

1 economic engine, attracting millions of race fans each year to
2 Florida to attend racing events and to participate in related
3 racing activities, and

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

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

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

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

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

24
25 Section 1. Paragraph (d) of subsection (6) of section
26 212.20, Florida Statutes, is amended to read:

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

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

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., 8.814 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. Beginning July 1, 2003, the amount to
19 be transferred pursuant to this subparagraph to the Local
20 Government Half-cent Sales Tax Clearing Trust Fund shall be
21 reduced by 0.1 percent, and the department shall distribute
22 this amount to the Public Employees Relations Commission Trust
23 Fund less \$5,000 each month, which shall be added to the
24 amount calculated in subparagraph 4. and distributed
25 accordingly.

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

30 5. After the distributions under subparagraphs 1., 2.,
31 3., and 4., 2.0440 percent of the available proceeds pursuant

1 to this paragraph shall be transferred monthly to the Revenue
2 Sharing Trust Fund for Counties pursuant to s. 218.215.

3 6. After the distributions under subparagraphs 1., 2.,
4 3., and 4., 1.3409 percent of the available proceeds pursuant
5 to this paragraph shall be transferred monthly to the Revenue
6 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
7 If the total revenue to be distributed pursuant to this
8 subparagraph is at least as great as the amount due 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, no municipality shall receive less than the amount
12 due from the Revenue Sharing Trust Fund for Municipalities and
13 the former Municipal Financial Assistance Trust Fund in state
14 fiscal year 1999-2000. If the total proceeds to be distributed
15 are less than the amount received in combination from the
16 Revenue Sharing Trust Fund for Municipalities and the former
17 Municipal Financial Assistance Trust Fund in state fiscal year
18 1999-2000, each municipality shall receive an amount
19 proportionate to the amount it was due in state fiscal year
20 1999-2000.

21 7. Of the remaining proceeds:

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

1 such time that the local or special law is amended or
2 repealed. The state covenants with holders of bonds or other
3 instruments of indebtedness issued by local governments,
4 special districts, or district school boards prior to July 1,
5 2000, that it is not the intent of this subparagraph to
6 adversely affect the rights of those holders or relieve local
7 governments, special districts, or district school boards of
8 the duty to meet their obligations as a result of previous
9 pledges or assignments or trusts entered into which obligated
10 funds received from the distribution to county governments
11 under then-existing s. 550.135. This distribution specifically
12 is in lieu of funds distributed under s. 550.135 prior to July
13 1, 2000.

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

1 undistributed under this section for additional renovations
2 and improvements to the facility for the franchise without
3 additional certification.

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

10 d. Beginning 30 days after notice by the Office of
11 Tourism, Trade, and Economic Development to the Department of
12 Revenue that the applicant has been certified as the
13 International Game Fish Association World Center facility
14 pursuant to s. 288.1169, and the facility is open to the
15 public, \$83,333 shall be distributed monthly, for up to 168
16 months, to the applicant. This distribution is subject to
17 reduction pursuant to s. 288.1169. A lump sum payment of
18 \$999,996 shall be made, after certification and before July 1,
19 2000.

20 e. Beginning 30 days after notice by the Office of
21 Tourism, Trade, and Economic Development to the Department of
22 Revenue that an applicant has been certified as the NASCAR
23 Hall of Fame facility pursuant to s. 288.1170 and is open to
24 the public, \$250,000 shall be distributed monthly, for up to
25 300 months, to the applicant.

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

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

30
31

1 288.1170 National Association for Stock Car Auto
2 Racing, Inc. (NASCAR) Hall of Fame facility; duties of the
3 Office of Tourism, Trade, and Economic Development.--

4 (1) The Office of Tourism, Trade, and Economic
5 Development shall serve as the state entity for screening
6 applicants for state funding pursuant to s. 212.20 and for
7 certifying one applicant as the NASCAR Hall of Fame facility
8 in the state.

9 (2) Prior to certifying the NASCAR Hall of Fame
10 facility, the Office of Tourism, Trade, and Economic
11 Development must determine that:

12 (a) The NASCAR Hall of Fame facility would be the only
13 NASCAR Hall of Fame in the United States recognized by NASCAR,
14 Inc.

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

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

23 (d) There are existing projections that the NASCAR
24 Hall of Fame facility will attract a paid attendance of more
25 than 500,000 annually.

26 (e) There is an independent analysis or study, using
27 methodology approved by the Department of Revenue, which
28 demonstrates that the amount of the revenues generated by the
29 taxes imposed under chapter 212 with respect to the use and
30 operation of the NASCAR Hall of Fame facility will equal or
31 exceed \$3 million annually.

1 (f) The applicant has submitted an agreement to
2 provide \$2 million annually in national and international
3 media promotion of the NASCAR Hall of Fame facility, this
4 state, and tourism in this state, through NASCAR, Inc., or its
5 affiliates, at the then-current commercial rate, during the
6 period of time the facility receives funds pursuant to s.
7 212.20. The Office of Tourism, Trade, and Economic Development
8 and NASCAR, Inc., or its affiliates, must agree annually on a
9 reasonable percentage of advertising specifically allocated
10 for generic advertising in this state. The Office of Tourism,
11 Trade, and Economic Development shall have final approval of
12 all such generic advertising. Failure on the part of NASCAR,
13 Inc., or its affiliates, to annually provide the advertising
14 as provided in this paragraph or subsection (6) shall result
15 in the termination of funding as provided in s. 212.20.

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

19 (3) The applicant may use funds provided pursuant to
20 s. 212.20 for the public purpose of paying for the
21 construction, reconstruction, renovation, or operation of the
22 NASCAR Hall of Fame facility, or to pay or pledge for payment
23 of debt service on, or to fund debt service reserve funds,
24 arbitrage rebate obligations, or other amounts payable with
25 respect to, bonds issued for the construction, reconstruction,
26 or renovation of the facility or for the reimbursement of such
27 costs or the refinancing of bonds issued for such purpose.

28 (4) Upon determining that an applicant is or is not
29 certifiable, the Office of Tourism, Trade, and Economic
30 Development shall notify the applicant of his or her status by
31 means of an official letter. If certifiable, the secretary

1 shall notify the executive director of the Department of
2 Revenue and the applicant of such certification by means of an
3 official letter granting certification. From the date of such
4 certification, the applicant shall have 5 years to open the
5 NASCAR Hall of Fame facility to the public and notify the
6 Office of Tourism, Trade, and Economic Development of such
7 opening. The Department of Revenue shall not begin
8 distributing funds until 30 days following notice by the
9 Office of Tourism, Trade, and Economic Development that the
10 NASCAR Hall of Fame facility is open to the public.

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

14 (6) The Office of Tourism, Trade, and Economic
15 Development must recertify every 10 years that the facility is
16 open, continues to be the only NASCAR Hall of Fame in the
17 United States recognized by NASCAR, Inc., and is meeting the
18 minimum projections for attendance or sales tax revenue as
19 required at the time of original certification. If the
20 facility is not certified as meeting the minimum projections,
21 NASCAR, Inc., shall increase its required advertising
22 contribution of \$2 million annually to \$2.5 million annually
23 in lieu of reduction of any funds as provided by s. 212.20.
24 The additional \$500,000 must be allocated in its entirety for
25 the use and promotion of generic advertising of this state as
26 determined by the Office of Tourism, Trade, and Economic
27 Development. If the facility is not open to the public or is
28 no longer in use as the only NASCAR Hall of Fame in the United
29 States recognized by NASCAR, Inc., the entire \$2.5 million for
30 advertising must be used for generic advertising in this state
31

1 as determined by the Office of Tourism, Trade, and Economic
2 Development.
3 Section 3. This act shall take effect upon becoming a
4 law.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31