

1 A bill to be entitled
 2 An act relating to motorsports entertainment
 3 complexes; amending s. 212.20, F.S.; provides for
 4 monthly distribution of specified amount of sales tax
 5 revenues to facility certified by the Department of
 6 Economic Opportunity to receive such funds; amending
 7 s. 218.64, F.S.; providing that certain provisions of
 8 s. 288.1171, F.S., do not apply to applicants
 9 certified to receive funding under s. 218.64, F.S.;
 10 amending s. 288.1171, F.S.; amending requirements for
 11 certification by the Department of Economic
 12 Opportunity as a motorsports entertainment complex;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Paragraph (d) of subsection (6) of section
 18 212.20, Florida Statutes, is amended to read:

19 212.20 Funds collected, disposition; additional powers of
 20 department; operational expense; refund of taxes adjudicated
 21 unconstitutionally collected.—

22 (6) Distribution of all proceeds under this chapter and s.
 23 202.18(1) (b) and (2) (b) shall be as follows:

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

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

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
 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
 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 distribute
 100 \$166,667 monthly pursuant to s. 288.1171 to an applicant
 101 certified as a motorsports entertainment complex pursuant to s.
 102 288.1171. Distributions begin 60 days after such certification
 103 and continue for not more than 30 years, except as otherwise
 104 provided in s. 288.11621. A certified applicant identified in
 105 this sub-subparagraph may not receive more in distributions than
 106 expended by the applicant for the public purposes provided for
 107 in s. 288.1162(5), ~~or~~ s. 288.11621(3), or s. 288.1171(6).

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

125 Section 2. Subsection (3) of section 218.64, Florida
 126 Statutes, is amended to read:

127 218.64 Local government half-cent sales tax; uses;
 128 limitations.-

129 (3) Subject to ordinances enacted by the majority of the
 130 members of the county governing authority and by the majority of
 131 the members of the governing authorities of municipalities
 132 representing at least 50 percent of the municipal population of
 133 such county, counties may use up to \$2 million annually of the
 134 local government half-cent sales tax allocated to that county
 135 for funding for any of the following applicants:

136 (a) A certified applicant as a facility for a new or
 137 retained professional sports franchise under s. 288.1162 or a
 138 certified applicant as defined in s. 288.11621 for a facility
 139 for a spring training franchise. It is the Legislature's intent
 140 that the provisions of s. 288.1162, including, but not limited

141 to, the evaluation process by the Department of Economic
 142 Opportunity except for the limitation on the number of certified
 143 applicants or facilities as provided in that section and the
 144 restrictions set forth in s. 288.1162(8), shall apply to an
 145 applicant's facility to be funded by local government as
 146 provided in this subsection.

147 (b) A certified applicant as a "motorsport entertainment
 148 complex," as provided for in s. 288.1171. Funding for each
 149 franchise or motorsport complex shall begin 60 days after
 150 certification and shall continue for not more than 30 years. The
 151 provisions of s. 288.1171(5) and s. 288.1171(7) shall not apply
 152 to an applicant's facility to be funded by local government as
 153 provided in this subsection.

154 Section 3. Section 288.1171, Florida Statutes, is amended
 155 to read:

156 288.1171 Motorsports entertainment complex; definitions;
 157 certification; duties.-

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

159 (a) "Applicant" means the owner of a motorsports
 160 entertainment complex.

161 (b) "Motorsports entertainment complex" means a closed-
 162 course racing facility with at least 50,000 fixed seats.

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

165 (d) "Owner" means a unit of local government which owns a
 166 motorsports entertainment complex ~~or~~ owns the land on which the
 167 motorsports entertainment complex is located.

168 (e) "Sanctioning body" means the American Motorcycle

169 Association (AMA), Championship Auto Racing Teams (CART), Grand
 170 American Road Racing Association (Grand Am), Indy Racing League
 171 (IRL), National Association for Stock Car Auto Racing (NASCAR),
 172 National Hot Rod Association (NHRA), Professional Sportscar
 173 Racing (PSR), Sports Car Club of America (SCCA), United States
 174 Auto Club (USAC), or any successor organization, or any other
 175 nationally recognized governing body of motorsports which
 176 establishes an annual schedule of motorsports events and grants
 177 rights to conduct such events, has established and administers
 178 rules and regulations governing all participants involved in
 179 such events and all persons conducting such events, and requires
 180 certain liability assurances, including insurance.

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

183 (2) The department shall serve as the state agency for
 184 screening applicants for funding under s. 212.20 and local
 185 option funding under s. 218.64(3) and for certifying an
 186 applicant as a motorsports entertainment complex. The department
 187 shall develop and adopt rules for the receipt and processing of
 188 applications for funding under s. 212.20 and s. 218.64(3). The
 189 department shall make a determination regarding any application
 190 filed by an applicant not later than 120 days after the
 191 application is filed.

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

194 (a) A unit of local government holds title to the land on
 195 which the motorsports entertainment complex is located or holds
 196 title to the motorsports entertainment complex.

197 (b) The municipality in which the motorsports
 198 entertainment complex is located, or the county if the
 199 motorsports entertainment complex is located in an
 200 unincorporated area, has certified by resolution after a public
 201 hearing that the application serves a public purpose.

202 (c) The applicant has a verified copy of the approval from
 203 a sanctioning body stating that motorsport events are sanctioned
 204 to occur at the applicant's complex.

205 (d) The applicant has projections, verified by the
 206 department, which demonstrate that the motorsports entertainment
 207 complex will attract paid attendance of more than 100,000
 208 annually.

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

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

218 (g) The total cost of construction, reconstruction,
 219 expansion, or renovation of the complex must exceed \$250
 220 million.

221 (4) Upon determining that an applicant meets the
 222 requirements of subsection (3), the department shall notify the
 223 applicant and the executive director of the Department of
 224 Revenue of such certification by means of an official letter

225 | granting certification. If the applicant fails to meet the
 226 | certification requirements of subsection (3), the department
 227 | shall notify the applicant not later than 10 days following such
 228 | determination.

229 | (5) A motorsports entertainment complex that has been
 230 | previously certified under this section and has received funding
 231 | under such certification is ineligible for any additional
 232 | certification.

233 | (6) An applicant certified as a motorsports entertainment
 234 | complex may use funds provided pursuant to s. 218.64(3) or s.
 235 | 212.20 only for the following public purposes:

236 | (a) Paying for the construction, reconstruction,
 237 | expansion, or renovation of a motorsports entertainment complex.

238 | (b) Paying debt service reserve funds, arbitrage rebate
 239 | obligations, or other amounts payable with respect to bonds
 240 | issued for the construction, reconstruction, expansion, or
 241 | renovation of the motorsports entertainment complex or for the
 242 | reimbursement of such costs or the refinancing of bonds issued
 243 | for such purposes.

244 | (c) Paying for construction, reconstruction, expansion, or
 245 | renovation of transportation or other infrastructure
 246 | improvements related to, necessary for, or appurtenant to the
 247 | motorsports entertainment complex, including, without
 248 | limitation, paying debt service reserve funds, arbitrage rebate
 249 | obligations, or other amounts payable with respect to bonds
 250 | issued for the construction, reconstruction, expansion, or
 251 | renovation of such transportation or other infrastructure
 252 | improvements, and for the reimbursement of such costs or the

253 refinancing of bonds issued for such purposes.

254 (d) Paying for programs of advertising and promotion of or
 255 related to the motorsports entertainment complex or the
 256 municipality in which the motorsports entertainment complex is
 257 located, or the county if the motorsports entertainment complex
 258 is located in an unincorporated area, if such programs of
 259 advertising and promotion are designed to increase paid
 260 attendance at the motorsports entertainment complex or increase
 261 tourism in or promote the economic development of the community
 262 in which the motorsports entertainment complex is located.

263 (7) The department shall certify no more than one
 264 applicant as a motorsports entertainment complex.

265 (8) ~~(7)~~ The Auditor General ~~Department of Revenue~~ may
 266 audit, as provided in s. 11.45 ~~213.34~~, to verify that the
 267 distributions pursuant to this section have been expended as
 268 required in this section. ~~Such information is subject to the~~
 269 ~~confidentiality requirements of chapter 213.~~ If the Auditor
 270 General ~~Department of Revenue~~ determines that the distributions
 271 pursuant to certification under this section have not been
 272 expended as required by this section, the Auditor General shall
 273 notify the Department of Revenue, which ~~it~~ may pursue recovery
 274 of such funds pursuant to the laws and rules governing the
 275 assessment of taxes.

276 Section 4. This act shall take effect July 1, 2013.