

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)  
 ADOPTED AS AMENDED        (Y/N)  
 ADOPTED W/O OBJECTION        (Y/N)  
 FAILED TO ADOPT        (Y/N)  
 WITHDRAWN        (Y/N)  
 OTHER           

1 Committee/Subcommittee hearing bill: Economic Affairs Committee  
 2 Representative Santiago offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 16 and 17, insert:

6 Section 1. Section 212.094, Florida Statutes, is created  
 7 to read:

8 212.094 Motorsports entertainment complex; tax exemption  
 9 for building material.-

10 (1) DEFINITIONS.-For the purposes of this section, the  
 11 term:

12 (a) "Building materials" means materials, equipment, and  
 13 tangible personal property that is used in or becomes a  
 14 component part in the construction, reconstruction, expansion,  
 15 or renovation of a motorsports entertainment complex.

16 (b) "Motorsports entertainment complex" means a complex  
 17 certified under s. 288.1171 to receive distributions under s.  
 18 212.20(6)(d).

19 (c) "Owner" means the beneficial owner of the motorsports  
 20 entertainment complex.

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21 (d) "Project" means the construction, reconstruction,  
22 expansion, or renovation of a motorsports entertainment complex  
23 during a specified 48-month period for a total cost of at least  
24 \$250 million incurred during the 48-month period. However, total  
25 cost shall not include the cost of any property previously owned  
26 or leased by the motorsports entertainment complex. For the  
27 purposes of this paragraph, total cost shall include all  
28 expenses incurred by the owner of a motorsports entertainment  
29 complex in connection with the construction, reconstruction,  
30 expansion, or renovation of a motorsports entertainment complex,  
31 including, but not limited to:

32 1. The costs of constructing, installing, equipping, and  
33 financing, including all obligations incurred for labor and  
34 obligations to contractors, subcontractors, builders, and  
35 materialmen.

36 2. The costs of architectural and engineering services,  
37 including test borings, surveys, estimates, plans and  
38 specifications, preliminary investigations, environmental  
39 mitigation, and supervision of construction, as well as the  
40 performance of all duties required by or consequent to the  
41 construction, installation, and equipping.

42 3. The costs associated with the installation of fixtures  
43 and equipment; surveys, including archaeological and  
44 environmental surveys; site tests and inspections; subsurface  
45 site work and excavation; filling, grading, paving, and  
46 provisions for drainage, stormwater retention, and installation  
47 of utilities, including water, sewer, sewage treatment, gas,  
48 electricity, communications, and similar facilities; and offsite

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49 construction of utility extensions to the boundaries of the  
50 property.

51 (e) "Substantially completed" has the same meaning as  
52 provided in s. 192.042(1).

53 (f) "Unit of local government" has the same meaning as  
54 provided in s. 218.369.

55 (2) EXEMPTIONS; ACCOUNT OF USE.-

56 (a) Building materials used in a project that has been  
57 certified by the Department of Economic Opportunity under  
58 subsection (4) for the construction, reconstruction, expansion,  
59 or renovation of a motorsports entertainment complex are exempt  
60 from the state tax imposed by this chapter upon an affirmative  
61 showing to the satisfaction of the Department of Economic  
62 Opportunity that the items have been used for the construction,  
63 reconstruction, expansion, or renovation of a motorsports  
64 entertainment complex. This exemption inures to the owner of the  
65 motorsports entertainment complex who applies for certification  
66 under subsection (4) through a refund of previously paid state  
67 tax. To receive a refund, the owner of the motorsports  
68 entertainment complex must follow the procedures in this  
69 section.

70 (b) If approved and certified under subsections (3) and  
71 (4), an owner of a motorsports entertainment complex may apply  
72 for a one-time nontransferable refund of sales tax paid for  
73 building materials used in that project.

74 (c) The refund is not available unless ordinances that  
75 recognize and commit to the funding provision in subsection (8)  
76 for a specified project are enacted by a majority of the members

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77 of the governing board of the county where the project is  
78 located and a majority of the members of the governing boards of  
79 any municipality where the project is located. For purposes of  
80 the funding provision in subsection (8), such a recognition and  
81 commitment by ordinance is binding and irrevocable upon the  
82 county and any municipality enacting the ordinance.

83 (d) The department may not refund more than \$3 million to  
84 any owner of a motorsports entertainment complex pursuant to  
85 this section.

86 (3) APPLICATION.-

87 (a) In order to earn a tax refund, an owner of a  
88 motorsports entertainment complex must first submit an  
89 application to the Department of Economic Opportunity for  
90 approval of a project before beginning construction,  
91 reconstruction, expansion or renovation. The application must be  
92 filed by the date established by the Department of Economic  
93 Opportunity. In addition to any information that the Department  
94 of Economic Opportunity may require, the applicant must provide  
95 a complete description of the project that demonstrates to the  
96 Department of Economic Opportunity that the applicant is likely  
97 to complete the requirements in this section. The applicant must  
98 provide an affidavit certifying that all the information  
99 contained in the application is true and correct. The applicant  
100 must also provide the department with copies of the ordinances  
101 required under paragraph (2) (c).

102 (b) Within 60 days after receipt of a completed  
103 application, the Department of Economic Opportunity must issue a  
104 notice of intent to deny or approve the project.

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105 (4) CERTIFICATION.—Upon completion of a project, the owner  
106 of the motorsports entertainment complex who received approval  
107 for the project may apply to the Department of Economic  
108 Opportunity for certification of a refund.

109 (a) The application must include:

110 1. The name and physical in-state address of the  
111 motorsports entertainment complex.

112 2. A copy of the application and approval for the project.

113 3. An address and the applicable assessment roll parcel  
114 numbers for the motorsports entertainment complex for which a  
115 refund of previously paid taxes is being sought.

116 4. A copy of a valid building permit issued by the county  
117 or municipal building department for construction,  
118 reconstruction, expansion, or renovation of the motorsports  
119 entertainment complex.

120 5. A sworn statement, under penalty of perjury, from the  
121 general contractor licensed in this state with whom the  
122 applicant contracted to construct, reconstruct, or renovate the  
123 motorsports entertainment complex, which lists the building  
124 materials used to construct, reconstruct, or renovate the  
125 motorsports entertainment complex, the actual cost of the  
126 building materials, and the amount of sales and use tax paid in  
127 this state on the building materials. If a general contractor  
128 was not used, the applicant, not a general contractor, must make  
129 the sworn statement required under this subparagraph. Copies of  
130 invoices that evidence the purchase of the building materials  
131 used in the construction, reconstruction, or renovation of the  
132 motorsports entertainment complex and the payment of sales and

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133 use tax on the building materials must be attached to the sworn  
134 statement provided by the general contractor or by the  
135 applicant.

136 6. A certification by the local building code inspector  
137 that the construction, reconstruction, expansion, or renovation  
138 of the motorsports entertainment complex is substantially  
139 complete.

140 7. A detailed accounting attested to by a certified public  
141 accountant licensed in this state that the total amount expended  
142 by the applicant towards the construction, reconstruction,  
143 expansion, or renovation of the motorsports entertainment  
144 complex during a 48-month period is greater than \$250 million.

145 (b) Within 90 working days after receipt of an application  
146 for certification, the Department of Economic Opportunity must  
147 review the application to determine if it includes all the  
148 information and meets all the criteria required under this  
149 section. The department shall certify all applications that  
150 contain the required information and are found to be eligible to  
151 receive a refund under this section.

152 (5) REFUND.—An application for a refund must be submitted  
153 to the department within 6 months after certification for the  
154 refund is obtained under subsection (4).

155 (6) AUDIT AUTHORITY; RECAPTURE OF REFUNDS.—

156 (a) In addition to its existing audit and investigative  
157 authority, the department may perform any additional financial  
158 and technical audits and investigations, including examining the  
159 accounts, books, and financial records of the tax refund  
160 applicant, which are necessary for verifying the accuracy of the

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161 refund request and to ensure compliance with this section. If  
162 requested by the department, the Department of Economic  
163 Opportunity must provide technical assistance for any technical  
164 audits or examinations performed under this subsection.

165 (b) Grounds for forfeiture of previously claimed refunds  
166 approved under this section exist if the department determines,  
167 as a result of an audit or examination, or from information  
168 received from the Department of Economic Opportunity, that a  
169 taxpayer received tax refunds for which the taxpayer was not  
170 entitled.

171 (c) The Department of Economic Opportunity may revoke or  
172 modify a certification granting eligibility for a tax refund if  
173 it finds that the taxpayer made a false statement or  
174 representation in any application, record, report, plan, or  
175 other document filed in an attempt to receive a tax refund under  
176 this section. The Department of Economic Opportunity shall  
177 immediately notify the department of any revoked or modified  
178 orders affecting previously granted tax refunds.

179 (d) The department may assess an additional tax, penalty,  
180 or interest pursuant to s. 95.091.

181 (7) RULES.—

182 (a) The Department of Economic Opportunity shall adopt  
183 rules to administer this section, including rules relating to  
184 application forms required under subsections (3) and (4), and  
185 the application and certification procedures, guidelines, and  
186 requirements necessary to administer this section.

187 (b) The department may adopt rules to administer this  
188 section, including rules relating to the forms required to claim

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189 a tax refund under this section, the requirements and basis for  
190 establishing an entitlement to a refund, and the examination and  
191 audit procedures required to administer this section.

192 (8) REDUCTIONS IN DISTRIBUTIONS.—The department shall  
193 reduce by an amount equal to 10 percent of each refund granted  
194 under this section the combined local government half-cent sales  
195 tax to be distributed, pursuant to s. 218.61, to each unit of  
196 local government that enacted ordinances pursuant to paragraph  
197 (2)(c) and such reductions shall be prorated over a 12-month  
198 period.

199 (a) For refunds issued pursuant to this section on or  
200 before June 30 of a given calendar year, the reductions required  
201 under this subsection shall begin in the first month of the  
202 local fiscal year that follows such refund being issued.

203 (b) For refunds issued pursuant to this section after June  
204 30 of a given calendar year, the reductions required under this  
205 subsection shall begin in the first month of the second local  
206 fiscal year that follows such refund being issued.

207 (c) An amount equal to the reductions required under this  
208 subsection shall be transferred monthly from the Local  
209 Government Half-cent Sales Tax Clearing Trust Fund to the  
210 General Revenue Fund. Each affected unit of local government's  
211 share of the reduction shall be in proportion to that unit of  
212 local government's respective local government half-cent sales  
213 tax distributions absent the provisions of this paragraph.

214 (d) Within 14 days after issuance of a refund pursuant to  
215 this section, the department shall provide written notice to  
216 each unit of local government subject to the reduced

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217 distribution provisions of this subsection with the amounts and  
218 timing of the forthcoming reductions in distributions.

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**T I T L E   A M E N D M E N T**

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Remove line 3 and insert:

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complexes; creating s. 212.094 F.S.; providing definitions;

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providing an exemption from the sales and use tax for building

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materials used in the construction, reconstruction, expansion,

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or renovation of certain certified motorsports entertainment

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complexes through a refund of previously paid taxes; providing

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procedures for applying for authority to earn a tax refund;

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providing procedures for certifying a refund for completed

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projects; providing procedures for applying for a refund;

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providing audit authority and procedures for recapturing refunds

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under specified circumstances; providing rulemaking authority;

236

providing for specified reductions in certain local government

237

half-cent sales tax distributions; amending s. 212.20, F.S..

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provides for

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