

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Detert, Chair
Senator Abruzzo, Vice Chair

MEETING DATE: Wednesday, January 8, 2014

TIME: 9:00 —11:00 a.m.

PLACE: Toni Jennings Committee Room, 110 Senate Office Building

MEMBERS: Senator Detert, Chair; Senator Abruzzo, Vice Chair; Senators Bean, Hays, Hukill, Margolis, Richter, Ring, Simpson, Stargel, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 208 Hukill (Identical H 127)	Motorsports Entertainment Complexes; 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; specifying that the department may certify only one motorsports entertainment complex; 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, etc. CM 01/08/2014 Fav/CS CA AFT AP RC	Fav/CS Yeas 11 Nays 0
2	SB 314 Brandes (Similar H 4005)	Fireworks; Repealing provisions relating to the testing and approval of sparklers and the registration of manufacturers, distributors, wholesalers, and retailers of sparklers, to the sale and use of fireworks and to the bond for licensees, etc. CM 01/08/2014 Fav/CS RI	Fav/CS Yeas 7 Nays 4
3	SB 398 Detert	Florida Tourism Hall Of Fame; Establishing the Florida Tourism Hall of Fame; providing for administration by the Florida Tourism Industry Marketing Corporation; designating a location for the display of inductee plaques; providing procedures for nomination, selection, and induction of members, etc. CM 01/08/2014 Fav/CS ATD AP	Fav/CS Yeas 10 Nays 0

Other Related Meeting Documents

An electronic copy of the Appearance Request form is available to download from any Senate committee page on the Senate's website, www.flsenate.gov

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 208

INTRODUCER: Commerce and Tourism Committee, Senator Hukill, and others

SUBJECT: Motorsports Entertainment Complexes

DATE: January 8, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	Hrdlicka	CM	Fav/CS
2.			CA	
3.			AFT	
4.			AP	
5.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 208 permits the Department of Economic Opportunity to certify one motorsports entertainment complex to receive a monthly distribution from state sales tax revenues.

The distribution is \$166,667 monthly for up to 30 years.

The bill authorizes the Auditor General to conduct audits to ensure that distributions are expended as required and, if not found in compliance, notify the Department of Revenue which may pursue recovery of such funds.

II. Present Situation:

Motorsports in Florida

Automobile racing in Florida has a long and storied history stretching back more than 100 years. In April 1902, the first “tests of speed” began on the 12-mile stretch of beach between Ormond and Daytona.¹

¹ Randall L. Hall, *Automobile Racing in the South*, The Journal of Southern History, (August 2002).

In late 1947, a group of racing promoters gathered in Daytona Beach to create an organization which would unify automobile racers and build back interest in the sport following World War II. This meeting was the impetus for the incorporation of the National Association of Stock Car Auto Racing (NASCAR) in 1948.²

Today, NASCAR is automobile racing's largest sanctioning body for stock cars. Currently, NASCAR has 28 sanctioned tracks. Additionally, Florida is one of only three states that have two NASCAR-sanctioned tracks. These tracks are the Daytona International Speedway and the Homestead-Miami Speedway.³ Information on the tracks is below:

	Daytona International Speedway ⁴	Homestead Miami Speedway ⁵
Major Races	Daytona 500, Coke Zero 400	Ford EcoBoost 400, Ford EcoBoost 300
Year Opened	1959	1995
Grandstand Seating Capacity	147,000	65,000
Location	Volusia County	Miami-Dade County
Facility Owner	International Speedway Corporation	International Speedway Corporation

The Daytona 500 is the opening race of the NASCAR Sprint Cup Series, and is considered the race that “sets the tone for the entire season to follow.”⁶ The Ford EcoBoost 400 is the NASCAR Sprint Cup Series’ final race.

Aside from the two NASCAR-sanctioned tracks, Florida is home to an additional 50 automobile racing tracks. These tracks are located throughout the state, and provide local amateur racers and enthusiasts the opportunity to be involved with the sport.⁷

Sales and Use Tax

Chapter 212, F.S., contains the state’s statutory provisions authorizing the levy and collection of Florida’s sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. A 6 percent sales and use tax is levied on tangible personal property and a limited number of services. The statutes currently provide for more than 200 different exemptions.

² *Id.*

³ NASCAR Tracks, available at: www.nascar.com/races/tracks/, (last visited on December 17, 2013).

⁴ ESPN, *NASCAR Track Guide: Daytona International Speedway*, (June 27, 2011), available at: <http://espn.go.com/espn/thelife/news/story?id=2346804>, (last visited on December 17, 2013).

⁵ Homestead Miami Speedway website, *The History of Homestead-Miami Speedway*, available at: <http://www.homesteadmiamispeedway.com/About/Track-History.aspx>, (last visited on December 17, 2013).

⁶ *Supra* note 4.

⁷ Florida Race Track Directory of Asphalt & Dirt Tracks & Drag Strips, available at: <http://www.racingin.com/track/florida.aspx>, (last visited December 17, 2013).

Local Government Half-cent Sales Tax Program

The Local Government Half-cent Sales Tax Program (program) is the largest source of revenue received by local governments among the state's shared revenue sources. The program primarily serves to provide ad valorem and utility tax relief, in addition to providing eligible local governments revenues for local programs.⁸ A local government may also pledge funds from the program for payment of principal and interest on any capital project.⁹

Moneys for the program are collected pursuant to the provisions of ch. 212, F.S. The program distributes funds to eligible local governments through three distributions of sales tax revenues remitted by a sales tax dealer within the eligible participating county.¹⁰ The *ordinary* distribution operates by a transfer of 8.814 percent of net sales tax proceeds remitted by a sales tax dealer in the eligible local government's jurisdiction to the Local Government Half-cent Sales Tax Clearing Trust Fund (trust fund).¹¹ The *emergency* and *supplemental* distributions operate by a transfer of 0.095 percent of net sales tax proceeds to the trust fund, and are available only to those counties that meet certain fiscal eligibility requirements, or have an inmate population of greater than 7 percent of the total county population.^{12, 13} An additional, separate distribution from the trust fund is available to qualifying fiscally constrained counties.¹⁴

Funds remitted by sales tax dealers within a local government's jurisdiction and transferred to the trust fund are earmarked and distributed monthly to the governing bodies of participating eligible local governments.¹⁵ Program funds are distributed to participating county and municipal governments based on a distribution formula.¹⁶

If a majority of the governing body of a county government and a majority of the members of the governing authority of municipalities representing at least 50 percent of the county's municipal population adopt an ordinance, up to \$2 million annually of the program funds allocated to that county may be used for the following purposes:^{17, 18}

- Funding a facility certified as a new or retained professional sports franchise under s. 288.1162, F.S., or a facility certified as a spring training franchise under s. 288.11621, F.S.
- Funding an applicant certified as a "motorsports entertainment complex" under s. 288.1171, F.S.

⁸ Office of Economic and Demographic Research, *2012 Local Government Financial Information Handbook*, (October 2012), available at: <http://edr.state.fl.us/Content/local-government/reports/lgfi12.pdf>, (last visited on December 17, 2013).

⁹ Section 218.64, F.S.

¹⁰ Section 218.63, F.S., defines eligibility requirements. In order to participate in the program, a local government must meet the revenue sharing eligibility requirements specified in s. 218.23, F.S.

¹¹ Section 212.20(6)(d)2., F.S.

¹² Section 212.20(6)(d)3., F.S.

¹³ *Supra* note 8 at page 55.

¹⁴ Section 218.67, F.S.

¹⁵ Section 218.61, F.S.

¹⁶ Section 218.62, F.S.

¹⁷ Section 218.64(3)(b), F.S.

¹⁸ If a county and municipal government's governing body support using program funds to support funding of professional sports, spring training, or motorsports entertainment complexes, their distribution for general use is provided *after* funding is provided for these projects.

Motorsports Entertainment Complex Certification

Section 288.1171, F.S., provides the procedure by which a local government may receive certification for a motorsport entertainment complex in order to use \$2 million of Local Government Half-cent Sales Tax Program funds to pay for certain costs associated with the complex. As of October 30, 2013, no local government has received certification for a motorsport entertainment complex to use such funds.¹⁹ A motorsport entertainment complex is defined as a closed-course racing facility.

The Department of Economic Opportunity (DEO) is responsible for screening and certifying applicants to allow them to use program funds. An applicant must be a unit of local government that either owns a motorsport entertainment complex or owns the land on which a complex is located.

Before certifying an applicant as a motorsport entertainment complex, the DEO must first verify that:

- The local government holds title to the land on which the complex is located or holds title to the complex; and
- The local government in which the complex is located has certified by resolution after a public hearing that the application for certification serves a public purpose.

If the DEO determines an applicant meets eligibility requirements, it must notify the applicant and Department of Revenue (DOR) of the applicant's certification through an official letter. If an applicant does not meet the requirements, the DEO must notify the applicant within 10 days of such determination. An applicant may not receive more than one certification. There are no limitations on the number of applicants that may be certified.

An applicant certified as a motorsport entertainment complex may only use funds provided from the Local Government Half-cent Sales Tax Program for the public purposes of paying for the construction, reconstruction, expansion, or renovation of a motorsport entertainment complex, including related transportation and other infrastructure improvements; paying debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds issued for such activities; or refinancing the bonds. Additional eligible uses include paying for advertising and promotional activities related to the motorsport entertainment complex or the municipality or county in which the complex is located, if such activities are designed to increase tourism or promote economic development of the municipality or county.

The DOR may perform an audit to ensure the distributions are expended as required, and may pursue recovery of any funds not expended as required by law.

III. Effect of Proposed Changes:

CS/SB 208 permits the Department of Economic Opportunity (DEO) to certify one motorsports entertainment complex to receive a monthly distribution from state sales tax revenues.

¹⁹ Department of Economic Opportunity, *Agency Bill Analysis: SB 208*, (October 30, 2013).

Section 1 amends s. 212.20, F.S., to direct the Department of Revenue to distribute \$166,667 monthly from state sales tax revenues to a motorsports entertainment complex certified under s. 288.1171, F.S.

Section 2 amends s. 288.1171, F.S., to permit a motorsports entertainment complex to receive a distribution from either the Local Government Half-cent Sales Tax Program, as provided in current law, or state sales tax revenue upon certification by the DEO.

The bill limits a “motorsports entertainment complex” to “a closed-course racing facility that has at least 50,000 fixed seats.”

Application

Before certification, the DEO must determine whether the applicant meets certain criteria. In addition to the current criteria discussed above in the present situation, the bill also requires the DEO to determine that:

- The applicant has approval from a sanctioning body²⁰ that motorsport events are sanctioned to occur at the applicant’s complex;
- The applicant has projections, verified by the DEO, which demonstrate that the complex will attract paid attendance of more than 100,000 annually;
- The applicant has an independent analysis, verified by the DEO, which demonstrates that the amount of revenues generated by the taxes imposed under ch. 212, F.S., with respect to the use and operation of the complex will equal or exceed \$2 million annually;
- The applicant has demonstrated that it has or is capable of providing, or has financial or other commitments to provide, one-half the cost incurred or related to the improvement and development of the complex; and
- The total cost of the construction, reconstruction, expansion, or renovation of the complex exceeds \$250 million.

Certification

The bill provides that the DEO may certify only one applicant as a motorsports entertainment complex. The approved applicant may not seek a distribution from the Local Government Half-cent Sales Tax Program under s. 218.64(3), F.S., while receiving a distribution from state sales tax revenue under s. 212.20, F.S.

Audits

The bill authorizes the Auditor General to a) verify the expenditure of distributions, and b) notify the Department of Revenue of improperly expended funds so that it may pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

Section 3 provides for an effective date of July 1, 2014.

²⁰ Defined in current law under s. 288.1171(1)(e), F.S., as the American Motorcycle Association (AMA), Championship Auto Racing Teams (CART), Grand American Road Racing Association (Grand Am), Indy Racing League (IRL), National Association for Stock Car Auto Racing (NASCAR), National Hot Rod Association (NHRA), Professional Sportscar Racing (PSR), Sports Car Club of America (SCCA), United States Auto Club (USAC), or any successor organization, or any other nationally recognized governing body of motorsports which establishes and administers rules and regulations governing all participants involved in such events and all persons conducting such events, and requires certain liability assurances, including insurance.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

If an applicant is certified as a motorsports entertainment complex to receive distributions under s. 212.20, F.S., it would be eligible to receive up to \$2 million per year for up to 30 years, for a total distribution of \$60 million.

B. Private Sector Impact:

The CS will allow the owner of a certified motorsports entertainment complex to receive funding to support renovations of such a complex.

C. Government Sector Impact:

The Department of Economic Opportunity indicated that any costs incurred would be covered by current resources.²¹

The Department of Revenue indicated that the bill would have insignificant impact on the department.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

Under current law, there are programs that permit eligible professional sports facilities²³ and spring training baseball facilities²⁴ to receive monthly distributions from sales tax revenues.

²¹ Department of Economic Opportunity, *Agency Bill Analysis: SB 208*, (October 30, 2013).

²² Department of Revenue, *DOR 2014 Bill Analysis: SB 208*, (October 9, 2013).

²³ Section 288.1162, F.S.

²⁴ Sections 288.11621 and 288.11631, F.S.

VIII. Statutes Affected:

This CS amends ss. 212.20 and 288.1171, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism Committee on Jan. 8, 2014:

The committee substitute corrects a reference to clarify that the certified applicant may not seek a distribution from the Local Government Half-cent Sales Tax Program under s. 218.64(3), F.S., while receiving a distribution from state sales tax revenue under s. 212.20, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/08/2014	.	
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	.	
	.	

The Committee on Commerce and Tourism (Hukill) recommended the following:

Senate Amendment

Delete line 251
and insert:
under s. 212.20.

By Senator Hukill

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2014208__

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.; revising the definition of the term "motorsports entertainment complex"; revising requirements for the certification of a facility as a motorsports entertainment complex; specifying that the department may certify only one motorsports entertainment complex; 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:

Page 1 of 10

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8-00253C-14

2014208__

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent 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 deposited in monthly installments into the General Revenue Fund.

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

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

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

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

Page 2 of 10

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8-00253C-14

2014208__

great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

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

8-00253C-14

2014208__

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

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

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

8-00253C-14

2014208__

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

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

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

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

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

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

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

8-00253C-14

2014208__

entertainment complex.

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

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

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

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

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

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

8-00253C-14

2014208__

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

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

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

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

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

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

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

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

8-00253C-14

2014208__

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

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

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

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

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

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

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

8-00253C-14 2014208__
 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.

(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.

(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 this section.

~~(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

8-00253C-14 2014208__
 262 governing the assessment of taxes.
 263 Section 3. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations
Appropriations Subcommittee on Education
Commerce and Tourism
Communications, Energy, and Public Utilities
Community Affairs
Governmental Oversight and Accountability

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL

8th District

October 08, 2013

The Honorable Nancy Detert
310 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 208 – Motorsports Entertainment Complex

Dear Madam Chair Detert:

Senate Bill 208, relating to Motorsports Entertainment Complex, has been referred to the Commerce and Tourism Committee. I am requesting your consideration to include SB 208 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Jennifer Hrdlicka, Staff Director of the Commerce and Tourism Committee
Patty Blackburn, Administrative Assistant of the Commerce and Tourism Committee
Charlie Anderson, Legislative Assistant for Senator Nancy Detert

REPLY TO:

- ☐ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- ☐ Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/8/14

Meeting Date

Topic Daytona

Bill Number 208
(if applicable)

Name Jocelyn Chitwood

Amendment Barcode _____
(if applicable)

Job Title President - Daytona Speedway

Address 1801 W. Int'l Spdy Blvd

Phone 386-681-6763

Street

Daytona Beach FL 32114

City

State

Zip

E-mail jchitwood@daytona
international-speedway.com

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

003

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/8/14
Meeting Date

Topic Motor Sports

Bill Number S208
(if applicable)

Name Brewster Bevis

Amendment Barcode _____
(if applicable)

Job Title Senior Vice President

Address 516 W. Adams St.
Street
Tallahassee
City State Zip

Phone 521-2193

E-mail bbevis@aif.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 314

INTRODUCER: Commerce and Tourism Committee and Senator Brandes

SUBJECT: Fireworks

DATE: January 8, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Malcolm	Hrdlicka	CM	Fav/CS
2.			RI	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 314 repeals the ban on the sale and use of fireworks in Florida, but it prohibits the sale of fireworks, sparklers, and novelties to any person under 16 years old. It also gives local governments the authority to regulate the sale and use of fireworks, sparklers, and novelties, and the authority to require retailers to take reasonable steps to determine that a buyer is eligible to purchase fireworks under an exemption.

The bill also repeals regulations related to sparklers, including the testing and approval requirements for sparklers; the penalty for selling unapproved sparklers; and the registration and fee requirements for manufacturers, distributors, and wholesalers of sparklers. The bill retains the storage requirement for sparklers.

The bill requires fireworks retailers to annually register with the State Fire Marshall; to pay an annual registration fee of \$15 per location for retailers and \$200 for seasonal retailers; and to obtain at least \$2 million in comprehensive, liability, and property damage insurance coverage and provide proof of coverage to the State Fire Marshall. Retailers are also required to provide buyers with a disclaimer that the buyer must sign and date. The disclaimer acknowledges that the buyer is at least 16 years old; has read ch. 791, F.S.; and is purchasing and using the fireworks under the agricultural and fisheries exception or is purchasing and using the fireworks for personal recreational use; and understands that fireworks are inherently dangerous and may result in fire, property damage, or serious bodily harm.

The bill repeals the state requirement that public displays of fireworks must have the inspection and approval of the county commissioners, the chief of police, and the fire department, and it repeals the bond requirement for such approved public fireworks displays.

The bill retains the requirements that outdoor displays of fireworks are regulated by the National Fireworks Association Code of Fireworks Display and that counties and municipalities may enact more stringent regulations for outdoor fireworks displays done on property other than private, residential property. The bill updates the Code of Fireworks Display to the 2014 edition.

II. Present Situation:

Fireworks-Related Injuries and Deaths

In 2012, approximately 8,700 people nationwide were treated in emergency rooms for fireworks-related injuries, with 60 percent of injuries (approximately 5,200) occurring around July 4.¹ There were six reported non-occupational fireworks-related deaths in 2012.²

Federal Fireworks Regulations

The production, distribution, and sale consumer of fireworks is regulated at the federal and state levels. At the federal level, the U.S. Consumer Product Safety Commission (CPSC) regulates consumer fireworks under the Federal Hazardous Substances Act (FHSA).³ The CPSC prohibits the sale to consumers of a number of fireworks, such as large reloadable mortar shells, cherry bombs, aerial bombs, M-80 salutes, and larger firecrackers containing more than two grams of powder.⁴

CPSC regulations also contain labelling and performance requirements for permitted fireworks and firecrackers.⁵ According to the CPSC, permitted fireworks include: “shells and mortars, multiple tube devices, Roman candles, rockets, sparklers, firecrackers with no more than 50 milligrams of powder, and novelty items, such as snakes, airplanes, ground spinners, helicopters, fountains, and party poppers.”⁶

¹ United States Consumer Product Safety Commission, *Fireworks: Publication #12*, June 2013, available at <http://www.cpsc.gov/PageFiles/121339/012.pdf> (last visited Dec. 16, 2013).; United States Consumer Product Safety Commission, *2012 Fireworks Annual Report: Fireworks-Related Deaths, Emergency Department-Treated Injuries, and Enforcement Activities During 2012*, 1-2, June 2013, available at http://www.cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Fuel-Lighters-and-Fireworks/Fireworks_Report_2012.pdf (last visited Dec.16, 2013).

² CPSC, *2012 Fireworks Annual Report* at 1.

³ See 15 U.S.C. ss. 1261–1278; 16 C.F.R. ss. 1500, 1507.

⁴ CPSC, *Fireworks: Publication #12*; 16 C.F.R. s. 1500.17(a)(3), (8), (11), (12).

⁵ See 16 C.F.R. s. 1500.14(b)(7); 16 C.F.R. s. 1507; 16 C.F.R. s. 1500.85(a)(2).

⁶ CPSC, *Fireworks: Publication #12*.

Florida's Fireworks Regulations

As of June 1, 2013, 40 states allow some or all types of consumer fireworks, five states only allow sparklers or other novelties, one state only allows novelty fireworks, and four states ban all consumer fireworks.⁷

Chapter 791, F.S., regulates fireworks in Florida. Generally, the sale and use of fireworks is prohibited in Florida.⁸ As stated by one state fire marshal, “As a general rule anything that flies, explodes or shoots flaming balls is not legal.”⁹ Specifically, the ban on fireworks includes “blank cartridges and toy cannons in which explosives are used, . . . balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks [or other device] containing any explosives or flammable compound”¹⁰ Local law-enforcement departments, rather than the State Fire Marshall, are charged with enforcing the fireworks ban and other provisions of ch. 791, F.S.¹¹

Exemptions

Section 791.04, F.S., contains a number of broad user-based exemptions from the ban on the sale or use of fireworks: wholesale transactions and out-of-state shipments among registered fireworks business; sales to entities permitted by a board of county commissioners to provide outdoor fireworks displays; the use of fireworks by transportation agencies for signaling, blasting or other industrial uses; the sale or use of blank cartridges for theatrical, signal, or ceremonial purposes; and the manufacture, experimentation, exploding, and storing of fireworks by licensed manufacturers. Additionally, s. 791.07, F.S., exempts the sale and use of fireworks to frighten birds from agricultural goods and fish hatcheries.¹²

In addition to the user-based exemptions in ss. 791.04 and 791.07, F.S., there are also a number of product-based exemptions in ch. 791, F.S. Novelties and trick noisemakers, such as toy guns, smoke devices, party poppers, snappers, and snakes, are not banned and may be sold and used at all times.¹³

⁷ CPSC, *Fireworks: Publication #12*; see also American Pyrotechnics Association, *2013 State Fireworks Control Laws*, June 1, 2013, available at http://www.americanpyro.com/assets/docs/State_Laws/2013%20state%20laws%20firework%20map.pdf (last visited Dec. 16, 2013); but see Department of Financial Services, Division of State Fire Marshall, *Fireworks and Sparkler Enforcement: Law Enforcement and Inspections Guide*, 3, June 2004, available at http://www.myfloridacfo.com/division/sfm/bfp/RegulatoryLicensing/documents/Fireworks_Enforcement_Guide_2004_text.pdf (last visited Dec. 17, 2013) (including Florida as one of the seven states that bans all retail sales of fireworks).

⁸ Section 791.02, F.S.

⁹ Eric Newcomer, *Many South Floridians buy fireworks and use them illegally*, SUN SENTINEL, July 2, 2010, available at http://articles.sun-sentinel.com/2010-07-02/news/fl-fireworks-and-the-law-20100702_1_vice-president-of-phantom-fireworks-purchase-fireworks-bill-weimer (last visited Dec. 18, 2013).

¹⁰ Section 791.01(4)(a), F.S.

¹¹ Section 791.001, F.S.; A violation of ch. 791, F.S., including violations of the sparkler testing and approval regulations, is a first-degree misdemeanor. Sections 791.013(2) and 791.06, F.S.

¹² Unlike the exemptions in s. 791.04, F.S., which do not provide the Department of Financial Services with rulemaking authority to govern the use of exemptions, the exemption in s. 791.07, F.S., are governed by rules prescribed by the Department of Agriculture and Consumer Services. See Ch. 5A-3 F.A.C.

¹³ Section 791.01(b)-(c), F.S.; see Division of State Fire Marshall, *Fireworks and Sparkler Enforcement Guide*, 6, June 2004.

Sparklers

Though the sale and use of sparklers is not banned, sparklers must be tested and approved by the State Fire Marshall before they may be sold.¹⁴ A list of approved sparklers is published annually by the State Fire Marshall.¹⁵ For 2013, the State Fire Marshall tested 80 new sparkler products.¹⁶ Stores that sell sparklers must also comply with storage requirements, such as restrictions on keeping sparklers in the same store in which there are unopened containers of other flammable substances and requirements for warning signs and the availability of fire extinguishers.¹⁷

A business that manufactures, distributes, or sells (either wholesale or at retail) sparklers must annually register with the State Fire Marshall and pay a registration fee.¹⁸ The annual registration fee for manufacturers, distributors, and wholesalers is \$1,000.¹⁹ For seasonal retailers, the annual fee is \$200, and for non-seasonal retailers the fee is \$15 for each retail location.²⁰ For 2013, 3,963 seasonal retailers, 493 retail locations, 24 wholesalers, and 3 distributors registered with the State Fire Marshall.²¹

Public Displays

Although the sale and use of fireworks is banned in Florida, ch. 791, F.S., allows public displays of fireworks when they are regulated by county commissioners or other municipal body. The police chief and fire chief in the municipality must approve the display operator, and the fire chief must determine that the character and location of the display are not hazardous to property or people.²² Additionally, county commissioners must require a bond from the operator of the public fireworks display to pay for any personal or property damage caused by the display.²³ After a permit for a public fireworks display has been granted, sales, possession, use, and distribution of fireworks for the display is allowed.²⁴

Under s. 791.012, F.S., the outdoor display of fireworks is regulated by the National Fire Protection Association Code for Fireworks Display (the Code). While counties and municipalities may provide for more stringent regulations for outdoor fireworks displays, they may not provide less stringent regulations than those in the Code.²⁵ However, the Code does not govern fireworks displays on private, residential property, nor does it govern the display of other non-banned items such as sparklers, other novelties, or trick noisemakers.²⁶

¹⁴ Section 791.013, F.S.; *see* Ch. 69A-50, F.A.C.

¹⁵ Section 791.013, F.S.

¹⁶ Department of Financial Services, *Analysis of CS/SB 314*, Nov. 22, 2013 (on file with the Senate Committee on Commerce and Tourism).

¹⁷ Section 791.055, F.S.

¹⁸ Sections 791.015(1) and 791.02(2), F.S.; Revenue from the registration fees is deposited in the Insurance Regulatory Trust Fund. Section 791.015(b), F.S.

¹⁹ Section 791.015(3)(a), F.S.

²⁰ *Id.*

²¹ Department of Financial Services, *Analysis of CS/SB 314*.

²² Section 791.02(1), F.S.

²³ Section 791.03, F.S. The bond must be at least \$500. *Id.*

²⁴ Section 791.02(1), F.S.

²⁵ Section 791.012, F.S.

²⁶ *Id.*

The Miketa Case

In 2002, the Third District Court of Appeal in *State v. Miketa*, agreed with a lower court's ruling that when a fireworks buyer signs a certificate acknowledging that the purchase and use of the fireworks falls within the exemptions specified in s. 791.04, F.S., the seller is not required to request further documentation that the transaction is, in fact, exempt because there is no due diligence requirement for fireworks sellers in ch. 791, F.S.²⁷ No other district court of appeal has ruled on this issue.

III. Effect of Proposed Changes:

Section 1 amends s. 791.01, F.S., to remove and modify definitions that are either no longer necessary or must be modified to reflect the repeal of ss. 791.013 and 791.02, F.S., in Sections 3 and 5 of the bill.

Section 2 amends s. 791.012, F.S., to correct a cross-reference due to the amendments to s. 791.01, F.S., in Section 1 of the bill and to update the Code for Fireworks Display to the 2014 edition.

Section 3 repeals ss. 791.013, to eliminate the testing and approval requirements for sparklers and the penalty for selling unapproved sparklers.

Section 4 amends s. 791.015, to eliminate the registration and fee requirements for manufacturers, distributors, wholesalers, and retailers of sparklers. The bill requires all retailers to annually register with the State Fire Marshall; to pay an annual registration fee of \$15 per location for retailers and \$200 for seasonal retailers; and to obtain at least \$2 million in comprehensive, liability, and property damage insurance coverage and provide proof of such coverage to the State Fire Marshall.

The bill also requires retailers to provide buyers with a disclaimer that the buyer must sign and date at the point of sale. The disclaimer acknowledges that the buyer is at least 16 years old; has read ch. 791, F.S., and is purchasing and using the fireworks under the agricultural and fisheries exception or is purchasing and using the fireworks for personal recreational use; and understands that fireworks are inherently dangerous and may result in fire, property damage, or serious bodily harm for which the buyer may be liable.

Section 5 repeals ss. 791.02 and 791.03, F.S., to eliminate the ban on the sale or use of fireworks; the requirement that public displays of fireworks have the inspection and approval of the county commissioners, the chief of police, and the fire department; and the bond requirement for public fireworks displays.

Section 6 amends s. 791.04, F.S., to repeal types of transactions not prohibited under ch. 791, F.S., due to the repeal of s. 791.02, F.S., in Section 5 of the bill. The bill retains current law exemptions from ch. 791, F.S., for the use of fireworks by transportation agencies for signaling,

²⁷ 824 So. 2d 970, 974.

illumination, quarrying, blasting or other industrial uses; for the sale or use of blank cartridges for theatrical, signal, or ceremonial purposes; and for the manufacturing, experimenting, exploding, and storing fireworks by licensed manufacturers.

Section 7 creates s. 791.08, F.S., to prohibit the sale of fireworks, sparklers, and novelties to a person under 16 years of age.

Section 8 creates s. 791.09, F.S., to authorize a county or municipality to regulate the sale and use of fireworks, sparklers, and novelties except when the sale or use is exempt under ss. 791.04 or 791.07, F.S. The bill also authorizes a county or municipality to require retailers to take reasonable steps to determine a buyer's eligibility to purchase items that are exempt under ss. 791.04 or 791.07, F.S.

Section 9 provides that the bill will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill repeals the annual registration fees of \$1,000 for manufacturers, distributors, and wholesalers of sparklers. The bill requires all fireworks retailers to pay an annual registration fee of \$200 for seasonal retailers and \$15 for each location operated by a non-seasonal retailer. The fees are consistent with the fees in current law, which apply to all retailers of sparklers.

B. Private Sector Impact:

Manufacturers, distributors, and wholesalers of sparklers will no longer be required to annually register and pay a fee to the State Fire Marshall. Sparkler sellers will also no longer be required to submit and pay for the testing and approval of new sparkler products.²⁸

²⁸ Department of Financial Services, *Analysis of CS/SB 314*.

The bill requires all fireworks retailers to annually register and pay a fee to the State Fire Marshall; to obtain at least \$2 million in comprehensive liability insurance coverage and provide proof of such coverage to the State Fire Marshall; and to provide buyers a disclaimer, which the buyer must sign and date at the point of sale.

C. Government Sector Impact:

The Department of Financial Services has not performed an analysis of the CS.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unknown what affect the bill will have on existing and future municipal regulations of the sale and use of fireworks.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: ss. 791.01, 791.012, 791.015, and 791.04, F.S.

The bill creates the following sections of the Florida Statutes: ss. 791.08 and 791.09, F.S.

The bill repeals the following sections of the Florida Statutes: ss. 791.013, 791.02, and 791.03, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism Committee on January 8, 2014:

The committee substitute:

- Requires fireworks retailers to annually register with the State Fire Marshall and pay annual registration fees of \$15 per location for retailers and \$200 for seasonal retailers.
- Requires fireworks retailers to have \$2 million of comprehensive, liability, and property damage, insurance coverage and to provide proof of coverage to the State Fire Marshall.
- Requires a person who buys fireworks to sign a disclaimer acknowledging the buyer:
 - is at least 16 years old;
 - has read ch. 791, F.S., and is purchasing and using the fireworks under the agricultural and fisheries exception or is purchasing and using the fireworks for personal recreational use; and
 - understands fireworks are inherently dangerous and may result in fire, property damage, or serious bodily harm.

- Prohibits the sale of fireworks, sparklers, and novelties to any person under 16 years old.
- Updates the Code for Fireworks Display to the 2014 edition.
- Gives counties and municipalities the authority to regulate the sale and use of fireworks, sparklers, or novelties and the authority to require retailers to take reasonable steps to determine a buyer is eligible to purchase fireworks under an exemption.

B. Amendments:

None.



235266

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/08/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 791.01, Florida Statutes, is amended to
read:

791.01 Definitions.—As used in this chapter, the term:

~~(1) "Distributor" means any person engaged in the business
of selling sparklers to a wholesaler.~~

(1)~~(2)~~ "Division" means the Division of the State Fire



235266

11 Marshal of the Department of Financial Services.

12 ~~(2)-(3)~~ "Explosive compound" means any chemical compound,
13 mixture, or device the primary or common purpose of which is to
14 function by the substantially instantaneous release of gas and
15 heat.

16 ~~(3)-(4)-(a)~~ "Fireworks" means a ~~and includes any~~ combustible
17 or explosive composition or substance or combination of
18 substances or, except as otherwise hereinafter provided in this
19 subsection, an ~~any~~ article prepared for the purpose of producing
20 a visible or audible effect by combustion, explosion,
21 deflagration, or detonation. The term includes blank cartridges
22 and toy cannons in which explosives are used, the type of
23 balloons that ~~which~~ require fire underneath to propel them,
24 firecrackers, torpedoes, skyrockets, roman candles, daygo ~~daygo~~
25 bombs, and any fireworks containing any explosives or flammable
26 compound or any tablets or other device containing any explosive
27 substance. The term

28 ~~(b)~~ ~~"Fireworks"~~ does not include novelties, sparklers,
29 ~~approved by the division pursuant to s. 791.013;~~ toy pistols,
30 toy canes, toy guns, or other devices in which paper caps
31 containing twenty-five hundredths grains or less of explosive
32 compound are used, providing they are so constructed that the
33 hand cannot come in contact with the cap when in place for the
34 explosion; or ~~and~~ toy pistol paper caps that ~~which~~ contain less
35 than twenty hundredths grains of explosive mixture, ~~the sale and~~
36 ~~use of which shall be permitted at all times.~~

37 ~~(4)-(c)~~ "Novelties" means the following devices or products
38 ~~"Fireworks" also does not include the following novelties and~~
39 ~~trick noisemakers:~~



235266

40 (a)1. A snake or glow worm, which is a pressed pellet of up
41 to not more than 10 grams of pyrotechnic composition which that
42 produces a large, snakelike ash that ~~which~~ expands in length as
43 the pellet burns and that does not contain mercuric thiocyanate.

44 (b)2. A smoke device, which is a tube or sphere containing
45 not more than 10 grams of pyrotechnic composition which, when
46 burned that, upon burning, produces white or colored smoke as
47 the primary effect.

48 (c)3. A trick noisemaker, which is a device that produces a
49 small report intended to surprise the user and which includes:

50 1.a. A party popper, which is a small plastic or paper
51 device containing not more than 16 milligrams of explosive
52 composition that is friction sensitive, which is ignited by
53 pulling a string protruding from the device, and which expels a
54 paper streamer and produces a small report.

55 2.b. A booby trap, which is a small tube with a string
56 protruding from both ends containing not more than 16 milligrams
57 of explosive compound, which is ignited by pulling the ends of
58 the string, and which produces a small report.

59 3.c. A snapper, which is a small, paper-wrapped device
60 containing not more than 4 ~~four~~ milligrams of explosive
61 composition coated on small bits of sand, and which, when
62 dropped, explodes, producing a small report. A snapper may not
63 contain more than 250 milligrams of total sand and explosive
64 composition.

65 4.d. A trick match, which is a kitchen or book match that
66 ~~which~~ is coated with not more than 16 milligrams of explosive or
67 pyrotechnic composition and which, upon ignition, produces a
68 small report or shower of sparks.



235266

69 ~~5.e.~~ A cigarette load, which is a small wooden peg that has
70 been coated with not more than 16 milligrams of explosive
71 composition and which produces, upon ignition of a cigarette
72 containing one of the pegs, a small report.

73 ~~6.f.~~ An auto burglar alarm, which is a tube which contains
74 not more than 10 grams of pyrotechnic composition that produces
75 a loud whistle or smoke when ignited and which is ignited by use
76 of a squib. A small quantity of explosive, not exceeding 50
77 milligrams, may also be used to produce a small report.

78
79 ~~The sale and use of items listed in this paragraph are permitted~~
80 ~~at all times.~~

81 ~~(5) "Manufacturer" means any person engaged in the~~
82 ~~manufacture or construction of sparklers in this state.~~

83 ~~(5)(6)~~ "Retailer" means any person who, at a fixed place of
84 business, is engaged in selling fireworks, sparklers, or
85 novelties to consumers at retail.

86 ~~(6)(7)~~ "Seasonal retailer" means any person engaged in the
87 business of selling sparklers at retail in this state from June
88 20 through July 5 and from December 10 through January 2 of each
89 year.

90 ~~(7)(8)~~ "Sparkler" means a device that ~~which~~ emits showers
91 of sparks upon burning, does not contain any explosive
92 compounds, does not detonate or explode, is handheld or ground
93 based, cannot propel itself through the air, and contains not
94 more than 100 grams of the chemical compound that ~~which~~ produces
95 sparks upon burning. ~~Any sparkler that is not approved by the~~
96 ~~division is classified as fireworks.~~

97 ~~(9) "Wholesaler" means any person engaged in the business~~



235266

~~of selling sparklers to a retailer.~~

Section 2. Section 791.012, Florida Statutes, is amended to read:

791.012 Minimum fireworks safety standards.—The outdoor display of fireworks in this state ~~is shall be~~ governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 2014 ~~1995~~ Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. The division shall adopt ~~promulgate~~ rules to carry out ~~the provisions of~~ this section. The Code for Fireworks Display does ~~shall~~ not govern the display of ~~any~~ fireworks on private, residential property or ~~and shall not govern~~ the display of those items excluded from the definition of fireworks included under s. 791.01 ~~s. 791.01(4)(b) and (c) and authorized for sale~~ ~~thereunder~~.

Section 3. Section 791.013, Florida Statutes, is repealed.

Section 4. Section 791.015, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 791.015, F.S., for present text.)

791.015 Registration, insurance, and disclaimer requirements for retailers.—

(1) REGISTRATION.—A retailer or seasonal retailer who wishes to do business in this state or to otherwise sell, ship, or assign for sale its products in this state shall register



235266

annually with the division on a form prescribed by the division.
Each retailer must annually pay a registration fee of \$15 to the
division for each retail location registered. Each seasonal
retailer must pay an annual registration fee of \$200 to the
division.

(2) INSURANCE.—A retailer or seasonal retailer in this
state shall obtain an insurance policy providing general,
comprehensive, liability, and property damage insurance coverage
on an occurrence basis with minimum limits in the policy of at
least \$2 million combined single limit coverage for each loss
that may result from the activities of the seller. Proof of such
insurance coverage must be submitted with the registration form
required in subsection (1).

(3) DISCLAIMER.—A retailer or seasonal retailer shall
provide to the buyer of fireworks or sparklers, and the buyer
shall sign and date at the point of sale, a disclaimer that
provides, in bold, uppercase type, the following:

I ACKNOWLEDGE AND AGREE THAT:

I AM SIXTEEN (16) YEARS OF AGE OR OLDER;

I HAVE REVIEWED CHAPTER 791, FLORIDA STATUTES, AND MY
PURCHASE AND USE OF FIREWORKS ARE WITHIN THE
AGRICULTURAL AND FISHERIES EXCEPTION IN SECTION
791.07, FLORIDA STATUTES, OR MY PURCHASE OF FIREWORKS
IS FOR PERSONAL RECREATIONAL USE; AND

THE USE OF FIREWORKS, NOVELTIES, OR SPARKLERS, IS



235266

INHERENTLY DANGEROUS AND MAY RESULT IN FIRE, PROPERTY
DAMAGE, OR SERIOUS BODILY HARM TO MYSELF OR OTHERS FOR
WHICH I MAY BE LIABLE FOR DAMAGES.

Section 5. Sections 791.02 and 791.03, Florida Statutes,
are repealed.

Section 6. Section 791.04, Florida Statutes, is amended to
read:

791.04 Exemptions ~~Sale at wholesale, etc., exempted.-~~
~~Nothing in This chapter does not: shall be construed to prohibit~~
~~any manufacturer, distributor, or wholesaler who has registered~~
~~with the division pursuant to s. 791.015 to sell at wholesale~~
~~such fireworks as are not herein prohibited; to prohibit the~~
~~sale of any kind of fireworks at wholesale between~~
~~manufacturers, distributors, and wholesalers who have registered~~
~~with the division pursuant to s. 791.015; to prohibit the sale~~
~~of any kind of fireworks provided the same are to be shipped~~
~~directly out of state by such manufacturer, distributor, or~~
~~wholesaler; to prohibit the sale of fireworks to be used by a~~
~~person holding a permit from any board of county commissioners~~
~~at the display covered by such permit; or to~~

(1) Prohibit the use of fireworks by railroads or other
transportation agencies for signal purposes or illumination or
when used in quarrying or for blasting or other industrial use.7

(2) Prohibit ~~or~~ the sale or use of blank cartridges for a
show or theater, or for signal or ceremonial purposes in
athletics or sports, or for use by military organizations, or
organizations composed of the Armed Forces of the United
States.7 ~~provided, nothing in this chapter shall be construed as~~
~~barring~~



235266

(3) Prohibit the operations of manufacturers, duly licensed, from manufacturing, experimenting, exploding, and storing such fireworks in their compounds or proving grounds.

Section 7. Section 791.08, Florida Statutes, is created to read:

791.08 Age restriction.—Fireworks, sparklers, and novelties may not be sold to a person under 16 years of age.

Section 8. Section 791.09, Florida Statutes, is created to read:

791.09 Local regulation.—Except for the sale and use exemption provided under ss. 791.04 and 791.07, a county or municipality may regulate the sale and use of fireworks, sparklers, and novelties. However, a county or municipality may require a retailer or seasonal retailer to take reasonable steps to determine a buyer's eligibility to purchase such items under an exemption provided under ss. 791.04 and 791.07.

Section 9. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to fireworks; amending s. 791.01, F.S.; removing and redefining terms; amending s. 791.012, F.S.; conforming a cross-reference to changes made by the act; repealing s. 791.013, F.S., relating to the testing and approval of sparklers and the registration of manufacturers, distributors,



235266

wholesalers, and retailers of sparklers; amending s.
791.015, F.S.; requiring a retailer or seasonal
retailor to register annually with the Division of the
State Fire Marshal; requiring the payment of a
registration fee; requiring a retailer or seasonal
retailor to obtain insurance and to provide the buyer
with a disclaimer, which must be signed at the point
of sale; repealing s. 791.02, F.S., relating to the
sale and use of fireworks; repealing s. 791.03, F.S.,
relating to the bond of licensees; amending s. 791.04,
F.S.; removing certain exemptions relating to the
prohibition of the sale of fireworks at wholesale;
creating s. 791.08, F.S.; prohibiting the sale of
fireworks, sparklers, and novelties to a person under
a specified age; creating s. 791.09, F.S.; authorizing
a county or municipality to regulate the sale and use
of fireworks, sparklers, and novelties; providing an
effective date.

By Senator Brandes

22-00305-14

2014314__

A bill to be entitled

An act relating to fireworks; repealing ss. 791.013 and 791.015, F.S., relating to the testing and approval of sparklers and the registration of manufacturers, distributors, wholesalers, and retailers of sparklers; repealing s. 791.02, F.S., relating to the sale and use of fireworks; repealing s. 791.03, F.S., relating to the bond for licensees; amending ss. 791.01, 791.012, and 791.04, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 791.013, 791.015, 791.02, and 791.03, Florida Statutes, are repealed.

Section 2. Section 791.01, Florida Statutes, is amended to read:

791.01 Definitions.—As used in this chapter, the term:

~~(1) "Distributor" means any person engaged in the business of selling sparklers to a wholesaler.~~

~~(1)(2)~~ "Division" means the Division of the State Fire Marshal of the Department of Financial Services.

~~(2)(3)~~ "Explosive compound" means any chemical compound, mixture, or device the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat.

~~(3)(4)~~(a) "Fireworks" means and includes any combustible or explosive composition or substance or combination of substances

Page 1 of 6

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22-00305-14

2014314__

or, except as otherwise hereinafter provided in this subsection, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons ~~that which~~ require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

(b) "Fireworks" does not include sparklers ~~approved by the division pursuant to s. 791.013~~; toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which is authorized ~~shall be permitted~~ at all times.

(c) "Fireworks" also does not include the following novelties and trick noisemakers:

1. A snake or glow worm, which is a pressed pellet of not more than 10 grams of pyrotechnic composition that produces a large, snakelike ash ~~that which~~ expands in length as the pellet burns and that does not contain mercuric thiocyanate.

2. A smoke device, which is a tube or sphere containing not more than 10 grams of pyrotechnic composition that, upon burning, produces white or colored smoke as the primary effect.

3. A trick noisemaker, which is a device that produces a small report intended to surprise the user and which includes:

Page 2 of 6

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22-00305-14

2014314__

a. A party popper, which is a small plastic or paper device containing not more than 16 milligrams of explosive composition that is friction sensitive, which is ignited by pulling a string protruding from the device, and which expels a paper streamer and produces a small report.

b. A booby trap, which is a small tube with a string protruding from both ends containing not more than 16 milligrams of explosive compound, which is ignited by pulling the ends of the string, and which produces a small report.

c. A snapper, which is a small, paper-wrapped device containing not more than four milligrams of explosive composition coated on small bits of sand, and which, when dropped, explodes, producing a small report. A snapper may not contain more than 250 milligrams of total sand and explosive composition.

d. A trick match, which is a kitchen or book match which is coated with not more than 16 milligrams of explosive or pyrotechnic composition and which, upon ignition, produces a small report or shower of sparks.

e. A cigarette load, which is a small wooden peg that has been coated with not more than 16 milligrams of explosive composition and which produces, upon ignition of a cigarette containing one of the pegs, a small report.

f. An auto burglar alarm, which is a tube which contains not more than 10 grams of pyrotechnic composition that produces a loud whistle or smoke when ignited and which is ignited by use of a squib. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report.

22-00305-14

2014314__

The sale and use of items listed in this paragraph are permitted at all times.

~~(5) "Manufacturer" means any person engaged in the manufacture or construction of sparklers in this state.~~

~~(6) "Retailer" means any person who, at a fixed place of business, is engaged in selling sparklers to consumers at retail.~~

~~(7) "Seasonal retailer" means any person engaged in the business of selling sparklers at retail in this state from June 20 through July 5 and from December 10 through January 2 of each year.~~

(4)(8) "Sparkler" means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is handheld or ground based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the division is classified as fireworks.

~~(9) "Wholesaler" means any person engaged in the business of selling sparklers to a retailer.~~

Section 3. Section 791.012, Florida Statutes, is amended to read:

791.012 Minimum fireworks safety standards.—The outdoor display of fireworks in this state shall be governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no

22-00305-14

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event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. The division shall ~~adopt~~ promulgate rules to carry out the ~~provisions of~~ this section. The Code for Fireworks Display does ~~shall~~ not govern the display of any fireworks on private, residential property and does ~~shall~~ not govern the display of those items included under s. 791.01(3)(b) and (c) ~~s. 791.01(4)(b) and (c)~~ and authorized for sale thereunder.

Section 4. Section 791.04, Florida Statutes, is amended to read:

791.04 Exemptions ~~Sale at wholesale, etc., exempted.-~~
~~Nothing in This chapter does not: shall be construed to prohibit any manufacturer, distributor, or wholesaler who has registered with the division pursuant to s. 791.015 to sell at wholesale such fireworks as are not herein prohibited; to prohibit the sale of any kind of fireworks at wholesale between manufacturers, distributors, and wholesalers who have registered with the division pursuant to s. 791.015; to prohibit the sale of any kind of fireworks provided the same are to be shipped directly out of state by such manufacturer, distributor, or wholesaler; to prohibit the sale of fireworks to be used by a person holding a permit from any board of county commissioners at the display covered by such permit; or to~~

(1) Prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use.

(2) Prohibit ~~or~~ the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or

22-00305-14

2014314__

organizations composed of the Armed Forces of the United States, ~~provided, nothing in this chapter shall be construed as barring~~

(3) Prohibit the operations of manufacturers, duly licensed, from manufacturing, experimenting, exploding, and storing such fireworks in their compounds or proving grounds.

Section 5. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/8/14

Meeting Date

Topic Fireworks

Bill Number 314
(if applicable)

Name Arie Fry

Amendment Barcode _____
(if applicable)

Job Title Student

Address 2813 Clubhouse Dr
Street

Phone 813-763-1080

Plant City FL 33566
City State Zip

E-mail arie@arie.fry.com

Speaking: ☒ For ☐ Against ☐ Information

Representing ~~the~~ myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5/3/14

Meeting Date

Topic Fireworks

Bill Number 314
(if applicable)

Name Casey Cook

Amendment Barcode 235266
(if applicable)

Job Title Legislative Advocate

Address PO Box 1757
Street

Phone 850 701 3701

Tallahassee FL 32302
City State Zip

E-mail ccook@flcities.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

08 JAN 14
Meeting Date

Topic FIREWORKS Bill

Bill Number SB-314 and amendment
(if applicable)

Name WAYNE WATTS

Amendment Barcode 235246
(if applicable)

Job Title FIRE CHIEF / FFCA REGIONAL DIRECTOR

Address 1205 W. 12th ST
Street
PANAMA CITY FL 32401
City State Zip

Phone (850) 381-6941

E-mail wwatts1059@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Representing FLORIDA FIRE CHIEFS' ASSOCIATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 398

INTRODUCER: Commerce and Tourism Committee and Senators Detert and Margolis

SUBJECT: Florida Tourism Hall of Fame

DATE: January 8, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	Hrdlicka	CM	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 398 establishes the Florida Tourism Hall of Fame to recognize individuals whose work in the tourism industry had or has a significant contribution in Florida. It is administered by the Florida Tourism Industry Marketing Corporation (Visit Florida) without the appropriation of state funds.

The Department of Management Services (DMS) must set aside an area on the Plaza Level of the Capitol Building for the Hall of Fame and consult with Visit Florida regarding the design and theme of the area.

II. Present Situation:

According to Visit Florida¹ since 2001, individuals have been chosen annually to be inducted into the Florida Tourism Hall of Fame. “This honor, presented by the VISIT FLORIDA Board of Directors, recognizes contemporary and historic figures whose vision, creativity and drive have had a positive and significant impact on the development of Florida as a desirable visitor destination.”²

¹ Visit Florida is the fictitious name for the Florida Tourism Industry Marketing Corporation. See s. 288.1226(5)(c), F.S.

² Visit Florida website, *2013 Florida Tourism Industry Awards Announced*, (September 12, 2013), available at: http://www.visitflorida.com/en-us/media/news-releases/2013_florida_tourism_industry_awards_announced.html, (last visited December 16, 2013).

Other Florida Halls of Fame displayed in the Capitol Plaza include the Florida Women's Hall of Fame (s. 265.001, F.S.), the Florida Veterans' Hall of Fame (s. 265.003, F.S.), the Florida Artists Hall of Fame (s. 265.2865, F.S.), and the Florida Civil Rights Hall of Fame (s. 760.065, F.S.).

III. Effect of Proposed Changes:

CS/SB 398 establishes the Florida Tourism Hall of Fame to recognize individuals whose work in the tourism industry had or has a significant contribution in Florida. It is administered by the Florida Tourism Industry Marketing Corporation (Visit Florida) without the appropriation of state funds.

The Department of Management Services (DMS) must set aside an area on the Plaza Level of the Capitol Building for the Hall of Fame and consult with Visit Florida regarding the design and theme of the area.

The bill requires Visit Florida to annually accept nominations and to establish selection criteria and timeframes for induction into the Hall of Fame. Visit Florida must give selection preference to the nominees who were born in Florida or adopted Florida as their home state and who have made a significant contribution to the state's travel and tourism industry.

Each inductee will have his or her name, image, discipline or contribution, and vital information placed on a plaque displayed in the Capitol Plaza. Visit Florida may establish a formal induction ceremony to coincide with the annual Governor's Conference on Tourism.

Any person inducted into the Florida Tourism Hall of Fame administered by Visit Florida before July 1, 2014, shall remain in the Hall of Fame.

This bill creates s. 265.004, F.S., and takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. The bill requires the Florida Tourism Hall of Fame to be administered by the Florida Tourism Industry Marketing Corporation (Visit Florida) without appropriation of state funds.³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 265.004, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Commerce and Tourism on Jan. 8, 2014:**

The committee substitute provides that any person inducted into the Florida Tourism Hall of Fame administered by Visit Florida before July 1, 2014, shall remain in the Hall of Fame.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³ Visit Florida is required to raise private funds equal to at least a one-to-one match of public funds received. See s. 288.904(3), F.S.



540398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/08/2014	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Detert) recommended the following:

Senate Amendment (with title amendment)

Between lines 47 and 48
insert:

(c) A person inducted into the Florida Tourism Hall of Fame
administered by the corporation before July 1, 2014, shall
remain in the Florida Tourism Hall of Fame.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:



540398

11 Delete line 9
12 and insert:
13 members; providing that a person inducted before a
14 certain date remains in the Hall of Fame; providing an
15 effective date.

By Senator Detert

28-00513-14

2014398__

A bill to be entitled

An act relating to the Florida Tourism Hall of Fame; creating s. 265.004, F.S.; providing legislative intent; establishing the Florida Tourism Hall of Fame; providing for administration by the Florida Tourism Industry Marketing Corporation; designating a location for the display of inductee plaques; providing procedures for nomination, selection, and induction of members; providing an effective date.

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

Section 1. Section 265.004, Florida Statutes, is created to read:

265.004 Florida Tourism Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those persons, living or dead, who through their work within the tourism industry have made significant contributions to the economic climate and the well-being of the residents of this state.

(2) There is established the Florida Tourism Hall of Fame.

(a) The Florida Tourism Hall of Fame is administered by the Florida Tourism Industry Marketing Corporation without appropriation of state funds.

(b) The Department of Management Services shall set aside an area on the Plaza Level of the Capitol Building and shall consult with the Florida Tourism Industry Marketing Corporation regarding the design and theme of the area.

(c) Each person who is inducted into the Florida Tourism

Page 1 of 2

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28-00513-14

2014398__

Hall of Fame shall have his or her name and image placed on a plaque displayed in the designated area of the Capitol Building, which plaque shall designate the member's discipline or contribution and any vital information relating to the member.

(3) The Florida Tourism Industry Marketing Corporation shall establish selection criteria for induction into the Florida Tourism Hall of Fame and shall annually accept nominations.

(a) In selecting its nominees for submission to the board of directors of the corporation, the corporation shall give preference to tourism industry leaders who were born in Florida or adopted Florida as their home state and who have made a significant contribution to the state's travel and tourism industry.

(b) The corporation may establish criteria and set specific timeframes for the acceptance and consideration of nominations and may establish a formal induction ceremony to coincide with the annual Governor's Conference on Tourism.

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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CourtSmart Tag Report

Room: EL 110
Caption: Senate Commerce and Tourism Committee

Type:
Judge:

Started: 1/8/2014 9:03:44 AM
Ends: 1/8/2014 9:46:21 AM **Length:** 00:42:38

9:03:46 AM	Call to order
9:04:11 AM	Tab 1 SB 208 Motorsports Entertainment Complexes
9:04:14 AM	Senator Hukill explains
9:10:28 AM	Amendment 1 barcode 248008
9:10:33 AM	Amendment passes
9:11:14 AM	Senator Hukill explains
9:12:10 AM	Brewster Bevis
9:12:24 AM	Joey Chitwood
9:12:43 AM	Bill passes
9:13:07 AM	Tab 2 SB 314
9:13:16 AM	Senator Brandes aid Kaitlyn
9:14:05 AM	Amendment 1 235266
9:15:47 AM	Senator Margolis
9:17:05 AM	Senator Hukill
9:17:43 AM	Amendment adopted and passes
9:18:00 AM	Speaker Arie Fry Student
9:22:14 AM	Speaker Casey Cook Representing League of Cities
9:23:19 AM	Speaker Wayne Watts Representing Florida Fire Chiefs Association
9:28:24 AM	Debate
9:28:30 AM	Chairman Detert
9:30:23 AM	Senator Simpson
9:31:08 AM	Senator Abruzzo
9:32:37 AM	Senator Margolis
9:34:38 AM	Senator Hukill
9:36:25 AM	Senator Brandes
9:41:40 AM	Roll Call on bill
9:42:06 AM	Bill passes
9:42:09 AM	Tab 3 SB 398 Florida Tourism Hall of Fame
9:42:38 AM	Chairman Detert explains the bill
9:44:08 AM	Amendment 1 barcode 540398
9:44:41 AM	Waives Close
9:44:56 AM	Roll call on bill
9:45:21 AM	Bill passes
9:45:31 AM	Senator Hayes moves we rise