

Bill No. CS for SB 1886

Barcode 915444

CHAMBER ACTION

Senate

House

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Senator Diaz de la Portilla moved the following amendment:

**Senate Amendment (with title amendment)**

On page 5, lines 19 and 20, delete those lines

and insert:

e. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as a motorsports entertainment complex pursuant to s. 288.1170 and is open to the public, an amount not to exceed \$166,667 shall be distributed monthly to the applicant. However, each state fiscal year's total distribution made under this sub-subparagraph may not exceed the difference between the state sales taxes collected and remitted under this chapter by the certified applicant in the previous calendar year and those collected and remitted in calendar year 2000. Distributions must continue for 30 years.

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

Section 2. Section 288.1171, Florida Statutes, is

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1 created to read:

2 288.1171 Motorsports entertainment complex;

3 definitions; certification; duties.--

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

5 (a) "Applicant" means the owner of a motorsports  
6 entertainment complex.

7 (b) "Motorsports entertainment complex" means a  
8 closed-course racing facility, with ancillary grounds and  
9 facilities, which:

10 1. Has not fewer than 65,000 permanent seats for race  
11 patrons.

12 2. Has not fewer than 7 scheduled days of motorsports  
13 events each calendar year.

14 3. Has paid admissions of at least 125,000 annually.

15 4. Serves food at the facility during sanctioned  
16 motorsports events.

17 5. Engages in tourism promotion.

18 (c) "Motorsports event" means a motorsports race and  
19 its ancillary activities, which have been sanctioned by a  
20 sanctioning body.

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

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

26 (f) "Sanctioning body" means the American Motorcycle  
27 Association (AMA), Championship Auto Racing Teams (CART),  
28 Grand American Road Racing Association (Grand Am), Indy Racing  
29 League (IRL), National Association for Stock Car Auto Racing  
30 (NASCAR), National Hot Rod Association (NHRA), Professional  
31 Sportscar Racing (PSR), Sports Car Club of America (SCCA),

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1 United States Auto Club (USAC), or any successor organization,  
 2 or any other nationally recognized governing body of  
 3 motorsports which establishes an annual schedule of  
 4 motorsports events and grants rights to conduct such events,  
 5 has established and administers rules and regulations  
 6 governing all participants involved in such events and all  
 7 persons conducting such events, and requires certain liability  
 8 assurances, including insurance.

9       (g) "Unit of local government" has the meaning  
 10 ascribed in s. 218.369.

11       (2) The Office of Tourism, Trade, and Economic  
 12 Development shall serve as the state agency for screening  
 13 applicants for state funding under s. 212.20 and for  
 14 certifying an applicant as a motorsports entertainment  
 15 complex. The office shall develop and adopt rules for the  
 16 receipt and processing of applications for funding under s.  
 17 212.20. The office shall make a determination regarding any  
 18 application filed by an applicant not later than 120 days  
 19 after the application is filed.

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

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

25       (b) Seven scheduled days of motorsports events were  
 26 held at the motorsports entertainment complex in the most  
 27 recently completed calendar year or 7 scheduled days of  
 28 motorsports events are scheduled to be held at the motorsports  
 29 entertainment complex in the calendar year that begins after  
 30 the submission of the application. The applicant shall submit  
 31 certifications from the appropriate officials of the relevant

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1 sanctioning bodies that such sanctioned motorsports events  
2 were or will be held at the motorsports entertainment complex.

3 (c) The applicant can provide a certification by a  
4 nationally recognized, independent certified public accounting  
5 firm that the motorsports entertainment complex will attract,  
6 or in the most recently completed calendar year has attracted,  
7 paid attendance of at least 125,000 annually.

8 (d) The applicant can provide a certification by a  
9 nationally recognized, independent certified public accounting  
10 firm that the amount of the revenues generated by the taxes  
11 imposed under chapter 212 with respect to the use and  
12 operation of the motorsports entertainment complex will equal  
13 or exceed \$1 million annually.

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

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

21 (4) Upon determining that an applicant meets the  
22 requirements of subsection (3), the office shall notify the  
23 applicant and the executive director of the Department of  
24 Revenue of such certification by means of an official letter  
25 granting certification. If the applicant fails to meet the  
26 certification requirements of subsection (3), the office shall  
27 notify the applicant not later than 10 days following such  
28 determination.

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

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1 additional certification.

2 (6) An applicant certified as a motorsports  
3 entertainment complex may use funds provided pursuant to s.  
4 212.20 only for the following public purposes:

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

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

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

25 (d) Paying for programs of advertising and promotion  
26 of or related to the motorsports entertainment complex or the  
27 municipality in which the motorsports entertainment complex is  
28 located, or the county if the motorsports entertainment  
29 complex is located in an unincorporated area, if such programs  
30 of advertising and promotion are designed to increase paid  
31 attendance at the motorsports entertainment complex or

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1 increase tourism in or promote the economic development of the  
2 community in which the motorsports entertainment complex is  
3 located.

4       (7) The Department of Revenue may audit, as provided  
5 in s. 213.34, to verify that the distributions pursuant to  
6 this section have been expended as required in this section.  
7 Such information is subject to the confidentiality  
8 requirements of chapter 213. If the Department of Revenue  
9 determines that the distributions pursuant to certification  
10 under this section have not been expended as required by this  
11 section, it may pursue recovery of such funds pursuant to the  
12 laws and rules governing the assessment of taxes.

13  
14 (Redesignate subsequent sections.)

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

18 And the title is amended as follows:

19       On page 1, line 9, after the semicolon,

20

21 insert:

22       providing for distribution of a portion of  
23       revenues from the tax on sales, use, and other  
24       transactions to a motorsports entertainment  
25       complex; providing a limit on such  
26       distributions; creating s. 288.1171, F.S. ;  
27       providing definitions; providing for the  
28       certification of such a facility by the Office  
29       of Tourism, Trade, and Economic Development of  
30       the Executive Office of the Governor; providing  
31       requirements for certification; requiring

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1 specified notice; providing for use of the  
2 funds distributed to a motorsports  
3 entertainment complex; providing for audits by  
4 the Department of Revenue;  
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