

By Senator Bullard

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1 A bill to be entitled

2 An act relating to motorsports entertainment complexes;  
3 amending s. 212.20, F.S.; requiring that a specified sum  
4 be distributed monthly to an applicant for certification  
5 as a motorsports entertainment complex, beginning a  
6 specified period after certification; limiting the total  
7 distribution for each fiscal year; providing that  
8 distributions continue for a specified period; creating s.  
9 288.1170, F.S.; defining terms; requiring that the Office  
10 of Tourism, Trade, and Economic Development screen  
11 applicants for state funding and certify applicants as  
12 motorsports entertainment complexes; requiring that the  
13 office adopt rules; requiring that the office make certain  
14 findings before certifying an applicant; requiring that  
15 the office make a final determination regarding an  
16 application for certification within a specified period;  
17 requiring that the office certify an applicant if the  
18 applicant meets all requirement for certification;  
19 providing for notice of certification; requiring that the  
20 office notify an applicant within a specified period if  
21 the applicant does not meet certification requirements;  
22 providing that certain complexes are not eligible for  
23 additional certification; restricting the use of  
24 distributed funds by certified complexes to certain  
25 purposes; authorizing the Department of Revenue to perform  
26 an audit for certain purposes; providing guidelines for  
27 such audits; authorizing the department to seek recovery  
28 of such funds under certain circumstances; providing an  
29 effective date.

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30  
31 WHEREAS, the Legislature finds that Florida has long been  
32 the preeminent site in the nation for motorsports racing, and

33 WHEREAS, motorsports racing has been a major tourist  
34 attraction in Florida for nearly 100 years, and

35 WHEREAS, motorsports entertainment is the fastest-growing  
36 sports industry in the United States, and

37 WHEREAS, as a result of the increased popularity of  
38 motorsports racing, many new motorsports facilities are being  
39 constructed in other states, and

40 WHEREAS, to continue to attract spectators to sanctioned  
41 championship motorsports events, the owner or operator of a  
42 motorsports entertainment complex must build additional spectator  
43 seating and renovate existing facilities to improve the amenities  
44 available to spectators, and

45 WHEREAS, attracting, retaining, and providing favorable  
46 conditions for conducting sanctioned championship motorsports  
47 events and the continued development of the motorsports  
48 entertainment industry in Florida provides skilled-employment  
49 opportunities for residents of this state, and

50 WHEREAS, continued development and improvement of Florida's  
51 motorsports entertainment industry is vital to Florida's tourism  
52 industry and to state revenues, and

53 WHEREAS, the motorsports entertainment industry is a major  
54 contributor to Florida's economic development because of the  
55 technology and service businesses that provide goods and services  
56 to the industry, and

57 WHEREAS, the provisions of this act are necessary to protect  
58 and strengthen Florida's motorsports entertainment industry, and

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59 | the purposes to be achieved by this act are public purposes vital  
60 | to the protection and improvement of Florida's economy, NOW,  
61 | 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  
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 shall  
87 | be transferred into the Local Government Half-cent Sales Tax

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88 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
89 transferred pursuant to this subparagraph to the Local Government  
90 Half-cent Sales Tax Clearing Trust Fund shall be reduced by 0.1  
91 percent, and the department shall distribute this amount to the  
92 Public Employees Relations Commission Trust Fund less \$5,000 each  
93 month, which shall be added to the amount calculated in  
94 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 this  
101 paragraph shall be transferred monthly to the Revenue Sharing  
102 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 this  
105 paragraph shall be transferred monthly to the Revenue Sharing  
106 Trust Fund for Municipalities pursuant to s. 218.215. If the  
107 total revenue to be distributed pursuant to this subparagraph is  
108 at least as great as the amount due from the Revenue Sharing  
109 Trust Fund for Municipalities and the former Municipal Financial  
110 Assistance Trust Fund in state fiscal year 1999-2000, no  
111 municipality shall receive less than the amount due from the  
112 Revenue Sharing Trust Fund for Municipalities and the former  
113 Municipal Financial Assistance Trust Fund in state fiscal year  
114 1999-2000. If the total proceeds to be distributed are less than  
115 the amount received in combination from the Revenue Sharing Trust  
116 Fund for Municipalities and the former Municipal Financial

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117 Assistance Trust Fund in state fiscal year 1999-2000, each  
118 municipality shall receive an amount proportionate to the amount  
119 it was due in state fiscal year 1999-2000.

120 7. Of the remaining proceeds:

121 a. In each fiscal year, the sum of \$29,915,500 shall be  
122 divided into as many equal parts as there are counties in the  
123 state, and one part shall be distributed to each county. The  
124 distribution among the several counties shall begin each fiscal  
125 year on or before January 5th and shall continue monthly for a  
126 total of 4 months. If a local or special law required that any  
127 moneys accruing to a county in fiscal year 1999-2000 under the  
128 then-existing provisions of s. 550.135 be paid directly to the  
129 district school board, special district, or a municipal  
130 government, such payment shall continue until such time that the  
131 local or special law is amended or repealed. The state covenants  
132 with holders of bonds or other instruments of indebtedness issued  
133 by local governments, special districts, or district school  
134 boards prior to July 1, 2000, that it is not the intent of this  
135 subparagraph to adversely affect the rights of those holders or  
136 relieve local governments, special districts, or district school  
137 boards of the duty to meet their obligations as a result of  
138 previous pledges or assignments or trusts entered into which  
139 obligated funds received from the distribution to county  
140 governments under then-existing s. 550.135. This distribution  
141 specifically is in lieu of funds distributed under s. 550.135  
142 prior to July 1, 2000.

143 b. The department shall distribute \$166,667 monthly  
144 pursuant to s. 288.1162 to each applicant that has been certified  
145 as a "facility for a new professional sports franchise" or a

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146 "facility for a retained professional sports franchise" pursuant  
147 to s. 288.1162. Up to \$41,667 shall be distributed monthly by the  
148 department to each applicant that has been certified as a  
149 "facility for a retained spring training franchise" pursuant to  
150 s. 288.1162; however, not more than \$416,670 may be distributed  
151 monthly in the aggregate to all certified facilities for a  
152 retained spring training franchise. Distributions shall begin 60  
153 days following such certification and shall continue for not more  
154 than 30 years. Nothing contained in this paragraph shall be  
155 construed to allow an applicant certified pursuant to s. 288.1162  
156 to receive more in distributions than actually expended by the  
157 applicant for the public purposes provided for in s. 288.1162(6).

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

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

173 e. Beginning 30 days after the date on which notice is  
174 issued by the Office of Tourism, Trade, and Economic Development

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175 to the Department of Revenue that an applicant has been certified  
176 as a motorsports entertainment complex pursuant to s. 288.1170  
177 and is open to the public, an amount not to exceed \$166,667 shall  
178 be distributed monthly to the applicant. However, each state  
179 fiscal year's total distribution made pursuant to this sub-  
180 subparagraph may not exceed the difference between the state  
181 sales taxes collected and remitted pursuant to this chapter by  
182 the certified applicant in the previous calendar year and state  
183 sales taxes collected and remitted pursuant to this chapter by  
184 the certified applicant in calendar year 2000. Distributions  
185 shall continue for 30 years.

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

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

190 288.1170 Motorsports entertainment complex; definitions;  
191 certification; duties.--

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

193 (a) "Applicant" means the owner of a motorsports  
194 entertainment complex.

195 (b) "Motorsports entertainment complex" means a closed-  
196 course racing facility, with ancillary grounds and facilities,  
197 that:

198 1. Has no fewer than 65,000 permanent seats for race  
199 patrons;

200 2. Has no less than 7 scheduled days of motorsports events  
201 each calendar year;

202 3. Has paid admissions of at least 125,000 annually;

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203       4. Serves food at the facility during sanctioned  
204 motorsports events; and

205       5. Engages in tourism promotion.

206       (c) "Motorsports event" means a motorsports race and its  
207 ancillary activities which have been sanctioned by a sanctioning  
208 body.

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

211       (e) "Owner" means a unit of local government that owns a  
212 motorsports entertainment complex or owns the land on which the  
213 motorsports entertainment complex is located.

214       (f) "Sanctioning body" means the American Motorcyclist  
215 Association (AMA), Championship Auto Racing Teams (CART), Grand  
216 American Road Racing Association (Grand-Am), Indy Racing League  
217 (IRL), National Association for Stock Car Auto Racing (NASCAR),  
218 National Hot Rod Association (NHRA), Professional Sports Car  
219 Racing (PSCR), Sports Car Club of America (SCCA), United States  
220 Auto Club (USAC), any successor organization, or any other  
221 nationally recognized governing body of motorsports that  
222 establishes an annual schedule of motorsports events and grants  
223 rights to conduct such events, has established and administers  
224 rules and regulations governing all participants involved in such  
225 events and all persons conducting such events, and requires  
226 certain liability assurances, including insurance.

227       (g) "Unit of local government" has the same meaning as  
228 provided in s. 218.369.

229       (2) The office shall screen applicants for state funding  
230 pursuant to s. 212.20 and certify applicants as motorsports  
231 entertainment complexes. The office shall develop and adopt rules



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232 for the receipt and processing of applications for funding  
233 pursuant to s. 212.20. The office shall make a determination  
234 regarding any application filed by an applicant no later than 120  
235 days after the date on which the application is filed.

236 (3) Before certifying an applicant as a motorsports  
237 entertainment complex, the office must find that:

238 (a) A unit of local government holds title to the land on  
239 which the motorsports entertainment complex is located or holds  
240 title to the motorsports entertainment complex.

241 (b) Seven scheduled days of motorsports events were held at  
242 the motorsports entertainment complex in the most recently  
243 completed calendar year or 7 scheduled days of motorsports events  
244 are scheduled to be held at the motorsports entertainment complex  
245 in the calendar year that begins after the submission of the  
246 application. The applicant shall submit certifications from the  
247 appropriate officials of the relevant sanctioning bodies that  
248 such sanctioned motorsports events were or will be held at the  
249 motorsports entertainment complex.

250 (c) The applicant is able to provide a certification by a  
251 nationally recognized, independent certified public accounting  
252 firm that the motorsports entertainment complex will attract paid  
253 attendance of at least 125,000 annually, or in the most recently  
254 completed calendar year has attracted paid attendance of at least  
255 125,000.

256 (d) The applicant is able to provide a certification by a  
257 nationally recognized, independent certified public accounting  
258 firm that the amount of the revenues generated by the taxes  
259 imposed under chapter 212 with respect to the use and operation

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260 of the motorsports entertainment complex will equal or exceed \$1  
261 million annually.

262 (e) The municipality in which the motorsports entertainment  
263 complex is located, or the county in which the motorsports  
264 entertainment complex is located if such complex is located in an  
265 unincorporated area, has certified by resolution after a public  
266 hearing that certification of the application serves a public  
267 purpose.

268 (f) The motorsports entertainment complex is located in a  
269 county as defined in s. 125.011(1).

270 (4) Upon determining that an applicant meets the  
271 requirements of subsection (3), the office shall certify the  
272 applicant as a motorsports entertainment complex and shall notify  
273 the applicant and the executive director of the Department of  
274 Revenue of such certification by means of an official letter  
275 granting certification. If the applicant fails to meet the  
276 certification requirements of subsection (3), the office shall  
277 notify the applicant no later than 10 days after the date on  
278 which such determination is made.

279 (5) A motorsports entertainment complex that has been  
280 previously certified under this section and has received funding  
281 under such certification is not eligible for any additional  
282 certification.

283 (6) An applicant certified as a motorsports entertainment  
284 complex may use funds provided pursuant to s. 212.20 only for the  
285 following public purposes:

286 (a) Paying for the construction, reconstruction, expansion,  
287 or renovation of a motorsports entertainment complex.

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288       (b) Paying debt service reserve funds, arbitrage rebate  
289 obligations, or other amounts payable with respect to bonds  
290 issued for the construction, reconstruction, expansion, or  
291 renovation of the motorsports entertainment complex or for the  
292 reimbursement of such costs or the refinancing of bonds issued  
293 for such purposes.

294       (c) Paying for construction, reconstruction, expansion, or  
295 renovation of transportation or other infrastructure improvements  
296 related to, necessary for, or appurtenant to the motorsports  
297 entertainment complex, including, but not limited to, paying debt  
298 service reserve funds, arbitrage rebate obligations, or other  
299 amounts payable with respect to bonds issued for the  
300 construction, reconstruction, expansion, or renovation of such  
301 transportation or other infrastructure improvements, and for the  
302 reimbursement of such costs or the refinancing of bonds issued  
303 for such purposes.

304       (d) Paying for programs of advertising and promotion of or  
305 related to the motorsports entertainment complex or the  
306 municipality in which the motorsports entertainment complex is  
307 located, or the county in which the motorsports entertainment  
308 complex is located if such complex is located in an  
309 unincorporated area, provided such programs of advertising and  
310 promotion are designed to increase paid attendance at the  
311 motorsports entertainment complex or increase tourism in or  
312 promote the economic development of the community in which the  
313 motorsports entertainment complex is located.

314       (7) The Department of Revenue may perform an audit, as  
315 provided in s. 213.34, to verify that the distributions described  
316 in this section have been expended as required in this section.

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317 All provisions of chapter 213 shall apply to such audits. If the  
318 department determines that the distributions pursuant to  
319 certification under this section have not been expended as  
320 required by this section, the department may pursue recovery of  
321 such funds pursuant to the laws and rules governing the  
322 assessment of taxes.

323 Section 3. This act shall take effect July 1, 2008.