

By the Committee on Commerce and Tourism; and Senators Hukill, Thrasher, Hays, Latvala, Simpson, Simmons, and Negron

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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.; providing for a
4 monthly distribution of a specified amount of sales
5 tax revenue to a complex certified as a motorsports
6 entertainment complex by the Department of Economic
7 Opportunity; amending s. 288.1171, F.S.; revising the
8 definition of the term "motorsports entertainment
9 complex"; revising requirements for the certification
10 of a facility as a motorsports entertainment complex;
11 specifying that the department may certify only one
12 motorsports entertainment complex; authorizing the
13 Auditor General to verify the expenditure of specified
14 distributions and to notify the Department of Revenue
15 of improperly expended funds so that it may pursue
16 recovery; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (d) of subsection (6) of section
21 212.20, Florida Statutes, is amended to read:

22 212.20 Funds collected, disposition; additional powers of
23 department; operational expense; refund of taxes adjudicated
24 unconstitutionally collected.—

25 (6) Distribution of all proceeds under this chapter and s.
26 202.18(1)(b) and (2)(b) shall be as follows:

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

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30 1. In any fiscal year, the greater of \$500 million, minus
31 an amount equal to 4.6 percent of the proceeds of the taxes
32 collected pursuant to chapter 201, or 5.2 percent of all other
33 taxes and fees imposed pursuant to this chapter or remitted
34 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
35 monthly installments into the General Revenue Fund.

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

46 3. After the distribution under subparagraphs 1. and 2.,
47 0.095 percent shall be transferred to the Local Government Half-
48 cent Sales Tax Clearing Trust Fund and distributed pursuant to
49 s. 218.65.

50 4. After the distributions under subparagraphs 1., 2., and
51 3., 2.0440 percent of the available proceeds shall be
52 transferred monthly to the Revenue Sharing Trust Fund for
53 Counties pursuant to s. 218.215.

54 5. After the distributions under subparagraphs 1., 2., and
55 3., 1.3409 percent of the available proceeds shall be
56 transferred monthly to the Revenue Sharing Trust Fund for
57 Municipalities pursuant to s. 218.215. If the total revenue to
58 be distributed pursuant to this subparagraph is at least as

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

71 6. Of the remaining proceeds:

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

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88 boards of the duty to meet their obligations as a result of
89 previous pledges or assignments or trusts entered into which
90 obligated funds received from the distribution to county
91 governments under then-existing s. 550.135. This distribution
92 specifically is in lieu of funds distributed under s. 550.135
93 before July 1, 2000.

94 b. The department shall distribute \$166,667 monthly
95 ~~pursuant to s. 288.1162~~ to each applicant certified as a
96 facility for a new or retained professional sports franchise
97 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
98 monthly by the department to each certified applicant as defined
99 in s. 288.11621 for a facility for a spring training franchise.
100 However, not more than \$416,670 may be distributed monthly in
101 the aggregate to all certified applicants for facilities for
102 spring training franchises. The department shall also distribute
103 \$166,667 monthly to an applicant certified as a motorsports
104 entertainment complex under s. 288.1171. Distributions begin 60
105 days after such certification and continue for not more than 30
106 years, except as otherwise provided in s. 288.11621. A certified
107 applicant identified in this sub-subparagraph may not receive
108 more in distributions than expended by the applicant for the
109 public purposes provided for under ~~in~~ s. 288.1162(5), ~~or~~ s.
110 288.11621(3), or s. 288.1171(6).

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

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117 d. Beginning 30 days after notice by the Department of
118 Economic Opportunity to the Department of Revenue that the
119 applicant has been certified as the International Game Fish
120 Association World Center facility pursuant to s. 288.1169, and
121 the facility is open to the public, \$83,333 shall be distributed
122 monthly, for up to 168 months, to the applicant. This
123 distribution is subject to reduction pursuant to s. 288.1169. A
124 lump sum payment of \$999,996 shall be made, after certification
125 and before July 1, 2000.

126 e. The department shall distribute up to \$55,555 monthly to
127 each certified applicant as defined in s. 288.11631 for a
128 facility used by a single spring training franchise, or up to
129 \$111,110 monthly to each certified applicant as defined in s.
130 288.11631 for a facility used by more than one spring training
131 franchise. Monthly distributions begin 60 days after such
132 certification or July 1, 2016, whichever is later, and continue
133 for not more than 30 years, except as otherwise provided in s.
134 288.11631. A certified applicant identified in this sub-
135 subparagraph may not receive more in distributions than expended
136 by the applicant for the public purposes provided in s.
137 288.11631(3).

138 7. All other proceeds must remain in the General Revenue
139 Fund.

140 Section 2. Section 288.1171, Florida Statutes, is amended
141 to read:

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

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

145 (a) "Applicant" means the owner of a motorsports

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146 entertainment complex.

147 (b) "Motorsports entertainment complex" means a closed-
148 course racing facility that has at least 50,000 fixed seats.

149 (c) "Motorsports event" means a motorsports race that has
150 been sanctioned by a sanctioning body.

151 (d) "Owner" means a unit of local government which owns a
152 motorsports entertainment complex or owns the land on which the
153 motorsports entertainment complex is located.

154 (e) "Sanctioning body" means the American Motorcycle
155 Association (AMA), Championship Auto Racing Teams (CART), Grand
156 American Road Racing Association (Grand Am), Indy Racing League
157 (IRL), National Association for Stock Car Auto Racing (NASCAR),
158 National Hot Rod Association (NHRA), Professional Sportscar
159 Racing (PSR), Sports Car Club of America (SCCA), United States
160 Auto Club (USAC), or any successor organization, or any other
161 nationally recognized governing body of motorsports which
162 establishes an annual schedule of motorsports events and grants
163 rights to conduct such events, has established and administers
164 rules and regulations governing all participants involved in
165 such events and all persons conducting such events, and requires
166 certain liability assurances, including insurance.

167 (f) "Unit of local government" has the meaning ascribed in
168 s. 218.369.

169 (2) The department shall serve as the state agency for
170 screening applicants for funding under s. 212.20, for local
171 option funding under s. 218.64(3), and for certifying an
172 applicant as a motorsports entertainment complex. The department
173 shall develop and adopt rules for the receipt and processing of
174 applications for funding under ss. 212.20 and ~~s.~~ 218.64(3). The

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175 department shall make a determination regarding any application
176 filed by an applicant within ~~not later than~~ 120 days after the
177 application is filed.

178 (3) Before certifying an applicant as a motorsports
179 entertainment complex, the department must determine that:

180 (a) A unit of local government holds title to the land on
181 which the motorsports entertainment complex is located or holds
182 title to the motorsports entertainment complex.

183 (b) The municipality in which the motorsports entertainment
184 complex is located, or the county if the motorsports
185 entertainment complex is located in an unincorporated area, has
186 certified by resolution after a public hearing that the
187 application serves a public purpose.

188 (c) The applicant has a verified copy of the approval of a
189 sanctioning body stating that motorsport events are sanctioned
190 to occur at the applicant's complex.

191 (d) The applicant has projections, verified by the
192 department, which demonstrate that the motorsports entertainment
193 complex will annually attract paid attendance of more than
194 100,000.

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

200 (f) The applicant has demonstrated that it has provided, is
201 capable of providing, or has financial or other commitments to
202 provide more than one-half of the costs incurred or related to
203 the improvement and development of the complex.

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

206 (4) Upon determining that an applicant meets the
207 requirements of subsection (3), the department shall notify the
208 applicant and the executive director of the Department of
209 Revenue of such certification by means of an official letter
210 granting certification. If the applicant fails to meet the
211 certification requirements of subsection (3), the department
212 shall notify the applicant within ~~not later than~~ 10 days
213 following such determination.

214 (5) A motorsports entertainment complex that has been
215 previously certified under this section and has received funding
216 under such certification is ineligible for ~~any~~ additional
217 certification.

218 (6) An applicant certified as a motorsports entertainment
219 complex may use funds provided pursuant to s. 218.64(3) or s.
220 212.20 only for the following public purposes:

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

223 (b) Paying debt service reserve funds, arbitrage rebate
224 obligations, or other amounts relating ~~payable with respect~~ to
225 bonds issued for the construction, reconstruction, expansion, or
226 renovation of the motorsports entertainment complex or for the
227 reimbursement of such costs or the refinancing of bonds issued
228 for such purposes.

229 (c) Paying for construction, reconstruction, expansion, or
230 renovation of transportation or other infrastructure
231 improvements related to, necessary for, or appurtenant to the
232 motorsports entertainment complex, including, ~~without~~

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233 ~~limitation,~~ paying debt service reserve funds, arbitrage rebate
234 obligations, or other amounts relating ~~payable with respect~~ to
235 bonds issued for the construction, reconstruction, expansion, or
236 renovation of such transportation or other infrastructure
237 improvements, and for the reimbursement of such costs or the
238 refinancing of bonds issued for such purposes.

239 (d) Paying for programs of advertising and promotion of or
240 related to the motorsports entertainment complex or the
241 municipality in which the motorsports entertainment complex is
242 located, or the county if the motorsports entertainment complex
243 is located in an unincorporated area, if such programs of
244 advertising and promotion are designed to increase paid
245 attendance at the motorsports entertainment complex or increase
246 tourism in or promote the economic development of the community
247 in which the motorsports entertainment complex is located.

248 (7) The department may certify only one applicant as a
249 motorsports entertainment complex. The approved applicant may
250 not seek funding under s. 218.64(3) while receiving funding
251 under s. 212.20.

252 ~~(8)(7) The Department of Revenue may audit,~~ As provided in
253 s. 11.45 ~~213.34,~~ the Auditor General may conduct an audit to
254 verify that the distributions pursuant to this section have been
255 expended as required in this section. ~~Such information is~~
256 ~~subject to the confidentiality requirements of chapter 213.~~ If
257 the Auditor General ~~Department of Revenue~~ determines that the
258 distributions pursuant to certification ~~under this section~~ have
259 not been expended as required by this section, the Auditor
260 General shall notify the Department of Revenue, which it may
261 pursue recovery of such funds pursuant to the laws and rules

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262 governing the assessment of taxes.

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