

Bill No. CS for SB 1886

Barcode 534398

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Fasano moved the following **substitute for amendment**
(023838):

Senate Amendment (with title amendment)

On page 9, between lines 14 and 15,

insert:

Section 3. Subsection (2) of section 218.61, Florida
Statutes, is amended to read:

218.61 Local government half-cent sales tax;
designated proceeds; trust fund.--

(2) Money remitted by a sales tax dealer located
within the county and transferred into the Local Government
Half-cent Sales Tax Clearing Trust Fund shall be earmarked for
distribution to the governing body of that county and of each
municipality within that county. Such distributions shall be
made after funding is provided pursuant to s. 218.64(3), if
applicable. Such moneys shall be known as the "local
government half-cent sales tax."

Section 4. Present subsection (3) of section 218.64,
Florida Statutes, is redesignated as subsection (4), and a new

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1 subsection (3) is added to that section, to read:

2 218.64 Local government half-cent sales tax; uses;
3 limitations.--

4 (3) Subject to ordinances enacted by the majority of
5 the members of the county governing authority and by the
6 majority of the members of the governing authorities of
7 municipalities representing at least 50 percent of the
8 municipal population of such county, counties may use up to \$2
9 million annually of the local government half-cent sales tax
10 allocated to that county for funding for any of the following
11 applicants:

12 (a) A certified applicant as a "facility for a new
13 professional sports franchise," a "facility for a retained
14 professional sports franchise," or a "facility for a retained
15 spring training franchise," as provided for in s. 288.1162. It
16 is the Legislature's intent that the provisions of s.
17 288.1162, including, but not limited to, the evaluation
18 process by the Office of Tourism, Trade, and Economic
19 Development except for the limitation on the number of
20 certified applicants or facilities as provided in that section
21 and the restrictions set forth in s. 288.1162(9), shall apply
22 to an applicant's facility to be funded by local government as
23 provided in this subsection.

24 (b) A certified applicant as a "motorsport
25 entertainment complex," as provided for in s. 288.1172.
26 Funding for each franchise, convention center, or motorsport
27 complex shall begin 60 days after certification and shall
28 continue for not more than 30 years.

29 Section 5. Section 288.1171, Florida Statutes, is
30 created to read:

31 288.1171 Motorsports entertainment complex;

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1 definitions; certification; duties.--

2 (1) As used in this section, the term:

3 (a) "Applicant" means the owner of a motorsports
4 entertainment complex.

5 (b) "Motorsports entertainment complex" means a
6 closed-course racing facility.

7 (c) "Motorsports event" means a motorsports race that
8 has been sanctioned by a sanctioning body.

9 (d) "Office" means the Office of Tourism, Trade, and
10 Economic Development of the Executive Office of the Governor.

11 (e) "Owner" means a unit of local government which
12 owns a motorsports entertainment complex or owns the land on
13 which the motorsports entertainment complex is located.

14 (f) "Sanctioning body" means the American Motorcycle
15 Association (AMA), Championship Auto Racing Teams (CART),
16 Grand American Road Racing Association (Grand Am), Indy Racing
17 League (IRL), National Association for Stock Car Auto Racing
18 (NASCAR), National Hot Rod Association (NHRA), Professional
19 Sportscar Racing (PSR), Sports Car Club of America (SCCA),
20 United States Auto Club (USAC), or any successor organization,
21 or any other nationally recognized governing body of
22 motorsports which establishes an annual schedule of
23 motorsports events and grants rights to conduct such events,
24 has established and administers rules and regulations
25 governing all participants involved in such events and all
26 persons conducting such events, and requires certain liability
27 assurances, including insurance.

28 (g) "Unit of local government" has the meaning
29 ascribed in s. 218.369.

30 (2) The Office of Tourism, Trade, and Economic
31 Development shall serve as the state agency for screening

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1 applicants for local-option funding under s. 218.64(3) and for
 2 certifying an applicant as a motorsports entertainment
 3 complex. The office shall develop and adopt rules for the
 4 receipt and processing of applications for funding under s.
 5 218.64(3). The office shall make a determination regarding any
 6 application filed by an applicant not later than 120 days
 7 after the application is filed.

8 (3) Before certifying an applicant as a motorsports
 9 entertainment complex, the office must determine that:

10 (a) A unit of local government holds title to the land
 11 on which the motorsports entertainment complex is located or
 12 holds title to the motorsports entertainment complex.

13 (b) The municipality in which the motorsports
 14 entertainment complex is located, or the county if the
 15 motorsports entertainment complex is located in an
 16 unincorporated area, has certified by resolution after a
 17 public hearing that the application serves a public purpose.

18 (4) Upon determining that an applicant meets the
 19 requirements of subsection (3), the office shall notify the
 20 applicant and the executive director of the Department of
 21 Revenue of such certification by means of an official letter
 22 granting certification. If the applicant fails to meet the
 23 certification requirements of subsection (3), the office shall
 24 notify the applicant not later than 10 days following such
 25 determination.

26 (5) A motorsports entertainment complex that has been
 27 previously certified under this section and has received
 28 funding under such certification is ineligible for any
 29 additional certification.

30 (6) An applicant certified as a motorsports
 31 entertainment complex may use funds provided pursuant to s.

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1 218.64(3) only for the following public purposes:

2 (a) Paying for the construction, reconstruction,
3 expansion, or renovation of a motorsports entertainment
4 complex.

5 (b) Paying debt service reserve funds, arbitrage
6 rebate obligations, or other amounts payable with respect to
7 bonds issued for the construction, reconstruction, expansion,
8 or renovation of the motorsports entertainment complex or for
9 the reimbursement of such costs or the refinancing of bonds
10 issued for such purposes.

11 (c) Paying for construction, reconstruction,
12 expansion, or renovation of transportation or other
13 infrastructure improvements related to, necessary for, or
14 appurtenant to the motorsports entertainment complex,
15 including, without limitation, paying debt service reserve
16 funds, arbitrage rebate obligations, or other amounts payable
17 with respect to bonds issued for the construction,
18 reconstruction, expansion, or renovation of such
19 transportation or other infrastructure improvements, and for
20 the reimbursement of such costs or the refinancing of bonds
21 issued for such purposes.

22 (d) Paying for programs of advertising and promotion
23 of or related to the motorsports entertainment complex or the
24 municipality in which the motorsports entertainment complex is
25 located, or the county if the motorsports entertainment
26 complex is located in an unincorporated area, if such programs
27 of advertising and promotion are designed to increase paid
28 attendance at the motorsports entertainment complex or
29 increase tourism in or promote the economic development of the
30 community in which the motorsports entertainment complex is
31 located.

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1 (7) The Department of Revenue may audit, as provided
2 in s. 213.34, to verify that the distributions pursuant to
3 this section have been expended as required in this section.
4 Such information is subject to the confidentiality
5 requirements of chapter 213. If the Department of Revenue
6 determines that the distributions pursuant to certification
7 under this section have not been expended as required by this
8 section, it may pursue recovery of such funds pursuant to the
9 laws and rules governing the assessment of taxes.

10

11 (Redesignate subsequent sections.)

12

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 16, after the semicolon,

17

18 insert:

19 amending s. 218.61, F.S.; providing that
20 distributions of the local government half-cent
21 sales tax to the governing body of a county and
22 of each municipality be made after funding is
23 provided pursuant to s. 218.64(3), F.S., if
24 applicable; amending s. 218.64, F.S.;

25 authorizing counties and certain municipalities
26 within such counties to use up to \$2 million
27 annually from local government half-cent sales
28 tax distributions for funding for a certified
29 facility for a new professional sports
30 franchise, a facility for a retained
31 professional sports franchise, a facility for a

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1 retained spring training franchise, or a
2 motorsports entertainment complex; creating s.
3 288.1171, F.S.; providing for the certification
4 of motorsports entertainment complexes by the
5 Office of Tourism, Trade, and Economic
6 Development of the Executive Office of the
7 Governor; providing definitions; providing
8 requirements for certification; requiring
9 specified notice; providing for use of the
10 funds distributed to a motorsports
11 entertainment complex; providing for audits by
12 the Department of Revenue;

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