

Bill No. SB 2476

Barcode 411182

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Lynn)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

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

1. In any fiscal year, the greater of \$500 million,  
minus an amount equal to 4.6 percent of the proceeds of the  
taxes collected pursuant to chapter 201, or 5 percent of all  
other taxes and fees imposed pursuant to this chapter or

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1 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be  
2 deposited in monthly installments into the General Revenue  
3 Fund.

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

7           3. After the distribution under subparagraphs 1. and  
8 2., 8.814 percent of the amount remitted by a sales tax dealer  
9 located within a participating county pursuant to s. 218.61  
10 shall be transferred into the Local Government Half-cent Sales  
11 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
12 be transferred pursuant to this subparagraph to the Local  
13 Government Half-cent Sales Tax Clearing Trust Fund shall be  
14 reduced by 0.1 percent, and the department shall distribute  
15 this amount to the Public Employees Relations Commission Trust  
16 Fund less \$5,000 each month, which shall be added to the  
17 amount calculated in subparagraph 4. and distributed  
18 accordingly.

19           4. After the distribution under subparagraphs 1., 2.,  
20 and 3., 0.095 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. After the distributions under subparagraphs 1., 2.,  
24 3., and 4., 2.0440 percent of the available proceeds pursuant  
25 to this paragraph shall be transferred monthly to the Revenue  
26 Sharing Trust Fund for Counties pursuant to s. 218.215.

27           6. After the distributions under subparagraphs 1., 2.,  
28 3., and 4., 1.3409 percent of the available proceeds pursuant  
29 to this paragraph shall be transferred monthly to the Revenue  
30 Sharing Trust Fund for Municipalities pursuant to s. 218.215.

31 If the total revenue to be distributed pursuant to this

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

14           7. Of the remaining proceeds:

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

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

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

28           c. Beginning 30 days after notice by the Office of  
 29 Tourism, Trade, and Economic Development to the Department of  
 30 Revenue that an applicant has been certified as the  
 31 professional golf hall of fame pursuant to s. 288.1168 and is

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1 open to the public, \$166,667 shall be distributed monthly, for  
2 up to 300 months, to the applicant.

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

13 e. Beginning 30 days after notice by the Office of  
14 Tourism, Trade, and Economic Development to the Department of  
15 Revenue that an applicant has been certified as the NASCAR  
16 Hall of Fame facility pursuant to s. 288.1170 and is open to  
17 the public, \$100,000 shall be distributed monthly, for up to  
18 300 months, to the applicant.

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

21 Section 2. Section 288.1170, Florida Statutes, is  
22 created to read:

23 288.1170 National Association for Stock Car Auto  
24 Racing, Inc. (NASCAR) Hall of Fame facility; duties of the  
25 Office of Tourism, Trade, and Economic Development.--

26 (1) The Office of Tourism, Trade, and Economic  
27 Development shall serve as the state entity for screening  
28 applicants for state funding pursuant to s. 212.20 and for  
29 certifying one applicant as the NASCAR Hall of Fame facility  
30 in the state.

31 (2) Prior to certifying the NASCAR Hall of Fame

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1 facility, the Office of Tourism, Trade, and Economic

2 Development must determine that:

3 (a) The NASCAR Hall of Fame facility would be the only  
4 NASCAR Hall of Fame in the United States recognized by NASCAR,  
5 Inc.

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

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

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

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

23 (f) Documentation exists which demonstrates that the  
24 applicant has provided, is capable of providing, or has  
25 financial or other commitments to provide more than one-half  
26 of the cost incurred in or related to the improvement and  
27 development of the facility.

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

31 (3) The applicant may use funds provided pursuant to

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1 s. 212.20 for the public purpose of paying for the  
 2 construction, reconstruction, renovation, or operation of the  
 3 NASCAR Hall of Fame facility, or to pay or pledge for payment  
 4 of debt service on, or to fund debt service reserve funds,  
 5 arbitrage rebate obligations, or other amounts payable with  
 6 respect to, bonds issued for the construction, reconstruction,  
 7 or renovation of the facility or for the reimbursement of such  
 8 costs or the refinancing of bonds issued for such purpose.

9       (4) Upon determining that an applicant is or is not  
 10 certifiable, the Office of Tourism, Trade, and Economic  
 11 Development shall notify the applicant of his or her status by  
 12 means of an official letter. If certifiable, the secretary  
 13 shall notify the executive director of the Department of  
 14 Revenue and the applicant of such certification by means of an  
 15 official letter granting certification. From the date of such  
 16 certification, the applicant shall have 5 years to open the  
 17 NASCAR Hall of Fame facility to the public and notify the  
 18 Office of Tourism, Trade, and Economic Development of such  
 19 opening. The Department of Revenue shall not begin  
 20 distributing funds until 30 days following notice by the  
 21 Office of Tourism, Trade, and Economic Development that the  
 22 NASCAR Hall of Fame facility is open to the public.

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

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

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1 Section 3. Paragraph (eee) is added to subsection (4)  
2 of section 320.08056, Florida Statutes, to read:

3 320.08056 Specialty license plates.--

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

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

7 Section 4. Subsection (57) is added to section  
8 320.08058, Florida Statutes, to read:

9 320.08058 Specialty license plates.--

10 (57) NASCAR LICENSE PLATES.--

11 (a) Upon an organization meeting the requirements in  
12 s. 320.08053, the Department of Highway Safety and Motor  
13 Vehicles shall develop a NASCAR license plate as provided in  
14 this subsection. The word "Florida" must appear at the top of  
15 the plate. The NASCAR Hall of Fame, following consultation  
16 with NASCAR and the International Speedway Corporation, may  
17 submit a revised sample plate for consideration by the  
18 department.

19 (b) Eighty-five percent of the annual use fee shall be  
20 distributed to the Department of Revenue up to \$1.2 million  
21 per year to offset the yearly sales tax disbursements of \$1.2  
22 million by the Department of Revenue to the NASCAR Hall of  
23 Fame, Inc., for the construction, operation, and maintenance  
24 of the NASCAR Hall of Fame in Daytona Beach. Annual use fees  
25 exceeding \$1.2 million shall be paid to the NASCAR Hall of  
26 Fame, Inc., for the operation and maintenance of the NASCAR  
27 Hall of Fame in Daytona Beach.

28 (c) Ten percent of the annual use fee shall be  
29 distributed to the Office of Tourism, Trade, and Economic  
30 Development, or to a direct-support organization, and shall be  
31 available for the purposes of advertising the sport of auto



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1 racing throughout this state.

2 (d) Five percent of the annual use fee may be used for  
3 the continuing promotion and marketing of the license plate.

4 Section 5. The authorization of the specialty license  
5 plate as provided in sections 3 and 4 of this act is subject  
6 to the City of Daytona Beach being designated as the site for  
7 the official NASCAR Hall of Fame. If that designation is not  
8 awarded to the City of Daytona Beach, the authorization of the  
9 NASCAR specialty tag is rescinded.

10 Section 6. Until the NASCAR Hall of Fame has been  
11 certified by the Office of Tourism, Trade, and Economic  
12 Development as provided in section 2 of this act, the funds  
13 generated by the sale of the NASCAR license plate shall be  
14 deposited with the Department of Revenue and held in trust for  
15 the benefit of the NASCAR Hall of Fame facility upon  
16 certification. If the NASCAR Hall of Fame facility is not  
17 certified, the funds generated by the NASCAR license plate  
18 shall be used to support the sport of auto racing in this  
19 state.

20 Section 7. This act shall take effect upon becoming a  
21 law.

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

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27

28 and insert:

29 A bill to be entitled

30 An act relating to a NASCAR Hall of Fame

31 facility; amending s. 212.20, F.S.; providing

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1 for distribution of a portion of revenues from  
2 the tax on sales, use, and other transactions  
3 to a NASCAR Hall of Fame facility; creating s.  
4 288.1170, F.S.; specifying the Office of  
5 Tourism, Trade, and Economic Development as the  
6 state entity for screening NASCAR Hall of Fame  
7 facility applicants; providing for  
8 certification of such facility by the office;  
9 providing requirements for certification and  
10 operation of the facility; providing for  
11 distribution of funds; authorizing certain uses  
12 of funds distributed to the facility; providing  
13 procedural requirements for the office;  
14 limiting distribution of funds by the  
15 Department of Revenue; providing for audits by  
16 the department; providing for periodic  
17 recertification by the office; providing  
18 requirements; providing certain advertising  
19 contribution requirements; providing for  
20 increasing such advertising contribution  
21 requirements under certain circumstances;  
22 amending ss. 320.08056 and 320.08058, F.S. ;  
23 providing for a NASCAR license plate; providing  
24 for a use fee; directing the Department of  
25 Highway Safety and Motor Vehicles to develop a  
26 NASCAR license plate; providing for the  
27 distribution and use of fees; providing an  
28 effective date.

29  
30 WHEREAS, the National Association for Stock Car Auto  
31 Racing, Inc. (NASCAR), founded in 1948, is the preeminent auto

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1 racing sanctioning body in the world, and

2           WHEREAS, the City of Daytona Beach is the recognized  
3 center of auto racing in the United States and a leading  
4 economic engine, attracting millions of race fans each year to  
5 Florida to attend racing events and to participate in related  
6 racing activities, and

7           WHEREAS, NASCAR, Inc., has recently submitted its  
8 Request For Proposals to at least four cities in the United  
9 States, including the City of Daytona Beach, to develop, fund,  
10 and maintain the NASCAR Hall of Fame, and

11           WHEREAS, the City of Daytona Beach, the County of  
12 Volusia, and the State of Florida would benefit greatly by the  
13 establishment of the NASCAR Hall of Fame in the cradle of auto  
14 racing, the City of Daytona Beach, and

15           WHEREAS, the NASCAR Hall of Fame facility would receive  
16 national and international media promotion and attention to  
17 the extent of promoting the quality of life in Florida, so as  
18 to attract national and international tourists and  
19 sports-related industry, and

20           WHEREAS, additional generated tourism has a positive  
21 impact on both the taxes and economy of the state and  
22 additional economic development enhances employment  
23 opportunities for Florida citizens as well as expanding the  
24 tax base, and

25           WHEREAS, the issuance of a NASCAR HALL OF FAME license  
26 plate would provide a means for racing fans to support the  
27 creation of the NASCAR RACING HALL OF FAME in Florida, NOW,  
28 THEREFORE,

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