

1 A bill to be entitled
2 An act relating to sports facilities; amending s.
3 125.35, F.S.; authorizing boards of county
4 commissioners to include certain commercial
5 developments in lease agreements related to
6 professional sports franchise facilities; creating s.
7 212.094, F.S.; providing definitions; providing an
8 exemption from the sales and use tax for building
9 materials used in the construction, reconstruction,
10 expansion, or renovation of certain certified
11 motorsports entertainment complexes through a refund
12 of previously paid taxes; providing procedures for
13 applying for authority to earn a tax refund; providing
14 procedures for certifying a refund for completed
15 projects; providing procedures for applying for a
16 refund; providing audit authority and procedures for
17 recapturing refunds under specified circumstances;
18 providing rulemaking authority; providing for
19 specified reductions in certain local government half-
20 cent sales tax distributions; amending s. 212.20,
21 F.S.; providing for a monthly distribution of a
22 specified amount of sales tax revenue to certain
23 facilities certified by the Department of Economic
24 Opportunity as meeting the requirements for receiving
25 such funds; amending s. 218.64, F.S.; providing for
26 applicability of specified statutory provisions with
27 respect to the funding of a certified applicant's
28 facility; amending s. 288.1162, F.S.; authorizing an

29 applicant previously certified as a facility for a new
30 or retained professional sports franchise to receive
31 an additional certification under certain
32 circumstances; amending s. 288.1171, F.S.; revising
33 requirements for certification of a facility as a
34 motorsports entertainment complex by the Department of
35 Economic Opportunity; limiting the number of
36 applicants the department may certify as a motorsports
37 entertainment complex; authorizing the Auditor General
38 to verify the expenditure of specified distributions
39 and to pursue recovery of improperly expended funds
40 through the Department of Revenue; providing an
41 effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

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45 Section 1. Subsection (1) of section 125.35, Florida
46 Statutes, is amended to read:

47 125.35 County authorized to sell real and personal
48 property and to lease real property.—

49 (1) (a) The board of county commissioners is expressly
50 authorized to sell and convey any real or personal property, and
51 to lease real property, belonging to the county, whenever the
52 board determines that it is to the best interest of the county
53 to do so, to the highest and best bidder for the particular use
54 the board deems to be the highest and best, for such length of
55 term and such conditions as the governing body may in its
56 discretion determine.

57 (b) Notwithstanding the provisions of paragraph (a), the
 58 board of county commissioners, under such terms and conditions
 59 as negotiated by the board, is expressly authorized to:

- 60 1. Negotiate the lease of an airport or seaport facility;
- 61 2. Modify or extend an existing lease of real property for
 62 an additional term not to exceed 25 years, where the improved
 63 value of the lease has an appraised value in excess of \$20
 64 million; or
- 65 3. Lease or license a professional sports franchise
 66 facility financed by revenues received pursuant to s. 125.0104
 67 or s. 212.20, which facility may include commercial development
 68 ancillary to the professional sports franchise if such ancillary
 69 commercial development is located on property that is part of or
 70 contiguous to the professional sports franchise facility; ~~under~~
 71 ~~such terms and conditions as negotiated by the board.~~

72 Section 2. Section 212.094, Florida Statutes, is created
 73 to read:

74 212.094 Motorsports entertainment complex; tax exemption
 75 for building material.-

76 (1) DEFINITIONS.-For the purposes of this section, the
 77 term:

78 (a) "Building materials" means materials, equipment, and
 79 tangible personal property that is used in or becomes a
 80 component part in the construction, reconstruction, expansion,
 81 or renovation of a motorsports entertainment complex.

82 (b) "Motorsports entertainment complex" means a complex
 83 certified under s. 288.1171 to receive distributions under s.
 84 212(6)(d).

85 (c) "Owner" means the beneficial owner of the motorsports
 86 entertainment complex.

87 (d) "Project" means the construction, reconstruction,
 88 expansion, or renovation of a motorsports entertainment complex
 89 during a specified 48-month period for a total cost of at least
 90 \$250 million incurred during the 48-month period. However, total
 91 cost shall not include the cost of any property previously owned
 92 or leased by the motorsports entertainment complex. For the
 93 purposes of this paragraph, total cost shall include all
 94 expenses incurred by the owner of a motorsports entertainment
 95 complex in connection with the construction, reconstruction,
 96 expansion, or renovation of a motorsports entertainment complex,
 97 including, but not limited to:

98 1. The costs of constructing, installing, equipping, and
 99 financing, including all obligations incurred for labor and
 100 obligations to contractors, subcontractors, builders, and
 101 materialmen.

102 2. The costs of architectural and engineering services,
 103 including test borings, surveys, estimates, plans and
 104 specifications, preliminary investigations, environmental
 105 mitigation, and supervision of construction, as well as the
 106 performance of all duties required by or consequent to the
 107 construction, installation, and equipping.

108 3. The costs associated with the installation of fixtures
 109 and equipment; surveys, including archaeological and
 110 environmental surveys; site tests and inspections; subsurface
 111 site work and excavation; filling, grading, paving, and
 112 provisions for drainage, stormwater retention, and installation

113 of utilities, including water, sewer, sewage treatment, gas,
114 electricity, communications, and similar facilities; and offsite
115 construction of utility extensions to the boundaries of the
116 property.

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

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

121 (2) EXEMPTIONS; ACCOUNT OF USE.—

122 (a) Building materials used in a project that has been
123 certified by the Department of Economic Opportunity under
124 subsection (4) for the construction, reconstruction, expansion,
125 or renovation of a motorsports entertainment complex are exempt
126 from the state tax imposed by this chapter upon an affirmative
127 showing to the satisfaction of the Department of Economic
128 Opportunity that the items have been used for the construction,
129 reconstruction, expansion, or renovation of a motorsports
130 entertainment complex. This exemption inures to the owner of the
131 motorsports entertainment complex who applies for certification
132 under subsection (4) through a refund of previously paid state
133 tax. To receive a refund, the owner of the motorsports
134 entertainment complex must follow the procedures in this
135 section.

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

140 (c) The refund is not available unless ordinances that

141 recognize and commit to the funding provision in subsection (8)
142 for a specified project are enacted by a majority of the members
143 of the governing board of the county where the project is
144 located and a majority of the members of the governing boards of
145 any municipality where the project is located. For purposes of
146 the funding provision in subsection (8), such a recognition and
147 commitment by ordinance is binding and irrevocable upon the
148 county and any municipality enacting the ordinance.

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

152 (3) APPLICATION.—

153 (a) In order to earn a tax refund, an owner of a
154 motorsports entertainment complex must first submit an
155 application to the Department of Economic Opportunity for
156 approval of a project before beginning construction,
157 reconstruction, expansion, or renovation. The application must
158 be filed by the date established by the Department of Economic
159 Opportunity. In addition to any information that the Department
160 of Economic Opportunity may require, the applicant must provide
161 a complete description of the project that demonstrates to the
162 Department of Economic Opportunity that the applicant is likely
163 to complete the requirements in this section. The applicant must
164 provide an affidavit certifying that all the information
165 contained in the application is true and correct. The applicant
166 must also provide the department with copies of the ordinances
167 required under paragraph (2) (c).

168 (b) Within 60 days after receipt of a completed

169 application, the Department of Economic Opportunity must issue a
170 notice of intent to deny or approve the project.

171 (4) CERTIFICATION.—Upon completion of a project, the owner
172 of the motorsports entertainment complex who received approval
173 for the project may apply to the Department of Economic
174 Opportunity for certification of a refund.

175 (a) The application must include:

176 1. The name and physical in-state address of the
177 motorsports entertainment complex.

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

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

182 4. A copy of a valid building permit issued by the county
183 or municipal building department for construction,
184 reconstruction, expansion, or renovation of the motorsports
185 entertainment complex.

186 5. A sworn statement, under penalty of perjury, from the
187 general contractor licensed in this state with whom the
188 applicant contracted to construct, reconstruct, or renovate the
189 motorsports entertainment complex, which lists the building
190 materials used to construct, reconstruct, or renovate the
191 motorsports entertainment complex, the actual cost of the
192 building materials, and the amount of sales and use tax paid in
193 this state on the building materials. If a general contractor
194 was not used, the applicant, not a general contractor, must make
195 the sworn statement required under this subparagraph. Copies of
196 invoices that evidence the purchase of the building materials

197 used in the construction, reconstruction, or renovation of the
 198 motorsports entertainment complex and the payment of sales and
 199 use tax on the building materials must be attached to the sworn
 200 statement provided by the general contractor or by the
 201 applicant.

202 6. A certification by the local building code inspector
 203 that the construction, reconstruction, expansion, or renovation
 204 of the motorsports entertainment complex is substantially
 205 complete.

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

211 (b) Within 90 working days after receipt of an application
 212 for certification, the Department of Economic Opportunity must
 213 review the application to determine if it includes all the
 214 information and meets all the criteria required under this
 215 section. The department shall certify all applications that
 216 contain the required information and are found to be eligible to
 217 receive a refund under this section.

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

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

222 (a) In addition to its existing audit and investigative
 223 authority, the department may perform any additional financial
 224 and technical audits and investigations, including examining the

225 accounts, books, and financial records of the tax refund
226 applicant, which are necessary for verifying the accuracy of the
227 refund request and to ensure compliance with this section. If
228 requested by the department, the Department of Economic
229 Opportunity must provide technical assistance for any technical
230 audits or examinations performed under this subsection.

231 (b) Grounds for forfeiture of previously claimed refunds
232 approved under this section exist if the department determines,
233 as a result of an audit or examination, or from information
234 received from the Department of Economic Opportunity, that a
235 taxpayer received tax refunds for which the taxpayer was not
236 entitled.

237 (c) The Department of Economic Opportunity may revoke or
238 modify a certification granting eligibility for a tax refund if
239 it finds that the taxpayer made a false statement or
240 representation in any application, record, report, plan, or
241 other document filed in an attempt to receive a tax refund under
242 this section. The Department of Economic Opportunity shall
243 immediately notify the department of any revoked or modified
244 orders affecting previously granted tax refunds.

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

247 (7) RULES.—

248 (a) The Department of Economic Opportunity shall adopt
249 rules to administer this section, including rules relating to
250 application forms required under subsections (3) and (4), and
251 the application and certification procedures, guidelines, and
252 requirements necessary to administer this section.

253 (b) The department may adopt rules to administer this
 254 section, including rules relating to the forms required to claim
 255 a tax refund under this section, the requirements and basis for
 256 establishing an entitlement to a refund, and the examination and
 257 audit procedures required to administer this section.

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

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

269 (b) For refunds issued pursuant to this section after June
 270 30 of a given calendar year, the reductions required under this
 271 subsection shall begin in the first month of the second local
 272 fiscal year that follows such refund being issued.

273 (c) An amount equal to the reductions required under this
 274 subsection shall be transferred monthly from the Local
 275 Government Half-cent Sales Tax Clearing Trust Fund to the
 276 General Revenue Fund. Each affected unit of local government's
 277 share of the reduction shall be in proportion to that unit of
 278 local government's respective local government half-cent sales
 279 tax distributions absent the provisions of this paragraph.

280 (d) Within 14 days after issuance of a refund pursuant to

281 this section, the department shall provide written notice to
282 each unit of local government subject to the reduced
283 distribution provisions of this subsection with the amounts and
284 timing of the forthcoming reductions in distributions.

285 Section 3. Paragraph (d) of subsection (6) of section
286 212.20, Florida Statutes, is amended to read:

287 212.20 Funds collected, disposition; additional powers of
288 department; operational expense; refund of taxes adjudicated
289 unconstitutionally collected.—

290 (6) Distribution of all proceeds under this chapter and s.
291 202.18(1)(b) and (2)(b) shall be as follows:

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

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

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

309 added to the amount calculated in subparagraph 3. and
 310 distributed accordingly.

311 3. After the distribution under subparagraphs 1. and 2.,
 312 0.095 percent shall be transferred to the Local Government Half-
 313 cent Sales Tax Clearing Trust Fund and distributed pursuant to
 314 s. 218.65.

315 4. After the distributions under subparagraphs 1., 2., and
 316 3., 2.0440 percent of the available proceeds shall be
 317 transferred monthly to the Revenue Sharing Trust Fund for
 318 Counties pursuant to s. 218.215.

319 5. After the distributions under subparagraphs 1., 2., and
 320 3., 1.3409 percent of the available proceeds shall be
 321 transferred monthly to the Revenue Sharing Trust Fund for
 322 Municipalities pursuant to s. 218.215. If the total revenue to
 323 be distributed pursuant to this subparagraph is at least as
 324 great as the amount due from the Revenue Sharing Trust Fund for
 325 Municipalities and the former Municipal Financial Assistance
 326 Trust Fund in state fiscal year 1999-2000, no municipality shall
 327 receive less than the amount due from the Revenue Sharing Trust
 328 Fund for Municipalities and the former Municipal Financial
 329 Assistance Trust Fund in state fiscal year 1999-2000. If the
 330 total proceeds to be distributed are less than the amount
 331 received in combination from the Revenue Sharing Trust Fund for
 332 Municipalities and the former Municipal Financial Assistance
 333 Trust Fund in state fiscal year 1999-2000, each municipality
 334 shall receive an amount proportionate to the amount it was due
 335 in state fiscal year 1999-2000.

336 6. Of the remaining proceeds:

337 a. In each fiscal year, the sum of \$29,915,500 shall be
338 divided into as many equal parts as there are counties in the
339 state, and one part shall be distributed to each county. The
340 distribution among the several counties must begin each fiscal
341 year on or before January 5th and continue monthly for a total
342 of 4 months. If a local or special law required that any moneys
343 accruing to a county in fiscal year 1999-2000 under the then-
344 existing provisions of s. 550.135 be paid directly to the
345 district school board, special district, or a municipal
346 government, such payment must continue until the local or
347 special law is amended or repealed. The state covenants with
348 holders of bonds or other instruments of indebtedness issued by
349 local governments, special districts, or district school boards
350 before July 1, 2000, that it is not the intent of this
351 subparagraph to adversely affect the rights of those holders or
352 relieve local governments, special districts, or district school
353 boards of the duty to meet their obligations as a result of
354 previous pledges or assignments or trusts entered into which
355 obligated funds received from the distribution to county
356 governments under then-existing s. 550.135. This distribution
357 specifically is in lieu of funds distributed under s. 550.135
358 before July 1, 2000.

359 b. The department shall distribute \$166,667 monthly
360 pursuant to s. 288.1162 to each applicant certified as a
361 facility for a new or retained professional sports franchise
362 pursuant to s. 288.1162 and \$166,667 monthly to an applicant
363 that receives an additional certification pursuant to s.
364 288.1162(9). Up to \$41,667 shall be distributed monthly by the

365 department to each certified applicant as defined in s.
366 288.11621 for a facility for a spring training franchise.
367 However, not more than \$416,670 may be distributed monthly in
368 the aggregate to all certified applicants for facilities for
369 spring training franchises. The department shall distribute
370 \$166,667 monthly pursuant to s. 288.1171 to an applicant
371 certified as a motorsports entertainment complex under that
372 section. Distributions begin 60 days after such certification
373 and continue for not more than 30 years, except as otherwise
374 provided in s. 288.11621. A certified applicant identified in
375 this sub-subparagraph may not receive more in distributions than
376 expended by the applicant for the public purposes provided for
377 in s. 288.1162(5), ~~or~~ s. 288.11621(3), or s. 288.1171(6).

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

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

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

395 | Section 4. Subsection (3) of section 218.64, Florida
396 | Statutes, is amended to read:

397 | 218.64 Local government half-cent sales tax; uses;
398 | limitations.—

399 | (3) Subject to ordinances enacted by the majority of the
400 | members of the county governing authority and by the majority of
401 | the members of the governing authorities of municipalities
402 | representing at least 50 percent of the municipal population of
403 | such county, counties may use up to \$2 million annually of the
404 | local government half-cent sales tax allocated to that county
405 | for funding for any of the following applicants:

406 | (a) A certified applicant as a facility for a new or
407 | retained professional sports franchise under s. 288.1162 or a
408 | certified applicant as defined in s. 288.11621 for a facility
409 | for a spring training franchise. It is the Legislature's intent
410 | that the provisions of s. 288.1162, including, but not limited
411 | to, the evaluation process by the Department of Economic
412 | Opportunity except for the limitation on the number of certified
413 | applicants or facilities as provided in that section and the
414 | restrictions set forth in s. 288.1162(8), shall apply to an
415 | applicant's facility to be funded by local government as
416 | provided in this subsection.

417 | (b) A certified applicant as a "motorsport entertainment
418 | complex," as provided for in s. 288.1171. Funding for each
419 | franchise or motorsport complex shall begin 60 days after
420 | certification and shall continue for not more than 30 years. The

421 provisions of s. 288.1171(5) and (7) do not apply to an
422 applicant's facility to be funded by local government as
423 provided in this subsection.

424 Section 5. Subsections (1) and (5) of section 288.1162,
425 Florida Statutes are amended, and subsection (9) is added to
426 that section, to read:

427 288.1162 Professional sports franchises; duties.—

428 (1) The department shall serve as the state agency for
429 screening applicants for state funding under s. 212.20, ~~and~~ for
430 certifying an applicant as a facility for a new or retained
431 professional sports franchise, and for certifying a facility
432 under subsection (9).

433 (5) An applicant certified as a facility for a new or
434 retained professional sports franchise or an applicant certified
435 under subsection (9) may use funds provided under s. 212.20 only
436 for the public purpose of paying for the acquisition,
437 construction, reconstruction, or renovation of a facility for a
438 new or retained professional sports franchise to pay or pledge
439 for the payment of debt service on, or to fund debt service
440 reserve funds, arbitrage rebate obligations, or other amounts
441 payable with respect to, bonds issued for the acquisition,
442 construction, reconstruction, or renovation of such facility or
443 for the reimbursement of such costs or the refinancing of bonds
444 issued for such purposes.

445 (9) (a) Notwithstanding subsections (4), (6), and (8), an
446 applicant previously certified under this section as a facility
447 for a new or retained professional sports franchise is eligible
448 for an additional certification for the public purposes

449 described in subsection (5), if:

450 1. The cost of the planned improvements to the facility is
451 at least \$80 million.

452 2. The professional sports franchise has been in existence
453 for at least 15 years.

454 3. The signed agreement for use of the facility described
455 in paragraph (4) (b) has at least 15 years remaining on the
456 agreement's term.

457 4. The applicant has an independent analysis or study,
458 verified by the department, which demonstrates that the amount
459 of the revenues generated by the taxes imposed under chapter 212
460 with respect to the use and operation of the professional sports
461 franchise facility will equal or exceed \$4 million annually.

462 5. The applicant has an independent study produced by an
463 engineering firm that lists recommended renovations and the
464 estimated cost of such renovations.

465 6. The facility is located in a county that operates under
466 a government consolidated with that of one or more
467 municipalities in the county.

468 (b) The department may certify no more than one applicant
469 under this subsection.

470 (c) The department shall notify the Department of Revenue
471 of a facility certified under this subsection.

472 Section 6. Section 288.1171, Florida Statutes, is amended
473 to read:

474 288.1171 Motorsports entertainment complex; definitions;
475 certification; duties.—

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

477 (a) "Applicant" means the owner of a motorsports
478 entertainment complex.

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

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

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

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

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

501 (2) The department shall serve as the state agency for
502 screening applicants for funding under s. 212.20 and local
503 option funding under s. 218.64(3) and for certifying an
504 applicant as a motorsports entertainment complex. The department

505 shall develop and adopt rules for the receipt and processing of
506 applications for funding under s. 212.20 and s. 218.64(3). The
507 department shall make a determination regarding any application
508 filed by an applicant not later than 120 days after the
509 application is filed.

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

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

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

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

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

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

532 (f) The applicant has demonstrated that it has provided,

533 is capable of providing, or has financial or other commitments
534 to provide the costs incurred or related to the improvement and
535 development of the complex.

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

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

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

550 (6) An applicant certified as a motorsports entertainment
551 complex may use funds provided pursuant to s. 218.64(3) or s.
552 212.20 only for the following public purposes:

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

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

561 (c) Paying for construction, reconstruction, expansion, or
562 renovation of transportation or other infrastructure
563 improvements related to, necessary for, or appurtenant to the
564 motorsports entertainment complex, including, without
565 limitation, paying debt service reserve funds, arbitrage rebate
566 obligations, or other amounts payable with respect to bonds
567 issued for the construction, reconstruction, expansion, or
568 renovation of such transportation or other infrastructure
569 improvements, and for the reimbursement of such costs or the
570 refinancing of bonds issued for such purposes.

571 (d) Paying for programs of advertising and promotion of or
572 related to the motorsports entertainment complex or the
573 municipality in which the motorsports entertainment complex is
574 located, or the county if the motorsports entertainment complex
575 is located in an unincorporated area, if such programs of
576 advertising and promotion are designed to increase paid
577 attendance at the motorsports entertainment complex or increase
578 tourism in or promote the economic development of the community
579 in which the motorsports entertainment complex is located.

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

582 (8)~~(7)~~ The Auditor General ~~Department of Revenue~~ may
583 audit, as provided in s. 11.45 ~~213.34~~, to verify that the
584 distributions pursuant to this section have been expended as
585 required in this section. ~~Such information is subject to the~~
586 ~~confidentiality requirements of chapter 213.~~ If the Auditor
587 General ~~Department of Revenue~~ determines that the distributions
588 pursuant to certification under this section have not been

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589 | expended as required by this section, the Auditor General shall
590 | notify the Department of Revenue, which ~~it~~ may pursue recovery
591 | of such funds pursuant to the laws and rules governing the
592 | assessment of taxes.

593 | Section 7. This act shall take effect July 1, 2013.