

1                                   A bill to be entitled  
 2           An act relating to motorsports entertainment complexes;  
 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 certified motorsports entertainment  
 6           complex; providing a limit on such distributions; creating  
 7           s. 288.11695, F.S.; providing definitions; providing for  
 8           certification of motorsports entertainment complexes by  
 9           the Office of Tourism, Trade, and Economic Development of  
 10          the Executive Office of the Governor; prohibiting a  
 11          motorsports entertainment complex from receiving more than  
 12          one funded certification; providing requirements for  
 13          certification; requiring specified notice; providing for  
 14          use of the funds distributed to a motorsports  
 15          entertainment complex; authorizing audits by the  
 16          Department of Revenue; providing an effective date.

17  
 18           WHEREAS, the Legislature finds that Florida has long been  
 19          the preeminent site in the nation for motorsports racing, and

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

22           WHEREAS, motorsports entertainment is the fastest growing  
 23          sports industry in the United States, and

24           WHEREAS, as a result of the increased popularity of  
 25          motorsports racing, many new motorsports facilities are being  
 26          constructed in other states, and

27           WHEREAS, to continue to attract spectators to sanctioned  
 28          championship motorsports events, the owner or operator of a

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29 | motorsports entertainment complex must build additional  
 30 | spectator seating and renovate existing facilities to improve  
 31 | the amenities available to spectators, and

32 |       WHEREAS, attracting, retaining, and providing favorable  
 33 | conditions for conducting sanctioned championship motorsports  
 34 | events and the continued development of the motorsports  
 35 | entertainment industry in Florida provides skilled employment  
 36 | opportunities for citizens of this state, and

37 |       WHEREAS, continued development and improvement of Florida's  
 38 | motorsports entertainment industry is vital to Florida's tourism  
 39 | industry and to state revenues, and

40 |       WHEREAS, the motorsports entertainment industry is a major  
 41 | contributor to Florida's economic development because of the  
 42 | technology and service businesses that provide goods and  
 43 | services to the industry, and

44 |       WHEREAS, the provisions of this act are necessary to  
 45 | protect and strengthen Florida's motorsports entertainment  
 46 | industry, and the purposes to be achieved by this act are  
 47 | predominately public purposes vital to the protection and  
 48 | improvement of Florida's economy, NOW, THEREFORE,

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

51 |  
 52 |       Section 1. Paragraph (d) of subsection (6) of section  
 53 | 212.20, Florida Statutes, is amended to read:

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

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57 (6) Distribution of all proceeds under this chapter and s.  
58 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

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

82 4. After the distribution under subparagraphs 1., 2., and  
83 3., 0.095 percent shall be transferred to the Local Government

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

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

90 6. After the distributions under subparagraphs 1., 2., 3.,  
91 and 4., 1.3409 percent of the available proceeds pursuant to  
92 this paragraph shall be transferred monthly to the Revenue  
93 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
94 the total revenue to be distributed pursuant to this  
95 subparagraph is at least as great as the amount due from the  
96 Revenue Sharing Trust Fund for Municipalities and the former  
97 Municipal Financial Assistance Trust Fund in state fiscal year  
98 1999-2000, no municipality shall receive less than the amount  
99 due from the Revenue Sharing Trust Fund for Municipalities and  
100 the former Municipal Financial Assistance Trust Fund in state  
101 fiscal year 1999-2000. If the total proceeds to be distributed  
102 are less than the amount received in combination from the  
103 Revenue Sharing Trust Fund for Municipalities and the former  
104 Municipal Financial Assistance Trust Fund in state fiscal year  
105 1999-2000, each municipality shall receive an amount  
106 proportionate to the amount it was due in state fiscal year  
107 1999-2000.

108 7. Of the remaining proceeds:

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

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

131       b. The department shall distribute \$166,667 monthly  
 132 pursuant to s. 288.1162 to each applicant that has been  
 133 certified as a "facility for a new professional sports  
 134 franchise" or a "facility for a retained professional sports  
 135 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
 136 distributed monthly by the department to each applicant that has  
 137 been certified as a "facility for a retained spring training  
 138 franchise" pursuant to s. 288.1162; however, not more than  
 139 \$416,670 may be distributed monthly in the aggregate to all

140 certified facilities for a retained spring training franchise.  
 141 Distributions shall begin 60 days following such certification  
 142 and shall continue for not more than 30 years. Nothing contained  
 143 in this paragraph shall be construed to allow an applicant  
 144 certified pursuant to s. 288.1162 to receive more in  
 145 distributions than actually expended by the applicant for the  
 146 public purposes provided for in s. 288.1162(6).

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

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

162 e. Beginning 30 days after notice by the Office of  
 163 Tourism, Trade, and Economic Development to the Department of  
 164 Revenue that an applicant has been certified as a motorsports  
 165 entertainment complex pursuant to s. 288.11695 and is open to  
 166 the public, an amount not to exceed \$166,667 shall be  
 167 distributed monthly to the applicant. However, each state fiscal

168 year's total distribution made pursuant to this sub-subparagraph  
 169 shall not exceed the difference between the state sales taxes  
 170 collected and remitted pursuant to this chapter by the certified  
 171 applicant in the previous calendar year and state sales taxes  
 172 collected and remitted pursuant to this chapter by the certified  
 173 applicant in calendar year 2000. Distributions shall continue  
 174 for 30 years.

175 8. All other proceeds shall remain with the General  
 176 Revenue Fund.

177 Section 2. Section 288.11695, Florida Statutes, is created  
 178 to read:

179 288.11695 Motorsports entertainment complex; definitions;  
 180 certification; duties.--

181 (1) As used in this section:

182 (a) "Applicant" means the owner of a motorsports  
 183 entertainment complex.

184 (b) "Motorsports entertainment complex" means a closed-  
 185 course racing facility, with ancillary grounds and facilities,  
 186 which:

187 1. Has not fewer than 65,000 permanent seats for race  
 188 patrons.

189 2. Has not fewer than 7 scheduled days of motorsports  
 190 events each calendar year.

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

192 4. Serves food at the facility during sanctioned  
 193 motorsports events.

194 5. Engages in tourism promotion.

195 (c) "Motorsports event" means a motorsports race and its

196 ancillary activities which have been sanctioned by a sanctioning  
 197 body.

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

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

203 (f) "Sanctioning body" means the American Motorcyclist  
 204 Association (AMA), Championship Auto Racing Teams (CART), Grand  
 205 American Road Racing Association (Grand-Am), Indy Racing League  
 206 (IRL), National Association for Stock Car Auto Racing (NASCAR),  
 207 National Hot Rod Association (NHRA), Professional Sports Car  
 208 Racing (PSCR), Sports Car Club of America (SCCA), United States  
 209 Auto Club (USAC), any successor organization, or any other  
 210 nationally recognized governing body of motorsports that  
 211 establishes an annual schedule of motorsports events and grants  
 212 rights to conduct such events, has established and administers  
 213 rules and regulations governing all participants involved in  
 214 such events and all persons conducting such events, and requires  
 215 certain liability assurances, including insurance.

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

218 (2) The office shall serve as the state agency for  
 219 screening applicants for state funding pursuant to s. 212.20 and  
 220 for certifying an applicant as a motorsports entertainment  
 221 complex. The office shall develop and adopt rules for the  
 222 receipt and processing of applications for funding pursuant to  
 223 s. 212.20. The office shall make a determination regarding any



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224 application filed by an applicant not later than 120 days after  
225 the application is filed.

226 (3) Prior to certifying an applicant as a motorsports  
227 entertainment complex, the office must determine that:

228 (a) A unit of local government holds title to the land on  
229 which the motorsports entertainment complex is located or holds  
230 title to the motorsports entertainment complex.

231 (b) Seven scheduled days of motorsports events were held  
232 at the motorsports entertainment complex in the most recently  
233 completed calendar year or 7 scheduled days of motorsports  
234 events are scheduled to be held at the motorsports entertainment  
235 complex in the calendar year that begins after the submission of  
236 the application. The applicant shall submit certifications from  
237 the appropriate officials of the relevant sanctioning bodies  
238 that such sanctioned motorsports events were or will be held at  
239 the motorsports entertainment complex.

240 (c) The applicant can provide a certification by a  
241 nationally recognized, independent certified public accounting  
242 firm that the motorsports entertainment complex will attract, or  
243 in the most recently completed calendar year has attracted, paid  
244 attendance of at least 125,000 annually.

245 (d) The applicant can provide a certification by a  
246 nationally recognized, independent certified public accounting  
247 firm that the amount of the revenues generated by the taxes  
248 imposed under chapter 212 with respect to the use and operation  
249 of the motorsports entertainment complex will equal or exceed \$1  
250 million annually.

251 (e) The municipality in which the motorsports

252 entertainment complex is located, or the county if the  
253 motorsports entertainment complex is located in an  
254 unincorporated area, has certified by resolution after a public  
255 hearing that the application serves a public purpose.

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

258 (4) Upon determining that an applicant meets the  
259 requirements of subsection (3), the office shall certify the  
260 applicant as a motorsports entertainment complex and shall  
261 notify the applicant and the executive director of the  
262 Department of Revenue of such certification by means of an  
263 official letter granting certification. If the applicant fails  
264 to meet the certification requirements of subsection (3), the  
265 office shall notify the applicant not later than 10 days  
266 following such determination.

267 (5) No motorsports entertainment complex that has been  
268 previously certified under this section and has received funding  
269 under such certification shall be eligible for any additional  
270 certification.

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

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

276 (b) Paying debt service reserve funds, arbitrage rebate  
277 obligations, or other amounts payable with respect to bonds  
278 issued for the construction, reconstruction, expansion, or  
279 renovation of the motorsports entertainment complex or for the

280 reimbursement of such costs or the refinancing of bonds issued  
 281 for such purposes.

282 (c) Paying for construction, reconstruction, expansion, or  
 283 renovation of transportation or other infrastructure  
 284 improvements related to, necessary for, or appurtenant to the  
 285 motorsports entertainment complex, including, without  
 286 limitation, paying debt service reserve funds, arbitrage rebate  
 287 obligations, or other amounts payable with respect to bonds  
 288 issued for the construction, reconstruction, expansion, or  
 289 renovation of such transportation or other infrastructure  
 290 improvements and for the reimbursement of such costs or the  
 291 refinancing of bonds issued for such purposes.

292 (d) Paying for programs of advertising and promotion of or  
 293 related to the motorsports entertainment complex or the  
 294 municipality in which the motorsports entertainment complex is  
 295 located, or the county if the motorsports entertainment complex  
 296 is located in an unincorporated area, provided such programs of  
 297 advertising and promotion are designed to increase paid  
 298 attendance at the motorsports entertainment complex or increase  
 299 tourism in or promote the economic development of the community  
 300 in which the motorsports entertainment complex is located.

301 (7) The Department of Revenue may audit, as provided in s.  
 302 213.34, to verify that the distributions pursuant to this  
 303 section have been expended as required in this section. All  
 304 other provisions of chapter 213 shall apply to such audits. If  
 305 the Department of Revenue determines that the distributions  
 306 pursuant to certification under this section have not been  
 307 expended as required by this section, the department may pursue

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308 | recovery of such funds pursuant to the laws and rules governing  
309 | the assessment of taxes.

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