

1
2 WHEREAS, the National Association for Stock Car Auto
3 Racing, Inc., (NASCAR), founded in 1948, is the preeminent
4 auto racing sanctioning body in the world, and

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

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

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

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

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

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

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

2

3 Section 1. Paragraph (d) of subsection (6) of section
4 212.20, Florida Statutes, is amended to read:

5 212.20 Funds collected, disposition; additional powers
6 of department; operational expense; refund of taxes
7 adjudicated unconstitutionally collected.--

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

10 (d) The proceeds of all other taxes and fees imposed
11 pursuant to this chapter or remitted pursuant to s.
12 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

23 3. After the distribution under subparagraphs 1. and
24 2., 8.814 percent of the amount remitted by a sales tax dealer
25 located within a participating county pursuant to s. 218.61
26 shall be transferred into the Local Government Half-cent Sales
27 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
28 be transferred pursuant to this subparagraph to the Local
29 Government Half-cent Sales Tax Clearing Trust Fund shall be
30 reduced by 0.1 percent, and the department shall distribute
31 this amount to the Public Employees Relations Commission Trust

1 Fund less \$5,000 each month, which shall be added to the
2 amount calculated in subparagraph 4. and distributed
3 accordingly.

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

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

12 6. After the distributions under subparagraphs 1., 2.,
13 3., and 4., 1.3409 percent of the available proceeds pursuant
14 to this paragraph shall be transferred monthly to the Revenue
15 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
16 If the total revenue to be distributed pursuant to this
17 subparagraph is at least as great as the amount due from the
18 Revenue Sharing Trust Fund for Municipalities and the former
19 Municipal Financial Assistance Trust Fund in state fiscal year
20 1999-2000, no municipality shall receive less than the amount
21 due from the Revenue Sharing Trust Fund for Municipalities and
22 the former Municipal Financial Assistance Trust Fund in state
23 fiscal year 1999-2000. If the total proceeds to be distributed
24 are less than the amount received in combination from the
25 Revenue Sharing Trust Fund for Municipalities and the former
26 Municipal Financial Assistance Trust Fund in state fiscal year
27 1999-2000, each municipality shall receive an amount
28 proportionate to the amount it was due in state fiscal year
29 1999-2000.

30 7. Of the remaining proceeds:
31

1 a. In each fiscal year, the sum of \$29,915,500 shall
2 be divided into as many equal parts as there are counties in
3 the state, and one part shall be distributed to each county.
4 The distribution among the several counties shall begin each
5 fiscal year on or before January 5th and shall continue
6 monthly for a total of 4 months. If a local or special law
7 required that any moneys accruing to a county in fiscal year
8 1999-2000 under the then-existing provisions of s. 550.135 be
9 paid directly to the district school board, special district,
10 or a municipal government, such payment shall continue until
11 such time that the local or special law is amended or
12 repealed. The state covenants with holders of bonds or other
13 instruments of indebtedness issued by local governments,
14 special districts, or district school boards prior to July 1,
15 2000, that it is not the intent of this subparagraph to
16 adversely affect the rights of those holders or relieve local
17 governments, special districts, or district school boards of
18 the duty to meet their obligations as a result of previous
19 pledges or assignments or trusts entered into which obligated
20 funds received from the distribution to county governments
21 under then-existing s. 550.135. This distribution specifically
22 is in lieu of funds distributed under s. 550.135 prior to July
23 1, 2000.

24 b. The department shall distribute \$166,667 monthly
25 pursuant to s. 288.1162 to each applicant that has been
26 certified as a "facility for a new professional sports
27 franchise" or a "facility for a retained professional sports
28 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
29 distributed monthly by the department to each applicant that
30 has been certified as a "facility for a retained spring
31 training franchise" pursuant to s. 288.1162; however, not more

1 | than \$208,335 may be distributed monthly in the aggregate to
2 | all certified facilities for a retained spring training
3 | franchise. Distributions shall begin 60 days following such
4 | certification and shall continue for not more than 30 years.
5 | Nothing contained in this paragraph shall be construed to
6 | allow an applicant certified pursuant to s. 288.1162 to
7 | receive more in distributions than actually expended by the
8 | applicant for the public purposes provided for in s.
9 | 288.1162(6). However, a certified applicant is entitled to
10 | receive distributions up to the maximum amount allowable and
11 | undistributed under this section for additional renovations
12 | and improvements to the facility for the franchise without
13 | additional certification.

14 | c. Beginning 30 days after notice by the Office of
15 | Tourism, Trade, and Economic Development to the Department of
16 | Revenue that an applicant has been certified as the
17 | professional golf hall of fame pursuant to s. 288.1168 and is
18 | open to the public, \$166,667 shall be distributed monthly, for
19 | up to 300 months, to the applicant.

20 | d. Beginning 30 days after notice by the Office of
21 | Tourism, Trade, and Economic Development to the Department of
22 | Revenue that the applicant has been certified as the
23 | International Game Fish Association World Center facility
24 | pursuant to s. 288.1169, and the facility is open to the
25 | public, \$83,333 shall be distributed monthly, for up to 168
26 | months, to the applicant. This distribution is subject to
27 | reduction pursuant to s. 288.1169. A lump sum payment of
28 | \$999,996 shall be made, after certification and before July 1,
29 | 2000.

30 | e. 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 NASCAR
2 Hall of Fame facility pursuant to s. 288.1170 and is open to
3 the public, \$100,000 shall be distributed monthly, for up to
4 300 months, to the applicant.

5 8. All other proceeds shall remain with the General
6 Revenue Fund.

7 Section 2. Section 288.1170, Florida Statutes, is
8 created to read:

9 288.1170 National Association for Stock Car Auto
10 Racing, Inc., (NASCAR) Hall of Fame facility; duties of the
11 Office of Tourism, Trade, and Economic Development.--

12 (1) The Office of Tourism, Trade, and Economic
13 Development shall serve as the state entity for screening
14 applicants for state funding pursuant to s. 212.20 and for
15 certifying one applicant as the NASCAR Hall of Fame facility
16 in the state.

17 (2) Prior to certifying the NASCAR Hall of Fame
18 facility, the Office of Tourism, Trade, and Economic
19 Development must determine that:

20 (a) The NASCAR Hall of Fame facility would be the only
21 NASCAR Hall of Fame in the United States recognized by NASCAR,
22 Inc.

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

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

31

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

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

10 (f) Documentation exists which demonstrates that the
11 applicant has provided, is capable of providing, or has
12 financial or other commitments to provide more than one-half
13 of the cost incurred in or related to the improvement and
14 development of the facility.

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

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

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

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

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

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

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

21 320.08056 Specialty license plates.--

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

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

25 Section 4. Subsection (57) is added to section
26 320.08058, Florida Statutes, to read:

27 320.08058 Specialty license plates.--

28 (57) NASCAR LICENSE PLATES.--

29 (a) Upon an organization meeting the requirements in
30 s. 320.08053, the Department of Highway Safety and Motor
31 Vehicles shall develop a NASCAR license plate as provided in

1 this subsection. The word "Florida" must appear at the top of
2 the plate. The NASCAR Hall of Fame, following consultation
3 with NASCAR and the International Speedway Corporation, may
4 submit a revised sample plate for consideration by the
5 department.

6 (b) The annual use fee shall be distributed to the
7 Department of Revenue to offset the sales tax disbursements of
8 \$1.2 million per year by the Department of Revenue to the
9 NASCAR Hall of Fame, Inc., for the construction, operation,
10 and maintenance of the NASCAR Hall of Fame in Daytona Beach.
11 Any distribution of fees to the department in excess of the
12 sales tax distributions shall be retained and used to offset
13 future distributions.

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

20 Section 6. Until the NASCAR Hall of Fame has been
21 certified by the Office of Tourism, Trade, and Economic
22 Development as provided in section 2 of this act, the funds
23 generated by the sale of the NASCAR license plate shall be
24 deposited with the Department of Revenue and held in trust for
25 the benefit of the NASCAR Hall of Fame facility upon
26 certification. If the NASCAR Hall of Fame facility is not
27 certified, the funds generated by the NASCAR license plate
28 shall be used to support the sport of auto racing in this
29 state.

30 Section 7. This act shall take effect upon becoming a
31 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2476

4 The committee substitute differs from the bill in that it:

- 5 - Reduces the monthly sales tax distributions, from
6 \$250,000 to \$100,000, to the NASCAR Hall of Fame facility
7 (or from \$3 million to \$1.2 million annually, and from
8 \$75 million to \$30 million in total);
- 9 - Reduces the required attendance projections from 500,000
10 to 350,000 annually;
- 11 - Reduces required sales taxes generated by the facility
12 from \$3 million to \$1.2 million, to correspond with the
13 reduction in sales tax distributions;
- 14 - Removes the requirement that the applicant for the
15 facility agree to provide \$2 million annually for
16 promotion of the facility, and an additional unspecified
17 amount approved by OTTED for generic advertising in the
18 state;
- 19 - Adds a requirement that the applicant show they have
20 provided, or are capable of providing, more than half of
21 the cost incurred in or related to the improvement and
22 development of the facility;
- 23 - Deletes provisions regarding funding increases for
24 promotion that the applicant must provide if the facility
25 is not meeting attendance projections or is not open to
26 the public;
- 27 - Creates the NASCAR specialty license plate, providing for
28 HSMV to develop the plate;
- 29 - Provides that the license plate fees collected will be
30 distributed to DOR to offset the sales tax distributions
31 of \$1.2 million; fees collected in excess of \$1.2 million
 will be retained by DOR to offset future distributions;
- Provides the authorization of the license plate is
 subject to designation of the facility, if the
 designation is not awarded to the City of Daytona Beach,
 the specialty plate will not be authorized; and
- Provides that funds generated by the license plate will
 be held in trust by DOR until the facility has been
 certified by OTTED; if the facility is not certified,
 funds generated by the plate will be used to support auto
 racing in Florida.