

Bill No. HB 7089

Barcode 624416

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

Between lines 246 and 247,

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

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1 218.64 Local government half-cent sales tax; uses;
2 limitations.--

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

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

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

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

30 288.1171 Motorsports entertainment complex;
31 definitions; certification; duties.--

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

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

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

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

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

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

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

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

29 (2) The Office of Tourism, Trade, and Economic
30 Development shall serve as the state agency for screening
31 applicants for local-option funding under s. 218.64(3) and for

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

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

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

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

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

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

29 (6) An applicant certified as a motorsports
 30 entertainment complex may use funds provided pursuant to s.
 31 218.64(3) only for the following public purposes:

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

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

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

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

31 (7) The Department of Revenue may audit, as provided

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

9
 10 (Redesignate subsequent sections.)
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 12

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

14 And the title is amended as follows:

15 On line 13, after the semicolon,
 16
 17 insert:

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

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

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

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