

By the Committee on Commerce and Economic Opportunities; and
Senator Bronson

310-1724-01

1 A bill to be entitled

2 An act creating the Aerospace Infrastructure

3 Reinvestment Act; providing legislative

4 findings; amending s. 212.20, F.S.; providing

5 that taxes collected by dealers conducting

6 business at a fixed location at the Kennedy

7 Space Center or Cape Canaveral Air Station on

8 admissions thereto and on sales of tangible

9 personal property at such business shall be

10 separately returned and distributed by the

11 Department of Revenue to the Florida Commercial

12 Space Financing Corporation and the Spaceport

13 Florida Authority and used for funding

14 aerospace infrastructure; providing duties of

15 the corporation, the authority, the Office of

16 Tourism, Trade, and Economic Development, and

17 the Space Industry Committee; providing a

18 definition; providing for rules; providing an

19 effective date.

20

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

22

23 Section 1. This act may be cited as the "Aerospace

24 Infrastructure Reinvestment Act."

25 Section 2. The Legislature finds that promoting the

26 growth of the space industry in Florida is a vital component

27 of its overall economic plan and that facilitating additions

28 to aerospace infrastructure will make the state more

29 competitive and promote the retention and growth of space

30 businesses in this state. This act therefore provides for the

31 reinvestment of certain sales tax receipts arising from the

1 presence of the space industry in Florida as a means of
2 providing for that infrastructure growth.

3 Section 3. If section 35 of chapter 2000-260, Laws of
4 Florida, is repealed by section 58 of that chapter, paragraphs
5 (b) and (e) of subsection (6) of section 212.20, Florida
6 Statutes, are amended to read:

7 212.20 Funds collected, disposition; additional powers
8 of department; operational expense; refund of taxes
9 adjudicated unconstitutionally collected.--

10 (6) Distribution of all proceeds under this chapter
11 shall be as follows:

12 (b) Proceeds from discretionary sales surtaxes imposed
13 pursuant to ss. 212.054 and 212.055, except those distributed
14 under s. 212.20(6)(e)7.e., shall be reallocated to the
15 Discretionary Sales Surtax Clearing Trust Fund.

16 (e) The proceeds of all other taxes and fees imposed
17 pursuant to this chapter shall be distributed as follows:

18 1. In any fiscal year, the greater of \$500 million,
19 minus an amount equal to 4.6 percent of the proceeds of the
20 taxes collected pursuant to chapter 201, or 5 percent of all
21 other taxes and fees imposed pursuant to this chapter shall be
22 deposited in monthly installments into the General Revenue
23 Fund.

24 2. Two-tenths of one percent shall be transferred to
25 the Solid Waste Management Trust Fund.

26 3. After the distribution under subparagraphs 1. and
27 2., 9.653 percent of the amount remitted by a sales tax dealer
28 located within a participating county pursuant to s. 218.61
29 shall be transferred into the Local Government Half-cent Sales
30 Tax Clearing Trust Fund.

31

1 4. After the distribution under subparagraphs 1., 2.,
2 and 3., 0.065 percent shall be transferred to the Local
3 Government Half-cent Sales Tax Clearing Trust Fund and
4 distributed pursuant to s. 218.65.

5 5. For proceeds received after July 1, 2000, and after
6 the distributions under subparagraphs 1., 2., 3., and 4., 2.25
7 percent of the available proceeds pursuant to this paragraph
8 shall be transferred monthly to the Revenue Sharing Trust Fund
9 for Counties pursuant to s. 218.215.

10 6. For proceeds received after July 1, 2000, and after
11 the distributions under subparagraphs 1., 2., 3., and 4.,
12 1.0715 percent of the available proceeds pursuant to this
13 paragraph shall be transferred monthly to the Revenue Sharing
14 Trust Fund for Municipalities pursuant to s. 218.215. If the
15 total revenue to be distributed pursuant to this subparagraph
16 is at least as great as the amount due from the Revenue
17 Sharing Trust Fund for Municipalities and the Municipal
18 Financial Assistance Trust Fund in state fiscal year
19 1999-2000, no municipality shall receive less than the amount
20 due from the Revenue Sharing Trust Fund for Municipalities and
21 the Municipal Financial Assistance Trust Fund in state fiscal
22 year 1999-2000. If the total proceeds to be distributed are
23 less than the amount received in combination from the Revenue
24 Sharing Trust Fund for Municipalities and the Municipal
25 Financial Assistance Trust Fund in state fiscal year
26 1999-2000, each municipality shall receive an amount
27 proportionate to the amount it was due in state fiscal year
28 1999-2000.

29 7. Of the remaining proceeds:

30 a. Beginning July 1, 2000, and in each fiscal year
31 thereafter, the sum of \$29,915,500 shall be divided into as

1 many equal parts as there are counties in the state, and one
2 part shall be distributed to each county. The distribution
3 among the several counties shall begin each fiscal year on or
4 before January 5th and shall continue monthly for a total of 4
5 months. If a local or special law required that any moneys
6 accruing to a county in fiscal year 1999-2000 under the
7 then-existing provisions of s. 550.135 be paid directly to the
8 district school board, special district, or a municipal
9 government, such payment shall continue until such time that
10 the local or special law is amended or repealed. The state
11 covenants with holders of bonds or other instruments of
12 indebtedness issued by local governments, special districts,
13 or district school boards prior to July 1, 2000, that it is
14 not the intent of this subparagraph to adversely affect the
15 rights of those holders or relieve local governments, special
16 districts, or district school boards of the duty to meet their
17 obligations as a result of previous pledges or assignments or
18 trusts entered into which obligated funds received from the
19 distribution to county governments under then-existing s.
20 550.135. This distribution specifically is in lieu of funds
21 distributed under s. 550.135 prior to July 1, 2000.

22 b. The department shall distribute \$166,667 monthly
23 pursuant to s. 288.1162 to each applicant that has been
24 certified as a "facility for a new professional sports
25 franchise" or a "facility for a retained professional sports
26 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
27 distributed monthly by the department to each applicant that
28 has been certified as a "facility for a retained spring
29 training franchise" pursuant to s. 288.1162; however, not more
30 than \$208,335 may be distributed monthly in the aggregate to
31 all certified facilities for a retained spring training

1 franchise. Distributions shall begin 60 days following such
2 certification and shall continue for not more than 30 years.
3 Nothing contained in this paragraph shall be construed to
4 allow an applicant certified pursuant to s. 288.1162 to
5 receive more in distributions than actually expended by the
6 applicant for the public purposes provided for in s.
7 288.1162(6). However, a certified applicant is entitled to
8 receive distributions up to the maximum amount allowable and
9 undistributed under this section for additional renovations
10 and improvements to the facility for the franchise without
11 additional certification.

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

18 d. Beginning 30 days after notice by the Office of
19 Tourism, Trade, and Economic Development to the Department of
20 Revenue that the applicant has been certified as the
21 International Game Fish Association World Center facility
22 pursuant to s. 288.1169, and the facility is open to the
23 public, \$83,333 shall be distributed monthly, for up to 168
24 months, to the applicant. This distribution is subject to
25 reduction pursuant to s. 288.1169. A lump sum payment of
26 \$999,996 shall be made, after certification and before July 1,
27 2000.

28 e. Every dealer conducting business at a fixed
29 location at the Kennedy Space Center or Cape Canaveral Air
30 Station and selling admissions to the Kennedy Space Center or
31 Cape Canaveral Air Station, or any part of either, pursuant to

1 a contract with the National Aeronautics and Space
2 Administration or pursuant to a subcontract thereto, shall
3 file returns each month in accordance with this
4 sub-subparagraph. Each such dealer shall file a separate
5 return each month which reports, separately from any other
6 sales and use taxes due pursuant to this chapter, the sale of
7 admissions to the Kennedy Space Center or Cape Canaveral Air
8 Station or any part thereof or to any event held at either
9 location, together with sales at retail of tangible personal
10 property from such fixed place of business, and the taxes
11 collected with respect to such admissions and sales. All
12 amounts due under this chapter with respect to such
13 transactions shall be timely remitted to the department. The
14 dealer shall simultaneously file a copy of the return with the
15 Florida Commercial Space Financing Corporation, a copy with
16 the Spaceport Florida Authority, and a copy with the director
17 of the Office of Tourism, Trade, and Economic Development, all
18 of which return copies and information therein shall be
19 subject to the same confidentiality provisions as are
20 applicable to returns and information filed with the
21 department pursuant to s. 213.053. The taxes due with respect
22 to such admissions and sales of tangible personal property
23 shall be distributed as follows: each month the department
24 shall distribute to the Florida Commercial Space Financing
25 Corporation one-half of all such proceeds collected and
26 remitted to the department as shown on the returns required by
27 this sub-subparagraph, and shall distribute the other half to
28 the Spaceport Florida Authority. The funds distributed to the
29 Florida Commercial Space Financing Corporation shall be used
30 solely for funding aerospace infrastructure as defined in this
31 sub-subparagraph. The funds distributed to the Spaceport

1 Florida Authority shall be used solely for aerospace
2 infrastructure funding purposes based on recommendations made
3 to the authority by the director of the Office of Tourism,
4 Trade, and Economic Development. Proposals for aerospace
5 infrastructure funding through the authority shall be
6 submitted to the Space Industry Committee created pursuant to
7 s. 331.367, or any successor organization, and the committee
8 shall, at least once each quarter, submit a written report to
9 the director of the Office of Tourism, Trade, and Economic
10 Development delineating the committee's recommendation for
11 prioritizing those proposals that it has reviewed. The
12 director of the Office of Tourism, Trade, and Economic
13 Development shall take into consideration the prioritization
14 reports of the Space Industry Committee. The director of the
15 John F. Kennedy Space Center, the Commander of the 45th Space
16 Wing, and the Commander of the Naval Ordnance Test Unit may
17 serve as official liaisons to the Space Industry Committee in
18 a nonfiduciary, nonvoting advisory role. The committee
19 recognizes the value of input from the Federal Government, but
20 also realizes that these persons' fiduciary duties remain with
21 the Federal Government. In the event the department collects
22 any additional amounts under this chapter with respect to any
23 transactions for which a separate return is required by this
24 sub-subparagraph, the proceeds shall, within 30 days following
25 collection, be distributed equally by the department to the
26 Florida Commercial Space Financing Corporation and the
27 Spaceport Florida Authority for the uses specified in this
28 sub-subparagraph. For purposes of this sub-subparagraph,
29 "aerospace infrastructure" means land, buildings and other
30 improvements, fixtures, machinery, equipment, instruments, and
31 software that will improve the state's capability to support,

1 expand, or attract the launch, construction, processing,
2 refurbishment, or manufacturing of rockets, missiles,
3 capsules, spacecraft, satellites, satellite control
4 facilities, ground support equipment and related tangible
5 personal property, launch vehicles, modules, space stations or
6 components destined for space station operation, and space
7 flight research and development facilities, instruments, and
8 equipment, together with any engineering, permitting, and
9 other expenses directly related to such land, buildings,
10 improvements, fixtures, machinery, equipment, instruments, or
11 software. Nothing in this sub-subparagraph shall be construed
12 as affecting any dealer's liability for other taxes imposed by
13 and due under this chapter.

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

16 Section 4. If section 35 of chapter 2000-260, Laws of
17 Florida, is not repealed by section 58 of that chapter,
18 effective October 1, 2001, paragraphs (b) and (e) of
19 subsection (6) of section 212.20, Florida Statutes, as amended
20 by section 35 of chapter 2000-260, Laws of Florida, are
21 amended to read:

22 212.20 Funds collected, disposition; additional powers
23 of department; operational expense; refund of taxes
24 adjudicated unconstitutionally collected.--

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

27 (b) Proceeds from discretionary sales surtaxes imposed
28 pursuant to ss. 212.054 and 212.055, except those distributed
29 under s. 212.20(6)(e)7.e., shall be reallocated to the
30 Discretionary Sales Surtax Clearing Trust Fund.

31

1 (e) The proceeds of all other taxes and fees imposed
2 pursuant to this chapter or remitted pursuant to s.

3 202.18(1)(b) and (2)(b) shall be distributed as follows:

4 1. In any fiscal year, the greater of \$500 million,
5 minus an amount equal to 4.6 percent of the proceeds of the
6 taxes collected pursuant to chapter 201, or 5 percent of all
7 other taxes and fees imposed pursuant to this chapter or
8 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
9 deposited in monthly installments into the General Revenue
10 Fund.

11 2. Two-tenths of one percent shall be transferred to
12 the Solid Waste Management Trust Fund.

13 3. After the distribution under subparagraphs 1. and
14 2., 9.653 percent of the amount remitted by a sales tax dealer
15 located within a participating county pursuant to s. 218.61
16 shall be transferred into the Local Government Half-cent Sales
17 Tax Clearing Trust Fund.

18 4. After the distribution under subparagraphs 1., 2.,
19 and 3., 0.065 percent shall be transferred to the Local
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21 distributed pursuant to s. 218.65.

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4 Financial Assistance Trust Fund in state fiscal year
5 1999-2000, no municipality shall receive less than the amount
6 due from the Revenue Sharing Trust Fund for Municipalities and
7 the Municipal Financial Assistance Trust Fund in state fiscal
8 year 1999-2000. If the total proceeds to be distributed are
9 less than the amount received in combination from the Revenue
10 Sharing Trust Fund for Municipalities and the Municipal
11 Financial Assistance Trust Fund in state fiscal year
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13 proportionate to the amount it was due in state fiscal year
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22 months. If a local or special law required that any moneys
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24 then-existing provisions of s. 550.135 be paid directly to the
25 district school board, special district, or a municipal
26 government, such payment shall continue until such time that
27 the local or special law is amended or repealed. The state
28 covenants with holders of bonds or other instruments of
29 indebtedness issued by local governments, special districts,
30 or district school boards prior to July 1, 2000, that it is
31 not the intent of this subparagraph to adversely affect the

1 rights of those holders or relieve local governments, special
2 districts, or district school boards of the duty to meet their
3 obligations as a result of previous pledges or assignments or
4 trusts entered into which obligated funds received from the
5 distribution to county governments under then-existing s.
6 550.135. This distribution specifically is in lieu of funds
7 distributed under s. 550.135 prior to July 1, 2000.

8 b. The department shall distribute \$166,667 monthly
9 pursuant to s. 288.1162 to each applicant that has been
10 certified as a "facility for a new professional sports
11 franchise" or a "facility for a retained professional sports
12 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
13 distributed monthly by the department to each applicant that
14 has been certified as a "facility for a retained spring
15 training franchise" pursuant to s. 288.1162; however, not more
16 than \$208,335 may be distributed monthly in the aggregate to
17 all certified facilities for a retained spring training
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23 applicant for the public purposes provided for in s.
24 288.1162(6). However, a certified applicant is entitled to
25 receive distributions up to the maximum amount allowable and
26 undistributed under this section for additional renovations
27 and improvements to the facility for the franchise without
28 additional certification.

29 c. Beginning 30 days after notice by the Office of
30 Tourism, Trade, and Economic Development to the Department of
31 Revenue that an applicant has been certified as the

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2 open to the public, \$166,667 shall be distributed monthly, for
3 up to 300 months, to the applicant.

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5 Tourism, Trade, and Economic Development to the Department of
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14 e. Every dealer conducting business at a fixed
15 location at the Kennedy Space Center or Cape Canaveral Air
16 Station and selling admissions to the Kennedy Space Center or
17 Cape Canaveral Air Station, or any part of either, pursuant to
18 a contract with the National Aeronautics and Space
19 Administration or pursuant to a subcontract thereto, shall
20 file returns each month in accordance with this
21 sub-subparagraph. Each such dealer shall file a separate
22 return each month which reports, separately from any other
23 sales and use taxes due pursuant to this chapter, the sale of
24 admissions to the Kennedy Space Center or Cape Canaveral Air
25 Station or any part thereof or to any event held at either
26 location, together with sales at retail of tangible personal
27 property from such fixed place of business, and the taxes
28 collected with respect to such admissions and sales. All
29 amounts due under this chapter with respect to such
30 transactions shall be timely remitted to the department. The
31 dealer shall simultaneously file a copy of the return with the

1 Florida Commercial Space Financing Corporation, a copy with
2 the Spaceport Florida Authority, and a copy with the director
3 of the Office of Tourism, Trade, and Economic Development, all
4 of which return copies and information therein shall be
5 subject to the same confidentiality provisions as are
6 applicable to returns and information filed with the
7 department pursuant to s. 213.053. The taxes due with respect
8 to such admissions and sales of tangible personal property
9 shall be distributed as follows: each month the department
10 shall distribute to the Florida Commercial Space Financing
11 Corporation one-half of all such proceeds collected and
12 remitted to the department as shown on the returns required by
13 this sub-subparagraph, and shall distribute the other half to
14 the Spaceport Florida Authority. The funds distributed to the
15 Florida Commercial Space Financing Corporation shall be used
16 solely for funding aerospace infrastructure as defined in this
17 sub-subparagraph. The funds distributed to the Spaceport
18 Florida Authority shall be used solely for aerospace
19 infrastructure funding purposes based on recommendations made
20 to the authority by the director of the Office of Tourism,
21 Trade, and Economic Development. Proposals for aerospace
22 infrastructure funding through the authority shall be
23 submitted to the Space Industry Committee created pursuant to
24 s. 331.367, or any successor organization, and the committee
25 shall, at least once each quarter, submit a written report to
26 the director of the Office of Tourism, Trade, and Economic
27 Development delineating the committee's recommendation for
28 prioritizing those proposals that it has reviewed. The
29 director of the Office of Tourism, Trade, and Economic
30 Development shall take into consideration the prioritization
31 reports of the Space Industry Committee. The director of the

1 John F. Kennedy Space Center, the Commander of the 45th Space
2 Wing, and the Commander of the Naval Ordnance Test Unit may
3 serve as official liaisons to the Space Industry Committee in
4 a nonfiduciary, nonvoting advisory role. The committee
5 recognizes the value of input from the Federal Government, but
6 also realizes that these persons' fiduciary duties remain with
7 the Federal Government. In the event the department collects
8 any additional amounts under this chapter with respect to any
9 transactions for which a separate return is required by this
10 sub-subparagraph, the proceeds shall, within 30 days following
11 collection, be distributed equally by the department to the
12 Florida Commercial Space Financing Corporation and the
13 Spaceport Florida Authority for the uses specified in this
14 sub-subparagraph. For purposes of this sub-subparagraph,
15 "aerospace infrastructure" means land, buildings and other
16 improvements, fixtures, machinery, equipment, instruments, and
17 software that will improve the state's capability to support,
18 expand, or attract the launch, construction, processing,
19 refurbishment, or manufacturing of rockets, missiles,
20 capsules, spacecraft, satellites, satellite control
21 facilities, ground support equipment and related tangible
22 personal property, launch vehicles, modules, space stations or
23 components destined for space station operation, and space
24 flight research and development facilities, instruments, and
25 equipment, together with any engineering, permitting, and
26 other expenses directly related to such land, buildings,
27 improvements, fixtures, machinery, equipment, instruments, or
28 software. Nothing in this sub-subparagraph shall be construed
29 as affecting any dealer's liability for other taxes imposed by
30 and due under this chapter.

31

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

3 Section 5. The Department of Revenue is authorized to
4 promulgate rules implementing the provisions of this act.

5 Section 6. This act shall take effect July 1, 2001,
6 and be applicable to taxes due on or after that date.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1482

11 The committee substitute makes the following changes to SB
12 1482:

- 13 1) Provides that this act may be cited as the "Aerospace
Infrastructure Reinvestment Act."
- 14 2) Specifies that the confidentiality provisions applicable
15 to tax return copies and information submitted by
16 dealers to the Department of Revenue (department), the
17 Florida Commercial Space Financing Corporation
(corporation), the Spaceport Florida Authority
(Spaceport Florida), and the director of the Office of
18 Tourism, Trade, and Economic Development be pursuant to
19 s. 213.053, F.S.
- 20 3) Amends s. 212.20(6)(b), F.S., to clarify that the
21 proceeds distributed to the corporation and Spaceport
22 Florida should include the proceeds from discretionary
23 sales surtaxes generated by applicable dealers.
- 24 4) Clarifies that the department shall distribute
"proceeds" (instead of "taxes") to the corporation and
25 Spaceport Florida each month. Although unaffected by
26 this committee substitute, s. 212.20(5)(a), F.S.,
27 defines "proceeds" as "all tax or fee revenue collected
or received by the department, including interest and
penalties."
- 28 5) Clarifies that all "amounts due under this chapter [ch.
29 212, F.S.]" with respect to certain transactions
30 (instead of all "taxes due" with respect to certain
31 transactions) shall be remitted to the department.
- 6) Clarifies that, in the event the department collects any
additional "amounts under this chapter [ch. 212, F.S.]"
(instead of any additional "taxes, interest, and
penalties") with respect to any transactions for which a
separate return is required, the "proceeds" (instead of
"such taxes, interest, and penalties") shall, within 30
days following collection, be distributed equally by the
department to the corporation and Spaceport Florida.