

1                                   A bill to be entitled  
 2           An act relating to a NASCAR Hall of Fame facility;  
 3           amending s. 212.20, F.S.; providing for distribution of a  
 4           portion of revenues from the tax on sales, use, and other  
 5           transactions to a NASCAR Hall of Fame facility; creating  
 6           s. 288.1170, F.S.; specifying the Office of Tourism,  
 7           Trade, and Economic Development as the state entity for  
 8           screening NASCAR Hall of Fame facility applicants;  
 9           providing for certification of such facility by the  
 10          office; providing requirements for certification and  
 11          operation of the facility; providing for distribution of  
 12          funds; authorizing certain uses of funds distributed to  
 13          the facility; providing procedural requirements for the  
 14          office; limiting distribution of funds by the Department  
 15          of Revenue; providing for audits by the department;  
 16          providing for periodic recertification by the office;  
 17          providing requirements; providing certain advertising  
 18          contribution requirements; providing for increasing such  
 19          advertising contribution requirements under certain  
 20          circumstances; providing an effective date.

21  
 22           WHEREAS, the National Association for Stock Car Auto  
 23           Racing, Inc. (NASCAR), founded in 1948, is the preeminent auto  
 24           racing sanctioning body in the world, and

25           WHEREAS, the City of Daytona Beach is the recognized center  
 26           of auto racing in the United States and a leading economic  
 27           engine, attracting millions of race fans each year to Florida to  
 28           attend racing events and to participate in related racing

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29 activities, and

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

34 WHEREAS, the City of Daytona Beach, the County of Volusia,  
 35 and the State of Florida would benefit greatly by the  
 36 establishment of the NASCAR Hall of Fame in the cradle of auto  
 37 racing, the City of Daytona Beach, and

38 WHEREAS, the NASCAR Hall of Fame facility would receive  
 39 national and international media promotion and attention to the  
 40 extent of promoting the quality of life in Florida, so as to  
 41 attract national and international tourists and sports-related  
 42 industry, and

43 WHEREAS, additional generated tourism has a positive impact  
 44 on both the taxes and economy of the state and additional  
 45 economic development enhances employment opportunities for  
 46 Florida citizens as well as expanding the tax base, NOW  
 47 THEREFORE,

48

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

50

51 Section 1. Paragraph (d) of subsection (6) of section  
 52 212.20, Florida Statutes, is amended to read:

53 212.20 Funds collected, disposition; additional powers of  
 54 department; operational expense; refund of taxes adjudicated  
 55 unconstitutionally collected.--

56 (6) Distribution of all proceeds under this chapter and s.  
 57 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

70 3. After the distribution under subparagraphs 1. and 2.,  
 71 8.814 percent of the amount remitted by a sales tax dealer  
 72 located within a participating county pursuant to s. 218.61  
 73 shall be transferred into the Local Government Half-cent Sales  
 74 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
 75 be transferred pursuant to this subparagraph to the Local  
 76 Government Half-cent Sales Tax Clearing Trust Fund shall be  
 77 reduced by 0.1 percent, and the department shall distribute this  
 78 amount to the Public Employees Relations Commission Trust Fund  
 79 less \$5,000 each month, which shall be added to the amount  
 80 calculated in subparagraph 4. and distributed accordingly.

81 4. After the distribution under subparagraphs 1., 2., and  
 82 3., 0.095 percent shall be transferred to the Local Government

83 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 84 to s. 218.65.

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

89 6. After the distributions under subparagraphs 1., 2., 3.,  
 90 and 4., 1.3409 percent of the available proceeds pursuant to  
 91 this paragraph shall be transferred monthly to the Revenue  
 92 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
 93 the total revenue to be distributed pursuant to this  
 94 subparagraph is at least as great as the amount due from the  
 95 Revenue Sharing Trust Fund for Municipalities and the former  
 96 Municipal Financial Assistance Trust Fund in state fiscal year  
 97 1999-2000, no municipality shall receive less than the amount  
 98 due from the Revenue Sharing Trust Fund for Municipalities and  
 99 the former Municipal Financial Assistance Trust Fund in state  
 100 fiscal year 1999-2000. If the total proceeds to be distributed  
 101 are less than the amount received in combination from the  
 102 Revenue Sharing Trust Fund for Municipalities and the former  
 103 Municipal Financial Assistance Trust Fund in state fiscal year  
 104 1999-2000, each municipality shall receive an amount  
 105 proportionate to the amount it was due in state fiscal year  
 106 1999-2000.

107 7. Of the remaining proceeds:

108 a. In each fiscal year, the sum of \$29,915,500 shall be  
 109 divided into as many equal parts as there are counties in the  
 110 state, and one part shall be distributed to each county. The

111 distribution among the several counties shall begin each fiscal  
112 year on or before January 5th and shall continue monthly for a  
113 total of 4 months. If a local or special law required that any  
114 moneys accruing to a county in fiscal year 1999-2000 under the  
115 then-existing provisions of s. 550.135 be paid directly to the  
116 district school board, special district, or a municipal  
117 government, such payment shall continue until such time that the  
118 local or special law is amended or repealed. The state covenants  
119 with holders of bonds or other instruments of indebtedness  
120 issued by local governments, special districts, or district  
121 school boards prior to July 1, 2000, that it is not the intent  
122 of this subparagraph to adversely affect the rights of those  
123 holders or relieve local governments, special districts, or  
124 district school boards of the duty to meet their obligations as  
125 a result of previous pledges or assignments or trusts entered  
126 into which obligated funds received from the distribution to  
127 county governments under then-existing s. 550.135. This  
128 distribution specifically is in lieu of funds distributed under  
129 s. 550.135 prior to July 1, 2000.

130       b. The department shall distribute \$166,667 monthly  
131 pursuant to s. 288.1162 to each applicant that has been  
132 certified as a "facility for a new professional sports  
133 franchise" or a "facility for a retained professional sports  
134 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
135 distributed monthly by the department to each applicant that has  
136 been certified as a "facility for a retained spring training  
137 franchise" pursuant to s. 288.1162; however, not more than  
138 \$208,335 may be distributed monthly in the aggregate to all

139 certified facilities for a retained spring training franchise.  
 140 Distributions shall begin 60 days following such certification  
 141 and shall continue for not more than 30 years. Nothing contained  
 142 in this paragraph shall be construed to allow an applicant  
 143 certified pursuant to s. 288.1162 to receive more in  
 144 distributions than actually expended by the applicant for the  
 145 public purposes provided for in s. 288.1162(6). However, a  
 146 certified applicant is entitled to receive distributions up to  
 147 the maximum amount allowable and undistributed under this  
 148 section for additional renovations and improvements to the  
 149 facility for the franchise without additional certification.

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

156 d. Beginning 30 days after notice by the Office of  
 157 Tourism, Trade, and Economic Development to the Department of  
 158 Revenue that the applicant has been certified as the  
 159 International Game Fish Association World Center facility  
 160 pursuant to s. 288.1169, and the facility is open to the public,  
 161 \$83,333 shall be distributed monthly, for up to 168 months, to  
 162 the applicant. This distribution is subject to reduction  
 163 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be  
 164 made, after certification and before July 1, 2000.

165 e. Beginning 30 days after notice by the Office of  
 166 Tourism, Trade, and Economic Development to the Department of

167 Revenue that an applicant has been certified as the NASCAR Hall  
 168 of Fame facility pursuant to s. 288.1170 and is open to the  
 169 public, \$250,000 shall be distributed monthly, for up to 300  
 170 months, to the applicant.

171 8. All other proceeds shall remain with the General  
 172 Revenue Fund.

173 Section 2. Section 288.1170, Florida Statutes, is created  
 174 to read:

175 288.1170 National Association for Stock Car Auto Racing,  
 176 Inc. (NASCAR) Hall of Fame facility; duties of the Office of  
 177 Tourism, Trade, and Economic Development.--

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

182 (2) Prior to certifying the NASCAR Hall of Fame facility,  
 183 the Office of Tourism, Trade, and Economic Development must  
 184 determine that:

185 (a) The NASCAR Hall of Fame facility would be the only  
 186 NASCAR Hall of Fame in the United States recognized by NASCAR,  
 187 Inc.

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

192 (c) The municipality in which the NASCAR Hall of Fame  
 193 facility is located, or the county if the facility is located in  
 194 an unincorporated area, has certified by resolution after a

195 public hearing that the application serves a public purpose.

196 (d) There are existing projections that the NASCAR Hall of  
 197 Fame facility will attract a paid attendance of more than  
 198 500,000 annually.

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

205 (f) The applicant has submitted an agreement to provide \$2  
 206 million annually in national and international media promotion  
 207 of the NASCAR Hall of Fame facility, this state, and tourism in  
 208 this state, through NASCAR, Inc., or its affiliates, at the  
 209 then-current commercial rate, during the period of time the  
 210 facility receives funds pursuant to s. 212.20. The Office of  
 211 Tourism, Trade, and Economic Development and NASCAR, Inc., or  
 212 its affiliates, must agree annually on a reasonable percentage  
 213 of advertising specifically allocated for generic advertising in  
 214 this state. The Office of Tourism, Trade, and Economic  
 215 Development shall have final approval of all such generic  
 216 advertising. Failure on the part of NASCAR, Inc., or its  
 217 affiliates, to annually provide the advertising as provided in  
 218 this paragraph or subsection (6) shall result in the termination  
 219 of funding as provided in s. 212.20.

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



223       (3) The applicant may use funds provided pursuant to s.  
224 212.20 for the public purpose of paying for the construction,  
225 reconstruction, renovation, or operation of the NASCAR Hall of  
226 Fame facility, or to pay or pledge for payment of debt service  
227 on, or to fund debt service reserve funds, arbitrage rebate  
228 obligations, or other amounts payable with respect to, bonds  
229 issued for the construction, reconstruction, or renovation of  
230 the facility or for the reimbursement of such costs or the  
231 refinancing of bonds issued for such purpose.

232       (4) Upon determining that an applicant is or is not  
233 certifiable, the Office of Tourism, Trade, and Economic  
234 Development shall notify the applicant of his or her status by  
235 means of an official letter. If certifiable, the secretary shall  
236 notify the executive director of the Department of Revenue and  
237 the applicant of such certification by means of an official  
238 letter granting certification. From the date of such  
239 certification, the applicant shall have 5 years to open the  
240 NASCAR Hall of Fame facility to the public and notify the Office  
241 of Tourism, Trade, and Economic Development of such opening. The  
242 Department of Revenue shall not begin distributing funds until  
243 30 days following notice by the Office of Tourism, Trade, and  
244 Economic Development that the NASCAR Hall of Fame facility is  
245 open to the public.

246       (5) The Department of Revenue may audit as provided in s.  
247 213.34, to verify that the distributions under this section have  
248 been expended as required by this section.

249       (6) The Office of Tourism, Trade, and Economic Development  
250 must recertify every 10 years that the facility is open,

251 continues to be the only NASCAR Hall of Fame in the United  
252 States recognized by NASCAR, Inc., and is meeting the minimum  
253 projections for attendance or sales tax revenue as required at  
254 the time of original certification. If the facility is not  
255 certified as meeting the minimum projections, NASCAR, Inc.,  
256 shall increase its required advertising contribution of \$2  
257 million annually to \$2.5 million annually in lieu of reduction  
258 of any funds as provided by s. 212.20. The additional \$500,000  
259 must be allocated in its entirety for the use and promotion of  
260 generic advertising of this state as determined by the Office of  
261 Tourism, Trade, and Economic Development. If the facility is not  
262 open to the public or is no longer in use as the only NASCAR  
263 Hall of Fame in the United States recognized by NASCAR, Inc.,  
264 the entire \$2.5 million for advertising must be used for generic  
265 advertising in this state as determined by the Office of  
266 Tourism, Trade, and Economic Development.

267 Section 3. This act shall take effect upon becoming a law.