

CHAMBER ACTION

1 The Tourism Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to a NASCAR Hall of Fame facility;
7 amending s. 212.20, F.S.; providing for distribution of a
8 portion of revenues from the tax on sales, use, and other
9 transactions to a NASCAR Hall of Fame facility; creating
10 s. 288.1170, F.S.; specifying the Office of Tourism,
11 Trade, and Economic Development as the state entity for
12 screening NASCAR Hall of Fame facility applicants;
13 providing for certification of such facility by the
14 office; providing requirements for certification and
15 operation of the facility; providing for distribution of
16 funds; authorizing certain uses of funds distributed to
17 the facility; providing procedural requirements for the
18 office; limiting distribution of funds by the Department
19 of Revenue; providing for audits by the department;
20 providing for periodic recertification by the office;
21 providing requirements; amending s. 320.08056, F.S.;
22 providing for a NASCAR license plate fee; amending s.
23 320.08058, F.S.; providing for a NASCAR license plate;

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24 directing the Department of Highway Safety and Motor
25 Vehicles to develop a NASCAR license plate; providing for
26 the distribution and use of fees; providing that
27 development and issuance of the license plate is
28 contingent upon the designation of the City of Daytona
29 Beach as the site for the official NASCAR Hall of Fame
30 facility and provisional certification is granted by the
31 Office of Tourism, Trade, and Economic Development;
32 providing effective dates.

33
34 WHEREAS, the National Association for Stock Car Auto
35 Racing, Inc. (NASCAR), founded in 1948, is the preeminent auto
36 racing sanctioning body in the world, and

37 WHEREAS, the City of Daytona Beach is the recognized center
38 of auto racing in the United States and a leading economic
39 engine, attracting millions of race fans each year to Florida to
40 attend racing events and to participate in related racing
41 activities, and

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

46 WHEREAS, the City of Daytona Beach, the County of Volusia,
47 and the State of Florida would benefit greatly by the
48 establishment of the NASCAR Hall of Fame in the cradle of auto
49 racing, the City of Daytona Beach, and

50 WHEREAS, the NASCAR Hall of Fame facility would receive
51 national and international media promotion and attention to the

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52 | extent of promoting the quality of life in Florida, so as to
53 | attract national and international tourists and sports-related
54 | industry, and

55 | WHEREAS, additional generated tourism has a positive impact
56 | on both the taxes and economy of the state and additional
57 | economic development enhances employment opportunities for
58 | Florida citizens as well as expanding the tax base, and

59 | WHEREAS, the issuance of a NASCAR license plate would
60 | provide a means for racing fans to support the creation of the
61 | NASCAR Hall of Fame facility in Florida, NOW THEREFORE,

62 |
63 | Be It Enacted by the Legislature of the State of Florida:

64 |
65 | Section 1. Paragraph (d) of subsection (6) of section
66 | 212.20, Florida Statutes, is amended to read:

67 | 212.20 Funds collected, disposition; additional powers of
68 | department; operational expense; refund of taxes adjudicated
69 | unconstitutionally collected.--

70 | (6) Distribution of all proceeds under this chapter and s.
71 | 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

81 | 2. Two-tenths of one percent shall be transferred to the
82 | Ecosystem Management and Restoration Trust Fund to be used for
83 | water quality improvement and water restoration projects.

84 | 3. After the distribution under subparagraphs 1. and 2.,
85 | 8.814 percent of the amount remitted by a sales tax dealer
86 | located within a participating county pursuant to s. 218.61
87 | shall be transferred into the Local Government Half-cent Sales
88 | Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
89 | be transferred pursuant to this subparagraph to the Local
90 | Government Half-cent Sales Tax Clearing Trust Fund shall be
91 | reduced by 0.1 percent, and the department shall distribute this
92 | amount to the Public Employees Relations Commission Trust Fund
93 | less \$5,000 each month, which shall be added to the amount
94 | calculated in subparagraph 4. and distributed accordingly.

95 | 4. After the distribution under subparagraphs 1., 2., and
96 | 3., 0.095 percent shall be transferred to the Local Government
97 | Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
98 | to s. 218.65.

99 | 5. After the distributions under subparagraphs 1., 2., 3.,
100 | and 4., 2.0440 percent of the available proceeds pursuant to
101 | this paragraph shall be transferred monthly to the Revenue
102 | Sharing Trust Fund for Counties pursuant to s. 218.215.

103 | 6. After the distributions under subparagraphs 1., 2., 3.,
104 | and 4., 1.3409 percent of the available proceeds pursuant to
105 | this paragraph shall be transferred monthly to the Revenue
106 | Sharing Trust Fund for Municipalities pursuant to s. 218.215. If

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107 | the total revenue to be distributed pursuant to this
 108 | subparagraph is at least as great as the amount due from the
 109 | Revenue Sharing Trust Fund for Municipalities and the former
 110 | Municipal Financial Assistance Trust Fund in state fiscal year
 111 | 1999-2000, no municipality shall receive less than the amount
 112 | due from the Revenue Sharing Trust Fund for Municipalities and
 113 | the former Municipal Financial Assistance Trust Fund in state
 114 | fiscal year 1999-2000. If the total proceeds to be distributed
 115 | are less than the amount received in combination from the
 116 | Revenue Sharing Trust Fund for Municipalities and the former
 117 | Municipal Financial Assistance Trust Fund in state fiscal year
 118 | 1999-2000, each municipality shall receive an amount
 119 | proportionate to the amount it was due in state fiscal year
 120 | 1999-2000.

121 | 7. Of the remaining proceeds:

122 | a. In each fiscal year, the sum of \$29,915,500 shall be
 123 | divided into as many equal parts as there are counties in the
 124 | state, and one part shall be distributed to each county. The
 125 | distribution among the several counties shall begin each fiscal
 126 | year on or before January 5th and shall continue monthly for a
 127 | total of 4 months. If a local or special law required that any
 128 | moneys accruing to a county in fiscal year 1999-2000 under the
 129 | then-existing provisions of s. 550.135 be paid directly to the
 130 | district school board, special district, or a municipal
 131 | government, such payment shall continue until such time that the
 132 | local or special law is amended or repealed. The state covenants
 133 | with holders of bonds or other instruments of indebtedness
 134 | issued by local governments, special districts, or district

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135 school boards prior to July 1, 2000, that it is not the intent
136 of this subparagraph to adversely affect the rights of those
137 holders or relieve local governments, special districts, or
138 district school boards of the duty to meet their obligations as
139 a result of previous pledges or assignments or trusts entered
140 into which obligated funds received from the distribution to
141 county governments under then-existing s. 550.135. This
142 distribution specifically is in lieu of funds distributed under
143 s. 550.135 prior to July 1, 2000.

144 b. The department shall distribute \$166,667 monthly
145 pursuant to s. 288.1162 to each applicant that has been
146 certified as a "facility for a new professional sports
147 franchise" or a "facility for a retained professional sports
148 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
149 distributed monthly by the department to each applicant that has
150 been certified as a "facility for a retained spring training
151 franchise" pursuant to s. 288.1162; however, not more than
152 \$208,335 may be distributed monthly in the aggregate to all
153 certified facilities for a retained spring training franchise.
154 Distributions shall begin 60 days following such certification
155 and shall continue for not more than 30 years. Nothing contained
156 in this paragraph shall be construed to allow an applicant
157 certified pursuant to s. 288.1162 to receive more in
158 distributions than actually expended by the applicant for the
159 public purposes provided for in s. 288.1162(6). However, a
160 certified applicant is entitled to receive distributions up to
161 the maximum amount allowable and undistributed under this

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162 section for additional renovations and improvements to the
163 facility for the franchise without additional certification.

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

170 d. Beginning 30 days after notice by the Office of
171 Tourism, Trade, and Economic Development to the Department of
172 Revenue that the applicant has been certified as the
173 International Game Fish Association World Center facility
174 pursuant to s. 288.1169, and the facility is open to the public,
175 \$83,333 shall be distributed monthly, for up to 168 months, to
176 the applicant. This distribution is subject to reduction
177 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
178 made, after certification and before July 1, 2000.

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

185 8. All other proceeds shall remain with the General
186 Revenue Fund.

187 Section 2. Section 288.1170, Florida Statutes, is created
188 to read:

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189 288.1170 National Association for Stock Car Auto Racing,
 190 Inc. (NASCAR) Hall of Fame facility; duties of the Office of
 191 Tourism, Trade, and Economic Development.--

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

196 (2) Prior to certifying the NASCAR Hall of Fame facility,
 197 the Office of Tourism, Trade, and Economic Development must
 198 determine that:

199 (a) The NASCAR Hall of Fame facility would be the only
 200 NASCAR Hall of Fame in the United States recognized by NASCAR,
 201 Inc.

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

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

210 (d) There are existing projections that the NASCAR Hall of
 211 Fame facility will attract a paid attendance of more than
 212 350,000 annually.

213 (e) There is an independent analysis or study, using
 214 methodology approved by the Office of Tourism, Trade, and
 215 Economic Development, which demonstrates that the amount of the
 216 revenues generated by the taxes imposed under chapter 212 with

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217 respect to the use and operation of the NASCAR Hall of Fame
 218 facility will equal or exceed \$1.2 million annually.

219 (f) Documentation exists that demonstrates that the
 220 applicant has provided, is capable of providing, or has
 221 financial or other commitments to provide more than one-half of
 222 the cost incurred or related to the improvement and development
 223 of the facility.

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

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

236 (4) Upon determining that an applicant will or will not be
 237 certified, the Office of Tourism, Trade, and Economic
 238 Development shall notify the applicant of his or her status by
 239 means of an official letter. If certified, the secretary shall
 240 notify the executive director of the Department of Revenue and
 241 the applicant of such certification by means of an official
 242 letter granting certification. From the date of such
 243 certification, the applicant shall have 5 years to open the
 244 NASCAR Hall of Fame facility to the public and notify the Office

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245 of Tourism, Trade, and Economic Development of such opening. The
 246 Department of Revenue shall not begin distributing funds until
 247 30 days following notice by the Office of Tourism, Trade, and
 248 Economic Development that the NASCAR Hall of Fame facility is
 249 open to the public.

250 (5) The Department of Revenue may audit as provided in s.
 251 213.34, to verify that the distributions under this section have
 252 been expended as required by this section.

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

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

261 320.08056 Specialty license plates.--

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

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

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

267 320.08058 Specialty license plates.--

268 (57) NASCAR LICENSE PLATES.--

269 (a) Notwithstanding the provisions of s. 320.08053, the
 270 Department of Highway Safety and Motor Vehicles shall develop a
 271 NASCAR license plate as provided in this section. The word
 272 "Florida" must appear at the top of the plate. The NASCAR Hall

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273 of Fame, after consultation with NASCAR, Inc., and the
274 International Speedway Corporation, may submit a sample plate
275 for consideration by the department. An application fee not to
276 exceed \$60,000 as determined and charged by the Department of
277 Highway Safety and Motor Vehicles to defray the department cost
278 of developing the specialty license plate shall be paid to the
279 department by the applicant for the NASCAR Hall of Fame
280 facility.

281 (b) Eighty-five percent of the annual use fee shall be
282 distributed from the Department of Highway Safety and Motor
283 Vehicles to the Florida Department of Revenue for an amount up
284 to \$1.2 million per year to be distributed as provided in s.
285 212.20(6)(d), to offset the monthly tax disbursements for the
286 construction, reconstruction, renovation, or operation of the
287 NASCAR Hall of Fame facility in Daytona Beach, Florida. Annual
288 use fees exceeding \$1.2 million annually shall be distributed
289 from the Department of Highway Safety and Motor Vehicles to a
290 Florida not-for-profit entity organized for the purpose of
291 operating and maintaining the NASCAR Hall of Fame facility and
292 such not-for-profit entity shall use revenues for operation,
293 maintenance, and capital improvement to the NASCAR Hall of Fame
294 facility.

295 (c) Ten percent of the annual use fee shall be distributed
296 by the Department of Highway Safety and Motor Vehicles to
297 NASCAR, Inc., for the purpose of advertising stock car auto
298 racing in this state. Fifteen percent of these advertising funds
299 shall be distributed for the purpose of generic advertising for
300 Florida tourism. Funds under this paragraph shall be distributed

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301 in accordance with provisional and final certification as
 302 determined by the Office of Tourism, Trade, and Economic
 303 Development.

304 (d) Five percent of the annual use fee shall be
 305 distributed by the Department of Highway Safety and Motor
 306 Vehicles to NASCAR, Inc., for licensing, royalties, and
 307 distribution to a Florida-based children's charity and
 308 designated by NASCAR, Inc., that is approved by the Office of
 309 Tourism Trade, and Economic Development.

310 Section 5. This act shall take effect upon becoming a law,
 311 except that the creation of ss. 320.08056(4)(eee) and
 312 320.08058(57), Florida Statutes, by this act shall take effect
 313 30 days after the City of Daytona Beach is designated as the
 314 site for the official NASCAR Hall of Fame facility and
 315 provisional certification is granted by the Office of Tourism,
 316 Trade, and Economic Development.