

By Senator Bullard

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1                   A bill to be entitled  
2           An act relating to motorsports entertainment  
3           complexes; amending s. 212.20, F.S.; requiring that a  
4           specified sum be distributed monthly to an applicant  
5           for certification as a motorsports entertainment  
6           complex, beginning a specified period after  
7           certification; limiting the total distribution for  
8           each fiscal year; providing that distributions  
9           continue for a specified period; creating s.  
10          288.11695, F.S.; defining terms; requiring that the  
11          Office of Tourism, Trade, and Economic Development  
12          screen applicants for state funding and certify  
13          applicants as motorsports entertainment complexes;  
14          requiring that the office adopt rules; requiring that  
15          the office make certain findings before certifying an  
16          applicant; requiring that the office make a final  
17          determination regarding an application for  
18          certification within a specified period; requiring  
19          that the office certify an applicant if the applicant  
20          meets all requirement for certification; providing for  
21          notice of certification; requiring that the office  
22          notify an applicant within a specified period if the  
23          applicant does not meet certification requirements;  
24          providing that certain complexes are not eligible for  
25          additional certification; restricting the use of  
26          distributed funds by certified complexes to certain  
27          purposes; authorizing the Department of Revenue to  
28          perform an audit for certain purposes; providing  
29          guidelines for such audits; authorizing the department

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30 to seek recovery of such funds under certain  
31 circumstances; providing an effective date.

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

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

37 WHEREAS, motorsports entertainment is the fastest-growing  
38 sports industry in the United States, and

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

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

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

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

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

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59 WHEREAS, the provisions of this act are necessary to  
60 protect and strengthen Florida's motorsports entertainment  
61 industry, and the purposes to be achieved by this act are public  
62 purposes vital to the protection and improvement of Florida's  
63 economy, NOW, THEREFORE,

64  
65 Be It Enacted by the Legislature of the State of Florida:

66  
67 Section 1. Paragraph (d) of subsection (6) of section  
68 212.20, Florida Statutes, is amended to read:

69 212.20 Funds collected, disposition; additional powers of  
70 department; operational expense; refund of taxes adjudicated  
71 unconstitutionally collected.—

72 (6) Distribution of all proceeds under this chapter and s.  
73 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

86 3. After the distribution under subparagraphs 1. and 2.,  
87 8.814 percent of the amount remitted by a sales tax dealer

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88 located within a participating county pursuant to s. 218.61  
89 shall be transferred into the Local Government Half-cent Sales  
90 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
91 be transferred pursuant to this subparagraph to the Local  
92 Government Half-cent Sales Tax Clearing Trust Fund shall be  
93 reduced by 0.1 percent, and the department shall distribute this  
94 amount to the Public Employees Relations Commission Trust Fund  
95 less \$5,000 each month, which shall be added to the amount  
96 calculated in subparagraph 4. and distributed accordingly.

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

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

105 6. After the distributions under subparagraphs 1., 2., 3.,  
106 and 4., 1.3409 percent of the available proceeds pursuant to  
107 this paragraph shall be transferred monthly to the Revenue  
108 Sharing Trust Fund for Municipalities pursuant to s. 218.215. If  
109 the total revenue to be distributed pursuant to this  
110 subparagraph is at least as great as the amount due from the  
111 Revenue Sharing Trust Fund for Municipalities and the former  
112 Municipal Financial Assistance Trust Fund in state fiscal year  
113 1999-2000, no municipality shall receive less than the amount  
114 due from the Revenue Sharing Trust Fund for Municipalities and  
115 the former Municipal Financial Assistance Trust Fund in state  
116 fiscal year 1999-2000. If the total proceeds to be distributed

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117 are less than the amount received in combination from the  
118 Revenue Sharing Trust Fund for Municipalities and the former  
119 Municipal Financial Assistance Trust Fund in state fiscal year  
120 1999-2000, each municipality shall receive an amount  
121 proportionate to the amount it was due in state fiscal year  
122 1999-2000.

123 7. Of the remaining proceeds:

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

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146           b. The department shall distribute \$166,667 monthly  
147 pursuant to s. 288.1162 to each applicant that has been  
148 certified as a "facility for a new professional sports  
149 franchise" or a "facility for a retained professional sports  
150 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
151 distributed monthly by the department to each applicant that has  
152 been certified as a "facility for a retained spring training  
153 franchise" pursuant to s. 288.1162; however, not more than  
154 \$416,670 may be distributed monthly in the aggregate to all  
155 certified facilities for a retained spring training franchise.  
156 Distributions shall begin 60 days following such certification  
157 and shall continue for not more than 30 years. Nothing contained  
158 in this paragraph shall be construed to allow an applicant  
159 certified pursuant to s. 288.1162 to receive more in  
160 distributions than actually expended by the applicant for the  
161 public purposes provided for in s. 288.1162(6).

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

168           d. Beginning 30 days after notice by the Office of Tourism,  
169 Trade, and Economic Development to the Department of Revenue  
170 that the applicant has been certified as the International Game  
171 Fish Association World Center facility pursuant to s. 288.1169,  
172 and the facility is open to the public, \$83,333 shall be  
173 distributed monthly, for up to 168 months, to the applicant.  
174 This distribution is subject to reduction pursuant to s.

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175 288.1169. A lump sum payment of \$999,996 shall be made, after  
176 certification and before July 1, 2000.

177 e. Beginning 30 days after the date on which notice is  
178 issued by the Office of Tourism, Trade, and Economic Development  
179 to the Department of Revenue that an applicant has been  
180 certified as a motorsports entertainment complex pursuant to s.  
181 288.11695 and is open to the public, an amount not to exceed  
182 \$166,667 shall be distributed monthly to the applicant. However,  
183 each state fiscal year's total distribution made pursuant to  
184 this sub-subparagraph may not exceed the difference between the  
185 state sales taxes collected and remitted pursuant to this  
186 chapter by the certified applicant in the previous calendar year  
187 and state sales taxes collected and remitted pursuant to this  
188 chapter by the certified applicant in calendar year 2000.  
189 Distributions shall continue for 30 years.

190 8. All other proceeds shall remain with the General Revenue  
191 Fund.

192 Section 2. Section 288.11695, Florida Statutes, is created  
193 to read:

194 288.11695 Motorsports entertainment complex; definitions;  
195 certification; duties.-

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

197 (a) "Applicant" means the owner of a motorsports  
198 entertainment complex.

199 (b) "Motorsports entertainment complex" means a closed-  
200 course racing facility, with ancillary grounds and facilities,  
201 that:

202 1. Has no fewer than 65,000 permanent seats for race  
203 patrons;

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

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

207       4. Serves food at the facility during sanctioned  
208 motorsports events; and

209       5. Engages in tourism promotion.

210       (c) "Motorsports event" means a motorsports race and its  
211 ancillary activities which have been sanctioned by a sanctioning  
212 body.

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

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

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

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



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233       (2) The office shall screen applicants for state funding  
234 pursuant to s. 212.20 and certify applicants as motorsports  
235 entertainment complexes. The office shall develop and adopt  
236 rules for the receipt and processing of applications for funding  
237 pursuant to s. 212.20. The office shall make a determination  
238 regarding any application filed by an applicant no later than  
239 120 days after the date on which the application is filed.

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

242           (a) A unit of local government holds title to the land on  
243 which the motorsports entertainment complex is located or holds  
244 title to the motorsports entertainment complex.

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

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

260           (d) The applicant is able to provide a certification by a  
261 nationally recognized, independent certified public accounting

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262 firm that the amount of the revenues generated by the taxes  
263 imposed under chapter 212 with respect to the use and operation  
264 of the motorsports entertainment complex will equal or exceed \$1  
265 million annually.

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

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

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

283 (5) A motorsports entertainment complex that has been  
284 previously certified under this section and has received funding  
285 under such certification is not eligible for any additional  
286 certification.

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

290 (a) Paying for the construction, reconstruction, expansion,

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291 or renovation of a motorsports entertainment complex.

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

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

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

318 (7) The Department of Revenue may perform an audit, as  
319 provided in s. 213.34, to verify that the distributions

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320 described in this section have been expended as required in this  
321 section. Chapter 213 applies to such audits. If the department  
322 determines that the distributions pursuant to certification  
323 under this section have not been expended as required by this  
324 section, the department may pursue recovery of such funds  
325 pursuant to the laws and rules governing the assessment of  
326 taxes.

327 Section 3. This act shall take effect July 1, 2009.