

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Tourism offered the following:

**Amendment**

On page 4, line 25 through page 10, line 12  
remove from the bill: all of said lines

and insert in lieu thereof:

applicant. This distribution is subject to reduction  
pursuant to s. 288.1170.

6. All other proceeds shall remain with the General  
Revenue Fund.

Section 2. Section 288.1170, Florida Statutes, is  
created to read:

288.1170 Motorsports entertainment complex;  
definitions; certification; duties.--

(1) As used in this section, the following terms shall  
have the following meanings:

(a) "Applicant" means the owner of a motorsports  
entertainment complex or the owner of the land on which the  
motorsports entertainment complex is located.

(b) "Motorsports entertainment complex" means a

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1 closed-course racing facility, with ancillary grounds and  
2 facilities, which:

3 1. Has not less than 70,000 fixed seats for race  
4 patrons.

5 2. Has not less than 7 scheduled days of motorsports  
6 events each calendar year.

7 3. Has not fewer than four motorsports events each  
8 calendar year.

9 4. Serves food at the facility during sanctioned  
10 motorsports races.

11 5. Engages in tourism promotion.

12 6. Has on the property permanent exhibitions of  
13 motorsports history, events, or vehicles.

14 (c) "Motorsports event" means a motorsports race and  
15 its ancillary activities which have been sanctioned by a  
16 sanctioning body.

17 (d) "Office" means the Office of Tourism, Trade, and  
18 Economic Development of the Executive Office of the Governor.

19 (e) "Operator" means a person who leases the  
20 motorsports entertainment complex or the land on which the  
21 motorsports entertainment complex is located from the Federal  
22 Government, the state, or a county, city or special district  
23 and operates the motorsports entertainment complex, or a  
24 person who operates and maintains the motorsports  
25 entertainment complex pursuant to an operation and management  
26 agreement entered into with the Federal Government, the state,  
27 or a county, city or special district.

28 (f) "Owner" means a unit of local government that owns  
29 the motorsports entertainment complex or owns the land on  
30 which the complex is located.

31 (g) "Sanctioning body" means the American Motorcycle

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1 Association (AMA), Automobile Racing Club of American (ARCA),  
2 Championship Auto Racing Teams (CART), Grand American Road  
3 Racing Association (Grand Am), Indy Racing League (IRL),  
4 National Association for Stock Car Auto Racing (NASCAR),  
5 National Hot Rod Association (NHRA), Professional Sportscar  
6 Racing (PSR), Sports Car Club of America (SCCA), United Sates  
7 Auto Club (USAC), or any successor organization, or any other  
8 nationally recognized governing body of motorsports which  
9 establishes an annual schedule of motorsports events and  
10 grants rights to conduct such events, has established and  
11 administers rules and regulations governing all participants  
12 involved in such events and all persons conducting such  
13 events, and requires certain liability assurances, including  
14 insurance.

15 (h) "Unit of local government" shall have the same  
16 meaning as that term is defined in s. 218.369.

17 (2) The Office of Tourism, Trade, and Economic  
18 Development shall serve as the state agency for screening  
19 applicants for state funding pursuant to s. 212.20 and for  
20 certifying an applicant as a motorsports entertainment  
21 complex. The office shall develop and adopt rules for the  
22 receipt and processing of applications for funding pursuant to  
23 s. 212.20. The office shall make a determination regarding  
24 any application filed by an applicant not later than 120 days  
25 after the application is filed.

26 (3) Prior to certification of a motorsports  
27 entertainment complex, the office must determine that:

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

31 (b) Four sanctioned motorsports events were held by

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1 the operator under contract or an operation and management  
2 agreement with the owner at the motorsports entertainment  
3 complex in the most recently completed calendar year or four  
4 sanctioned motorsports events are scheduled to be held by the  
5 operator under contract or an operation and management  
6 agreement with the owner at the motorsports entertainment  
7 complex in the calendar year which begins after the submission  
8 of the application. The applicant shall submit certifications  
9 from the appropriate officials of the relevant sanctioning  
10 bodies that such sanctioned motorsports events were or will be  
11 held at the motorsports entertainment complex.

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

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

23 (e) The applicant has demonstrated that it is capable  
24 of providing, or has financial or other commitments to  
25 provide, more than one-half of the costs that will be incurred  
26 after certification under this section for the improvement and  
27 development or continued improvement and development of the  
28 motorsports entertainment complex after certification under  
29 this section which will enable the motorsports entertainment  
30 complex to retain or add motorsports events sanctioned by a  
31 sanctioning body.

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1       (f) The motorsports entertainment complex is located  
2 in a county defined in s. 125.011(1).

3       (4) Upon determining that an applicant meets the  
4 requirements of subsection (3), the office shall notify the  
5 applicant and the Department of Revenue of such certification  
6 by means of an official letter granting certification. If the  
7 applicant fails to meet the certification requirements of  
8 subsection (3), the office shall notify the applicant not  
9 later than 10 days following such determination.

10       (5) The office must recertify each year that the  
11 motorsports entertainment complex continues to generate \$2  
12 million of sales tax revenues annually as required pursuant to  
13 paragraph (3)(d). If the motorsports entertainment complex  
14 fails to generate \$2 million of sales tax revenues annually as  
15 required pursuant to paragraph (3)(d), the distribution of  
16 revenues pursuant to s. 212.20(6)(f)5.d. shall be reduced to  
17 an amount equal to \$166,667 multiplied by a fraction, the  
18 numerator of which is the actual revenues generated and the  
19 denominator of which is \$2 million. Such reduction shall be  
20 recalculated annually until an annual recertification verifies  
21 that the revenues generated by the motorsports entertainment  
22 complex again equal or exceed \$2 million annually. The office  
23 shall provide written notification to the Department of  
24 Revenue of the recertification of a motorsports entertainment  
25 complex and the sales tax distribution amount the motorsports  
26 entertainment complex is entitled to receive.

27       (6) No motorsports entertainment complex which has  
28 been previously certified under this section and has received  
29 funding under such certification shall be eligible for any  
30 additional certification.

31       (7) An applicant certified as a motorsports

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1 entertainment complex may use funds provided pursuant to s.  
2 212.20 only for the following public purposes:

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

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

12 (c) Paying for construction, reconstruction,  
13 expansion, or renovation of transportation and parking  
14 necessary for and directly benefitting the motorsports  
15 entertainment complex or other infrastructure improvements  
16 necessary for, directly benefitting, and appurtenant to the  
17 motorsports entertainment complex, including, without  
18 limitation, paying debt service reserve funds, arbitrage  
19 rebate obligations, or other amounts payable with respect to  
20 bonds issued for the construction, reconstruction, expansion,  
21 or renovation of such transportation, parking or other  
22 infrastructure improvements, and for the reimbursement of such  
23 costs or the refinancing of bonds issued for such purposes.

24 (8) The Department of Revenue may audit, as provided  
25 in s. 213.34, to verify that the distributions pursuant to  
26 this section have been expended as required in this section.

27 Such information is subject to the confidentiality  
28 requirements of chapter 213. If the Department of Revenue  
29 determines that the distributions pursuant to this section  
30 have not been expended as required by this section, it may  
31 pursue recovery of such funds pursuant to the laws and rules

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1 governing the assessment of taxes.

2 Section 3. This act shall take effect October 1, 2000.

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