

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Patterson offered the following:

2  
3 **Amendment to Amendment (114533) (with title amendment)**

4 Remove lines 3593 and 3594 and insert:

5  
6 Section 64. Paragraph (d) of subsection (6) of section  
7 212.20, Florida Statutes, is amended to read:

8 212.20 Funds collected, disposition; additional powers of  
9 department; operational expense; refund of taxes adjudicated  
10 unconstitutionally collected.--

11 (6) Distribution of all proceeds under this chapter and s.  
12 202.18(1)(b) and (2)(b) shall be as follows:

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

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

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

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

25           3. After the distribution under subparagraphs 1. and 2.,  
26 8.814 percent of the amount remitted by a sales tax dealer  
27 located within a participating county pursuant to s. 218.61  
28 shall be transferred into the Local Government Half-cent Sales  
29 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
30 be transferred pursuant to this subparagraph to the Local  
31 Government Half-cent Sales Tax Clearing Trust Fund shall be  
32 reduced by 0.1 percent, and the department shall distribute this  
33 amount to the Public Employees Relations Commission Trust Fund  
34 less \$5,000 each month, which shall be added to the amount  
35 calculated in subparagraph 4. and distributed accordingly.

36           4. After the distribution under subparagraphs 1., 2., and  
37 3., 0.095 percent shall be transferred to the Local Government  
38 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
39 to s. 218.65.

40           5. After the distributions under subparagraphs 1., 2., 3.,  
41 and 4., 2.0440 percent of the available proceeds pursuant to

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

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

44 6. After the distributions under subparagraphs 1., 2., 3.,  
45 and 4., 1.3409 percent of the available proceeds pursuant to  
46 this paragraph shall be transferred monthly to the Revenue  
47 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
48 the total revenue to be distributed pursuant to this  
49 subparagraph is at least as great as the amount due from the  
50 Revenue Sharing Trust Fund for Municipalities and the former  
51 Municipal Financial Assistance Trust Fund in state fiscal year  
52 1999-2000, no municipality shall receive less than the amount  
53 due from the Revenue Sharing Trust Fund for Municipalities and  
54 the former Municipal Financial Assistance Trust Fund in state  
55 fiscal year 1999-2000. If the total proceeds to be distributed  
56 are less than the amount received in combination from the  
57 Revenue Sharing Trust Fund for Municipalities and the former  
58 Municipal Financial Assistance Trust Fund in state fiscal year  
59 1999-2000, each municipality shall receive an amount  
60 proportionate to the amount it was due in state fiscal year  
61 1999-2000.

62 7. Of the remaining proceeds:

63 a. In each fiscal year, the sum of \$29,915,500 shall be  
64 divided into as many equal parts as there are counties in the  
65 state, and one part shall be distributed to each county. The  
66 distribution among the several counties shall begin each fiscal  
67 year on or before January 5th and shall continue monthly for a  
68 total of 4 months. If a local or special law required that any

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

69 moneys accruing to a county in fiscal year 1999-2000 under the  
70 then-existing provisions of s. 550.135 be paid directly to the  
71 district school board, special district, or a municipal  
72 government, such payment shall continue until such time that the  
73 local or special law is amended or repealed. The state covenants  
74 with holders of bonds or other instruments of indebtedness  
75 issued by local governments, special districts, or district  
76 school boards prior to July 1, 2000, that it is not the intent  
77 of this subparagraph to adversely affect the rights of those  
78 holders or relieve local governments, special districts, or  
79 district school boards of the duty to meet their obligations as  
80 a result of previous pledges or assignments or trusts entered  
81 into which obligated funds received from the distribution to  
82 county governments under then-existing s. 550.135. This  
83 distribution specifically is in lieu of funds distributed under  
84 s. 550.135 prior to July 1, 2000.

85       b. The department shall distribute \$166,667 monthly  
86 pursuant to s. 288.1162 to each applicant that has been  
87 certified as a "facility for a new professional sports  
88 franchise" or a "facility for a retained professional sports  
89 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
90 distributed monthly by the department to each applicant that has  
91 been certified as a "facility for a retained spring training  
92 franchise" pursuant to s. 288.1162; however, not more than  
93 \$208,335 may be distributed monthly in the aggregate to all  
94 certified facilities for a retained spring training franchise.  
95 Distributions shall begin 60 days following such certification

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

96 and shall continue for not more than 30 years. Nothing contained  
97 in this paragraph shall be construed to allow an applicant  
98 certified pursuant to s. 288.1162 to receive more in  
99 distributions than actually expended by the applicant for the  
100 public purposes provided for in s. 288.1162(6). However, a  
101 certified applicant is entitled to receive distributions up to  
102 the maximum amount allowable and undistributed under this  
103 section for additional renovations and improvements to the  
104 facility for the franchise without additional certification.

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

111 d. Beginning 30 days after notice by the Office of  
112 Tourism, Trade, and Economic Development to the Department of  
113 Revenue that the applicant has been certified as the  
114 International Game Fish Association World Center facility  
115 pursuant to s. 288.1169, and the facility is open to the public,  
116 \$83,333 shall be distributed monthly, for up to 168 months, to  
117 the applicant. This distribution is subject to reduction  
118 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
119 made, after certification and before July 1, 2000.

120 e. Beginning 30 days after notice by the Office of  
121 Tourism, Trade, and Economic Development to the Department of  
122 Revenue that an applicant has been certified as the NASCAR Hall

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

123 of Fame facility pursuant to s. 288.1170 and is open to the  
124 public, \$100,000 shall be distributed monthly, for up to 300  
125 months, to the applicant.

126 8. All other proceeds shall remain with the General  
127 Revenue Fund.

128 Section 65. Section 288.1170, Florida Statutes, is created  
129 to read:

130 288.1170 National Association for Stock Car Auto Racing,  
131 Inc. (NASCAR) Hall of Fame facility; duties of the Office of  
132 Tourism, Trade, and Economic Development.--

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

137 (2) Prior to certifying the NASCAR Hall of Fame facility,  
138 the Office of Tourism, Trade, and Economic Development must  
139 determine that:

140 (a) The NASCAR Hall of Fame facility would be the only  
141 NASCAR Hall of Fame in the United States recognized by NASCAR,  
142 Inc.

143 (b) The applicant is a unit of local government as defined  
144 in s. 218.369 or a private sector not-for-profit group that has  
145 contracted to construct or operate the NASCAR Hall of Fame  
146 facility on land owned by a unit of local government.

147 (c) The municipality in which the NASCAR Hall of Fame  
148 facility is located, or the county if the facility is located in

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

149 an unincorporated area, has certified by resolution after a  
150 public hearing that the application serves a public purpose.

151 (d) There are existing projections that the NASCAR Hall of  
152 Fame facility will attract a paid attendance of more than  
153 350,000 annually.

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

160 (f) Documentation exists that demonstrates that the  
161 applicant has provided, is capable of providing, or has  
162 financial or other commitments to provide more than one-half of  
163 the cost incurred or related to the improvement and development  
164 of the facility.

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

168 (3) The applicant may use funds provided pursuant to s.  
169 212.20 for the public purpose of paying for the construction,  
170 reconstruction, renovation, or operation of the NASCAR Hall of  
171 Fame facility, or to pay or pledge for payment of debt service  
172 on, or to fund debt service reserve funds, arbitrage rebate  
173 obligations, or other amounts payable with respect to, bonds  
174 issued for the construction, reconstruction, or renovation of

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

175 the facility or for the reimbursement of such costs or the  
176 refinancing of bonds issued for such purpose.

177 (4) Upon determining that an applicant will or will not be  
178 certified, the Office of Tourism, Trade, and Economic  
179 Development shall notify the applicant of his or her status by  
180 means of an official letter. If certified, the secretary shall  
181 notify the executive director of the Department of Revenue and  
182 the applicant of such certification by means of an official  
183 letter granting certification. From the date of such  
184 certification, the applicant shall have 5 years to open the  
185 NASCAR Hall of Fame facility to the public and notify the Office  
186 of Tourism, Trade, and Economic Development of such opening. The  
187 Department of Revenue shall not begin distributing funds until  
188 30 days following notice by the Office of Tourism, Trade, and  
189 Economic Development that the NASCAR Hall of Fame facility is  
190 open to the public.

191 (5) The Department of Revenue may audit as provided in s.  
192 213.34, to verify that the distributions under this section have  
193 been expended as required by this section.

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

200 Section 66. Paragraph (eee) is added to subsection (4) of  
201 section 320.08056, Florida Statutes, to read:

032623

5/3/2005 9:02:48 AM



Amendment No. (for drafter's use only)

202 320.08056 Specialty license plates.--

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

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

206 Section 67. Subsection (57) is added to section 320.08058,  
207 Florida Statutes, to read:

208 320.08058 Specialty license plates.--

209 (57) NASCAR LICENSE PLATES.--

210 (a) Upon an organization's meeting the requirements in s.  
211 320.08053, the Department of Highway Safety and Motor Vehicles  
212 shall develop a NASCAR license plate as provided in this  
213 subsection. The word "Florida" must appear at the top of the  
214 plate. The NASCAR Hall of Fame, following consultation with  
215 NASCAR and the International Speedway Corporation, may submit a  
216 revised sample plate for consideration by the department.

217 (b) The annual use fee shall be distributed to the  
218 Department of Revenue to offset the sales tax disbursements of  
219 \$1.2 million per year by the Department of Revenue to the NASCAR  
220 Hall of Fame, Inc., for the construction, operation, and  
221 maintenance of the NASCAR Hall of Fame in Daytona Beach. Any  
222 distribution of fees to the department in excess of the sales  
223 tax distributions shall be retained and used to offset future  
224 distributions.

225 Section 68. The authorization of the specialty license  
226 plate as provided in this act is subject to the City of Daytona  
227 Beach's being designated as the site for the official NASCAR  
228 Hall of Fame. If that designation is not awarded to the City of

032623

5/3/2005 9:02:48 AM

Amendment No. (for drafter's use only)

229 Daytona Beach, the authorization of the NASCAR specialty tag is  
230 rescinded.

231 Section 69. Until the NASCAR Hall of Fame has been  
232 certified by the Office of Tourism, Trade, and Economic  
233 Development as provided in this act, the funds generated by the  
234 sale of the NASCAR license plate shall be deposited with the  
235 Department of Revenue and held in trust for the benefit of the  
236 NASCAR Hall of Fame facility upon certification. If the NASCAR  
237 Hall of Fame facility is not certified, the authorization of the  
238 NASCAR specialty tag is rescinded and the funds generated by the  
239 NASCAR specialty tag until this time shall be deposited into the  
240 Professional Sports Development Trust Fund within the Office of  
241 Tourism, Trade, and Economic Development. All funds must be used  
242 to support and promote major sporting events and the uses must  
243 be approved by the Florida Sports Foundation.

244 Section 70. Except as otherwise provided herein, this act  
245 shall take effect July 1, 2005, except that the creation of ss.  
246 320.08056(4)(eee) and 320.08058(57), Florida Statutes, by this  
247 act shall take effect 30 days after the City of Daytona Beach is  
248 designated as the site for the official NASCAR Hall of Fame  
249 facility and provisional certification is granted by the Office  
250 of Tourism, Trade, and Economic Development.

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252  
253 ===== T I T L E A M E N D M E N T =====

254 Remove line 3810 and insert:

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032623

Amendment No. (for drafter's use only)

256 | amending s. 212.20, F.S.; providing for distribution of a  
257 | portion of revenues from the tax on sales, use, and other  
258 | transactions to a NASCAR Hall of Fame facility; creating  
259 | s. 288.1170, F.S.; specifying the Office of Tourism,  
260 | Trade, and Economic Development as the state entity for  
261 | screening NASCAR Hall of Fame facility applicants;  
262 | providing for certification of such facility by the  
263 | office; providing requirements for certification and  
264 | operation of the facility; providing for distribution of  
265 | funds; authorizing certain uses of funds distributed to  
266 | the facility; providing procedural requirements for the  
267 | office; limiting distribution of funds by the Department  
268 | of Revenue; providing for audits by the department;  
269 | providing for periodic recertification by the office;  
270 | providing requirements; amending s. 320.08056, F.S.;  
271 | providing for a NASCAR license plate fee; amending s.  
272 | 320.08058, F.S.; providing for a NASCAR license plate;  
273 | providing for a use fee; directing the Department of  
274 | Highway Safety and Motor Vehicles to develop a NASCAR  
275 | license plate; providing for the distribution and use of  
276 | fees; providing contingent authorization to develop the  
277 | tag; providing for an alternative deposit of certain  
278 | license plate funds until certification of a NASCAR Hall  
279 | of Fame; providing for alternative uses of such funds  
280 | without certification; providing effective dates.

032623

5/3/2005 9:02:48 AM