

By Senator Saunders

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A bill to be entitled
An act relating to the space industry; creating
the Aerospace Infrastructure Reinvestment Act;
providing legislative findings; amending s.
212.20, F.S.; providing that the amounts due
under the chapter on sales, use, and other
transactions collected by dealers conducting
business at a fixed location at the Kennedy
Space Center or Cape Canaveral Air Station on
admissions, leases, and licenses thereto and on
sales of tangible personal property at such
business shall be separately returned and
distributed by the Department of Revenue to the
Florida Commercial Space Financing Corporation
and used for described purposes; defining the
term "aerospace infrastructure"; providing for
rules; providing an expiration date; providing
an effective date.

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

Section 1. This act may be cited as the "Aerospace
Infrastructure Reinvestment Act."

Section 2. The Legislature finds that promoting the
growth of the space industry in the state is a vital component
of its overall economic plan and that facilitating additions
to aerospace infrastructure will make the state more
competitive and promote the retention and growth of space
businesses in this state. This act therefore provides for the
reinvestment of certain sales tax receipts arising from the

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

3 Section 3. Paragraphs (b) and (d) of subsection (6) of
4 section 212.20, Florida Statutes, are amended to read:

5 212.20 Funds collected, disposition; additional powers
6 of department; operational expense; refund of taxes
7 adjudicated unconstitutionally collected.--

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

10 (b) Proceeds from discretionary sales surtaxes imposed
11 pursuant to ss. 212.054 and 212.055, except those distributed
12 under sub-subparagraph (d)7.e., shall be reallocated to the
13 Discretionary Sales Surtax Clearing Trust Fund.

14 (d) The proceeds of all other taxes and fees imposed
15 pursuant to this chapter or remitted pursuant to s.
16 202.18(1)(b) and (2)(b) shall be distributed as follows:

17 1. In any fiscal year, the greater of \$500 million,
18 minus an amount equal to 4.6 percent of the proceeds of the
19 taxes collected pursuant to chapter 201, or 5 percent of all
20 other taxes and fees imposed pursuant to this chapter or
21 remitted pursuant to s. 202.18(1)(b) and (2)(b) 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.

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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 leases and
11 licenses by the dealer at Kennedy Space Center or Cape
12 Canaveral Air Station taxable pursuant to s. 212.031, and the
13 taxes collected by the dealer with respect to such admissions,
14 leases, licenses, and sales. All amounts due pursuant to this
15 chapter with respect to such transactions shall be timely
16 remitted to the department. The dealer shall simultaneously
17 file a copy of the return with the Florida Commercial Space
18 Financing Corporation and a copy with the director of the
19 Office of Tourism, Trade, and Economic Development, all of
20 which return copies and information therein are subject to the
21 same confidentiality provisions as are applicable to returns
22 and information filed with the department pursuant to s.
23 213.053. Each month the department shall distribute to the
24 Florida Commercial Space Financing Corporation all such
25 proceeds collected and remitted to the department as shown on
26 the returns required by this sub-subparagraph. The first \$1.5
27 million in such funds distributed to the Florida Commercial
28 Space Financing Corporation must be expended for aerospace
29 infrastructure, as defined in this sub-subparagraph, used in
30 or pertaining directly to human space flight, including, but
31 not limited to, space shuttle orbiter maintenance,

1 modifications, and related activities. The remainder of funds
2 distributed to the Florida Commercial Space Financing
3 Corporation must be used solely for funding aerospace
4 infrastructure as defined in this sub-subparagraph. In the
5 event the department collects any additional amounts pursuant
6 to this chapter with respect to any transactions for which a
7 separate return is required by this sub-subparagraph, the
8 proceeds shall, within 30 days following collection, be
9 distributed by the department to the Florida Commercial Space
10 Financing Corporation for the uses specified in this
11 sub-subparagraph. For purposes of this sub-subparagraph, the
12 term "aerospace infrastructure" means land, buildings and
13 other improvements, fixtures, machinery, equipment,
14 instruments, and software that will improve the state's
15 capability to ensure security, or to support, expand, or
16 attract the launch, construction, processing, refurbishment,
17 or manufacturing of rockets, missiles, capsules, spacecraft,
18 satellites, satellite control facilities, ground support
19 equipment and related tangible personal property, launch
20 vehicles, modules, space stations or components destined for
21 space station operation, and space flight research and
22 development facilities, instruments, and equipment, together
23 with any engineering, permitting, and other expenses,
24 including, but not limited to, utility location, relocation,
25 and realignment directly related to such land, buildings,
26 improvements, fixtures, machinery, equipment, instruments, or
27 software. This sub-subparagraph may not be construed as
28 affecting any dealer's liability for other taxes imposed by
29 and due pursuant to this chapter. This sub-subparagraph
30 expires July 1, 2007.

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

3 Section 4. The Department of Revenue may adopt rules
4 necessary to administer this act.

5 Section 5. This act shall take effect July 1, 2002,
6 and be applicable to taxes due on or after that date and
7 sections 1, 2, and 4 of this act shall expire July 1, 2007.

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SENATE SUMMARY

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Creates the Aerospace Infrastructure Reinvestment Act of
12 2002. Provides for the transfer of specified tax proceeds
13 from the Department of Revenue to the Florida Commercial
Space Financing Corporation for the purpose of funding
aerospace infrastructure.

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