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Proposed Committee Substitute by the Committee on Appropriations

A bill to be entitled

An act relating to motorsports entertainment complexes; amending s. 212.20, F.S.; providing for a monthly distribution of a specified amount of sales tax revenue to a complex certified as a motorsports entertainment complex by the Department of Economic Opportunity; amending s. 288.1171, F.S.; authorizing the department to certify a single motorsports complex if it meets specified criteria; authorizing the Auditor General to verify the expenditure of specified distributions and to notify the Department of Revenue of improperly expended funds so that it may pursue recovery; providing an effective date.

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

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

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

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

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

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes



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29 collected pursuant to chapter 201, or 5.2 percent of all other
30 taxes and fees imposed pursuant to this chapter or remitted
31 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
32 monthly installments into the General Revenue Fund.

33 2. After the distribution under subparagraph 1., 8.814
34 percent of the amount remitted by a sales tax dealer located
35 within a participating county pursuant to s. 218.61 shall be
36 transferred into the Local Government Half-cent Sales Tax
37 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
38 transferred shall be reduced by 0.1 percent, and the department
39 shall distribute this amount to the Public Employees Relations
40 Commission Trust Fund less \$5,000 each month, which shall be
41 added to the amount calculated in subparagraph 3. and
42 distributed accordingly.

43 3. After the distribution under subparagraphs 1. and 2.,
44 0.095 percent shall be transferred to the Local Government Half-
45 cent Sales Tax Clearing Trust Fund and distributed pursuant to
46 s. 218.65.

47 4. After the distributions under subparagraphs 1., 2., and
48 3., 2.0440 percent of the available proceeds shall be
49 transferred monthly to the Revenue Sharing Trust Fund for
50 Counties pursuant to s. 218.215.

51 5. After the distributions under subparagraphs 1., 2., and
52 3., 1.3409 percent of the available proceeds shall be
53 transferred monthly to the Revenue Sharing Trust Fund for
54 Municipalities pursuant to s. 218.215. If the total revenue to
55 be distributed pursuant to this subparagraph is at least as
56 great as the amount due from the Revenue Sharing Trust Fund for
57 Municipalities and the former Municipal Financial Assistance



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58 Trust Fund in state fiscal year 1999-2000, no municipality shall
59 receive less than the amount due from the Revenue Sharing Trust
60 Fund for Municipalities and the former Municipal Financial
61 Assistance Trust Fund in state fiscal year 1999-2000. If the
62 total proceeds to be distributed are less than the amount
63 received in combination from the Revenue Sharing Trust Fund for
64 Municipalities and the former Municipal Financial Assistance
65 Trust Fund in state fiscal year 1999-2000, each municipality
66 shall receive an amount proportionate to the amount it was due
67 in state fiscal year 1999-2000.

68 6. Of the remaining proceeds:

69 a. In each fiscal year, the sum of \$29,915,500 shall be
70 divided into as many equal parts as there are counties in the
71 state, and one part shall be distributed to each county. The
72 distribution among the several counties must begin each fiscal
73 year on or before January 5th and continue monthly for a total
74 of 4 months. If a local or special law required that any moneys
75 accruing to a county in fiscal year 1999-2000 under the then-
76 existing provisions of s. 550.135 be paid directly to the
77 district school board, special district, or a municipal
78 government, such payment must continue until the local or
79 special law is amended or repealed. The state covenants with
80 holders of bonds or other instruments of indebtedness issued by
81 local governments, special districts, or district school boards
82 before July 1, 2000, that it is not the intent of this
83 subparagraph to adversely affect the rights of those holders or
84 relieve local governments, special districts, or district school
85 boards of the duty to meet their obligations as a result of
86 previous pledges or assignments or trusts entered into which



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87 obligated funds received from the distribution to county
88 governments under then-existing s. 550.135. This distribution
89 specifically is in lieu of funds distributed under s. 550.135
90 before July 1, 2000.

91 b. The department shall distribute \$166,667 monthly
92 ~~pursuant to s. 288.1162~~ to each applicant certified as a
93 facility for a new or retained professional sports franchise
94 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
95 monthly by the department to each certified applicant as defined
96 in s. 288.11621 for a facility for a spring training franchise.
97 However, not more than \$416,670 may be distributed monthly in
98 the aggregate to all certified applicants for facilities for
99 spring training franchises. The department shall also distribute
100 \$166,667 monthly to an applicant certified as a motorsports
101 entertainment complex under s. 288.1171. Distributions begin 60
102 days after such certification and continue for not more than 30
103 years, except as otherwise provided in s. 288.11621. A certified
104 applicant identified in this sub-subparagraph may not receive
105 more in distributions than expended by the applicant for the
106 public purposes provided for under ~~in~~ s. 288.1162(5), ~~or~~ s.
107 288.11621(3), or s. 288.1171(7).

108 c. Beginning 30 days after notice by the Department of
109 Economic Opportunity to the Department of Revenue that an
110 applicant has been certified as the professional golf hall of
111 fame pursuant to s. 288.1168 and is open to the public, \$166,667
112 shall be distributed monthly, for up to 300 months, to the
113 applicant.

114 d. Beginning 30 days after notice by the Department of
115 Economic Opportunity to the Department of Revenue that the



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116 applicant has been certified as the International Game Fish
117 Association World Center facility pursuant to s. 288.1169, and
118 the facility is open to the public, \$83,333 shall be distributed
119 monthly, for up to 168 months, to the applicant. This
120 distribution is subject to reduction pursuant to s. 288.1169. A
121 lump sum payment of \$999,996 shall be made, after certification
122 and before July 1, 2000.

123 e. The department shall distribute up to \$55,555 monthly to
124 each certified applicant as defined in s. 288.11631 for a
125 facility used by a single spring training franchise, or up to
126 \$111,110 monthly to each certified applicant as defined in s.
127 288.11631 for a facility used by more than one spring training
128 franchise. Monthly distributions begin 60 days after such
129 certification or July 1, 2016, whichever is later, and continue
130 for not more than 30 years, except as otherwise provided in s.
131 288.11631. A certified applicant identified in this sub-
132 subparagraph may not receive more in distributions than expended
133 by the applicant for the public purposes provided in s.
134 288.11631(3).

135 7. All other proceeds must remain in the General Revenue
136 Fund.

137 Section 2. Subsection (2) of section 288.1171, Florida
138 Statutes, is amended, present subsections (4) through (7) of
139 that section are redesignated as subsections (5) through (8),
140 respectively, and amended, and a new subsection (4) is added to
141 that section, to read:

142 288.1171 Motorsports entertainment complex; definitions;
143 certification; duties.-

144 (2) The department shall serve as the state agency for



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145 screening applicants for funding under s. 212.20, for local
146 option funding under s. 218.64(3), and for certifying an
147 applicant as a motorsports entertainment complex. The department
148 shall develop and adopt rules for the receipt and processing of
149 applications for funding under ss. 212.20 and ~~s.~~ 218.64(3). The
150 department shall make a determination regarding any application
151 filed by an applicant within not later than 120 days after the
152 application is filed.

153 (4) The department may certify a single applicant as a
154 motorsports entertainment complex for funding under s. 212.20 if
155 the applicant meets all of the following conditions:

156 (a) The applicant meets the requirements of subsection (3).

157 (b) The applicant has a verified copy of the approval of a
158 sanctioning body stating that motorsport events are sanctioned
159 to occur at the applicant's complex.

160 (c) The applicant's facility has at least 50,000 fixed
161 seats.

162 (d) The applicant has projections, verified by the
163 department, which demonstrate that the motorsports entertainment
164 complex will annually attract paid attendance of more than
165 100,000 persons.

166 (e) The applicant has an independent analysis or study,
167 verified by the department, which demonstrates that the amount
168 of revenues generated by the taxes imposed under chapter 212
169 with respect to the use and operation of the motorsports
170 entertainment complex will annually equal or exceed \$2 million.

171 (f) The applicant has demonstrated that it has provided, is
172 capable of providing, or has financial or other commitments to
173 provide more than one-half of the costs incurred or related to



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174 the improvement and development of the complex.

175 (g) The total cost of construction, reconstruction,
176 expansion, or renovation of the complex exceeds \$250 million.

177
178 The approved applicant may not seek funding under s. 218.64(3)
179 while receiving funding under s. 212.20.

180 (5)-(4) Upon determining that an applicant meets the
181 requirements of subsection (3) or subsection (4), the department
182 shall notify the applicant and the executive director of the
183 Department of Revenue of such certification by means of an
184 official letter granting certification. If the applicant fails
185 to meet the certification requirements of subsection (3) or
186 subsection (4), the department shall notify the applicant within
187 not later than 10 days following such determination.

188 (6)-(5) A motorsports entertainment complex that has been
189 previously certified under this section and has received funding
190 under such certification is ineligible for ~~any~~ additional
191 certification.

192 (7)-(6) An applicant certified as a motorsports
193 entertainment complex may use funds provided pursuant to s.
194 212.20 or s. 218.64(3) only for the following public purposes:

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

197 (b) Paying debt service reserve funds, arbitrage rebate
198 obligations, or other amounts relating ~~payable with respect~~ to
199 bonds issued for the construction, reconstruction, expansion, or
200 renovation of the motorsports entertainment complex or for the
201 reimbursement of such costs or the refinancing of bonds issued
202 for such purposes.



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203 (c) Paying for construction, reconstruction, expansion, or
204 renovation of transportation or other infrastructure
205 improvements related to, necessary for, or appurtenant to the
206 motorsports entertainment complex, including, ~~without~~
207 ~~limitation,~~ paying debt service reserve funds, arbitrage rebate
208 obligations, or other amounts relating payable with respect to
209 bonds issued for the construction, reconstruction, expansion, or
210 renovation of such transportation or other infrastructure
211 improvements, and for the reimbursement of such costs or the
212 refinancing of bonds issued for such purposes.

213 (d) Paying for programs of advertising and promotion of or
214 related to the motorsports entertainment complex or the
215 municipality in which the motorsports entertainment complex is
216 located, or the county if the motorsports entertainment complex
217 is located in an unincorporated area, if such programs of
218 advertising and promotion are designed to increase paid
219 attendance at the motorsports entertainment complex or increase
220 tourism in or promote the economic development of the community
221 in which the motorsports entertainment complex is located.

222 ~~(8) (7) The Department of Revenue may audit,~~ As provided in
223 s. 11.45 213.34, the Auditor General may conduct an audit to
224 verify that the distributions pursuant to this section have been
225 expended as required in this section. ~~Such information is~~
226 ~~subject to the confidentiality requirements of chapter 213.~~ If
227 the Auditor General ~~Department of Revenue~~ determines that the
228 distributions pursuant to certification ~~under this section~~ have
229 not been expended as required by this section, the Auditor
230 General shall notify the Department of Revenue, which it may
231 pursue recovery of such funds pursuant to the laws and rules



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232 governing the assessment of taxes.

233 Section 3. This act shall take effect July 1, 2014.