upon certification of an applicant, the Office of
522 Tourism, Trade, and Economic Development shall notify the
523 executive director of the Department of Revenue of such
524 certification by means of an official letter granting
525 certification. The Department of Revenue shall not begin
526 distributing proceeds until 60 days following notice by the
527 Office of Tourism, Trade, and Economic Development that a unit

528 of local government has been certified as owning an eligible
529 convention center.

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

533 (7) A unit of local government certified as owning an
534 eligible convention center may use proceeds provided pursuant to
535 s. 212.20(6)(d)7.e. solely to encourage and provide economic
536 development for the attraction, recruitment, and retention of
537 corporate headquarters and of high-technology, manufacturing,
538 research and development, entertainment, and tourism industries
539 as designated by the unit of local government by resolution of
540 its governing body, and to assist the eligible convention
541 centers to attract more business and expand their offerings,
542 including developing their own events and shows.

543 (8) The Auditor General may audit as provided in s. 11.45
544 to verify that the distributions under this section have been
545 expended as required by this section. If the Auditor General
546 determines that the distributions have not been expended as
547 required by this section, the Auditor General may pursue
548 recovery of such proceeds and the unit of local government shall
549 be further barred from receiving future distributions of
550 proceeds authorized by this section.

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

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

554 Section 6. Paragraph (eee) is added to subsection (4) of
555 section 320.08056, Florida Statutes, to read:

556 | 320.08056 Specialty license plates.--

557 | (4) The following license plate annual use fees shall be
558 | collected for the appropriate specialty license plates:

559 | (eee) NASCAR license plate, \$25.

560 | Section 7. Subsection (57) is added to section 320.08058,
561 | Florida Statutes, to read:

562 | 320.08058 Specialty license plates.--

563 | (57) NASCAR LICENSE PLATES.--

564 | (a) Upon an organization's meeting the requirements in s.
565 | 320.08053, the Department of Highway Safety and Motor Vehicles
566 | shall develop a NASCAR license plate as provided in this
567 | subsection. The word "Florida" must appear at the top of the
568 | plate. The NASCAR Hall of Fame, following consultation with
569 | NASCAR and the International Speedway Corporation, may submit a
570 | revised sample plate for consideration by the department.

571 | (b) The annual use fee shall be distributed to the
572 | Department of Revenue to offset the sales tax disbursements of
573 | \$1.2 million per year by the Department of Revenue to the NASCAR
574 | Hall of Fame, Inc., for the construction, operation, and
575 | maintenance of the NASCAR Hall of Fame in Daytona Beach. Any
576 | distribution of fees to the department in excess of the sales
577 | tax distributions shall be retained and used to offset future
578 | distributions.

579 | Section 8. The authorization of the specialty license
580 | plate as provided in this act is subject to the City of Daytona
581 | Beach's being designated as the site for the official NASCAR
582 | Hall of Fame. If that designation is not awarded to the City of

583 Daytona Beach, the authorization of the NASCAR specialty tag is
584 rescinded.

585 Section 9. Until the NASCAR Hall of Fame has been
586 certified by the Office of Tourism, Trade, and Economic
587 Development as provided in this act, the funds generated by the
588 sale of the NASCAR license plate shall be deposited with the
589 Department of Revenue and held in trust for the benefit of the
590 NASCAR Hall of Fame facility upon certification. If the NASCAR
591 Hall of Fame facility is not certified, the authorization of the
592 NASCAR specialty tag is rescinded and the funds generated by the
593 NASCAR specialty tag until this time shall be deposited into the
594 Professional Sports Development Trust Fund within the Office of
595 Tourism, Trade, and Economic Development. All funds must be used
596 to support and promote major sporting events and the uses must
597 be approved by the Florida Sports Foundation.

598 Section 10. This act shall take effect July 1, 2005,
599 except that the creation of ss. 320.08056(4)(eee) and
600 320.08058(57), Florida Statutes, by this act shall take effect
601 30 days after the City of Daytona Beach is designated as the
602 site for the official NASCAR Hall of Fame facility and
603 provisional certification is granted by the Office of Tourism,
604 Trade, and Economic Development.