

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Business Regulation offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Aerospace Infrastructure Reinvestment Act of 2002."

Section 2. The Legislature finds that promoting the growth of the space industry in Florida 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 presence of the space industry in Florida as a means of providing for that infrastructure growth.

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

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes

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1 adjudicated unconstitutionally collected.--

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

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

8 (d) The proceeds of all other taxes and fees imposed
9 pursuant to this chapter or remitted pursuant to s.
10 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

20 3. After the distribution under subparagraphs 1. and
21 2., 9.653 percent of the amount remitted by a sales tax dealer
22 located within a participating county pursuant to s. 218.61
23 shall be transferred into the Local Government Half-cent Sales
24 Tax Clearing Trust Fund.

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

29 5. For proceeds received after July 1, 2000, and after
30 the distributions under subparagraphs 1., 2., 3., and 4., 2.25
31 percent of the available proceeds pursuant to this paragraph

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1 shall be transferred monthly to the Revenue Sharing Trust Fund
2 for Counties pursuant to s. 218.215.

3 6. For proceeds received after July 1, 2000, and after
4 the distributions under subparagraphs 1., 2., 3., and 4.,
5 1.0715 percent of the available proceeds pursuant to this
6 paragraph shall be transferred monthly to the Revenue Sharing
7 Trust Fund for Municipalities pursuant to s. 218.215. If the
8 total revenue to be distributed pursuant to this subparagraph
9 is at least as great as the amount due from the Revenue
10 Sharing Trust Fund for Municipalities and the Municipal
11 Financial Assistance Trust Fund in state fiscal year
12 1999-2000, no municipality shall receive less than the amount
13 due from the Revenue Sharing Trust Fund for Municipalities and
14 the Municipal Financial Assistance Trust Fund in state fiscal
15 year 1999-2000. If the total proceeds to be distributed are
16 less than the amount received in combination from the Revenue
17 Sharing Trust Fund for Municipalities and the Municipal
18 Financial Assistance Trust Fund in state fiscal year
19 1999-2000, each municipality shall receive an amount
20 proportionate to the amount it was due in state fiscal year
21 1999-2000.

22 7. Of the remaining proceeds:

23 a. Beginning July 1, 2000, and in each fiscal year
24 thereafter, the sum of \$29,915,500 shall be divided into as
25 many equal parts as there are counties in the state, and one
26 part shall be distributed to each county. The distribution
27 among the several counties shall begin each fiscal year on or
28 before January 5th and shall continue monthly for a total of 4
29 months. If a local or special law required that any moneys
30 accruing to a county in fiscal year 1999-2000 under the
31 then-existing provisions of s. 550.135 be paid directly to the

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1 district school board, special district, or a municipal
2 government, such payment shall continue until such time that
3 the local or special law is amended or repealed. The state
4 covenants with holders of bonds or other instruments of
5 indebtedness issued by local governments, special districts,
6 or district school boards prior to July 1, 2000, that it is
7 not the intent of this subparagraph to adversely affect the
8 rights of those holders or relieve local governments, special
9 districts, or district school boards of the duty to meet their
10 obligations as a result of previous pledges or assignments or
11 trusts entered into which obligated funds received from the
12 distribution to county governments under then-existing s.
13 550.135. This distribution specifically is in lieu of funds
14 distributed under s. 550.135 prior to July 1, 2000.

15 b. The department shall distribute \$166,667 monthly
16 pursuant to s. 288.1162 to each applicant that has been
17 certified as a "facility for a new professional sports
18 franchise" or a "facility for a retained professional sports
19 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
20 distributed monthly by the department to each applicant that
21 has been certified as a "facility for a retained spring
22 training franchise" pursuant to s. 288.1162; however, not more
23 than \$208,335 may be distributed monthly in the aggregate to
24 all certified facilities for a retained spring training
25 franchise. Distributions shall begin 60 days following such
26 certification and shall continue for not more than 30 years.
27 Nothing contained in this paragraph shall be construed to
28 allow an applicant certified pursuant to s. 288.1162 to
29 receive more in distributions than actually expended by the
30 applicant for the public purposes provided for in s.
31 288.1162(6). However, a certified applicant is entitled to

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1 receive distributions up to the maximum amount allowable and
2 undistributed under this section for additional renovations
3 and improvements to the facility for the franchise without
4 additional certification.

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

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

21 e. Every dealer conducting business at a fixed
22 location at the Kennedy Space Center or Cape Canaveral Air
23 Station and selling admissions to the Kennedy Space Center or
24 Cape Canaveral Air Station, or any part of either, pursuant to
25 a contract with the National Aeronautics and Space
26 Administration or pursuant to a subcontract thereto, shall
27 file returns each month in accordance with this
28 sub-subparagraph. Each such dealer shall file a separate
29 return each month which reports, separately from any other
30 sales and use taxes due pursuant to this chapter, the sale of
31 admissions to the Kennedy Space Center or Cape Canaveral Air

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1 Station or any part thereof or to any event held at either
2 location, together with sales at retail of tangible personal
3 property from such fixed place of business, and leases and
4 licenses by the dealer at Kennedy Space Center or Cape
5 Canaveral Air Station taxable pursuant to s. 212.031, and the
6 taxes collected by the dealer with respect to such admissions,
7 leases, licenses, and sales. All amounts due pursuant to this
8 chapter with respect to such transactions shall be timely
9 remitted to the department. The dealer shall simultaneously
10 file a copy of the return with the Florida Commercial Space
11 Financing Corporation and a copy with the director of the
12 Office of Tourism, Trade, and Economic Development, all of
13 which return copies and information therein shall be subject
14 to the same confidentiality provisions as are applicable to
15 returns and information filed with the department pursuant to
16 s. 213.053. Each month the department shall distribute to the
17 Florida Commercial Space Financing Corporation all such
18 proceeds collected and remitted to the department as shown on
19 the returns required by this sub-subparagraph. The first \$1.5
20 million in such funds distributed to the Florida Commercial
21 Space Financing Corporation shall be expended for aerospace
22 infrastructure, as defined in this sub-subparagraph, used in
23 or pertaining directly to human space flight, including, but
24 not limited to, space shuttle orbiter maintenance,
25 modifications, and related activities. The remainder of the
26 funds distributed to the Florida Commercial Space Financing
27 Corporation shall be used solely for funding aerospace
28 infrastructure as defined in this sub-subparagraph. In the
29 event the department collects any additional amounts pursuant
30 to this chapter with respect to any transactions for which a
31 separate return is required by this sub-subparagraph, the

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1 proceeds shall, within 30 days following collection, be
2 distributed by the department to the Florida Commercial Space
3 Financing Corporation for the uses specified in this
4 sub-subparagraph. For purposes of this sub-subparagraph,
5 "aerospace infrastructure" means land, buildings and other
6 improvements, fixtures, machinery, equipment, instruments, and
7 software that will improve the state's capability to ensure
8 security, or to support, expand, or attract the launch,
9 construction, processing, refurbishment, or manufacturing of
10 rockets, missiles, capsules, spacecraft, satellites, satellite
11 control facilities, ground support equipment and related
12 tangible personal property, launch vehicles, modules, space
13 stations or components destined for space station operation,
14 and space flight research and development facilities,
15 instruments, and equipment, together with any engineering,
16 permitting, and other expenses, including, but not limited to,
17 utility location, relocation, and realignment directly related
18 to such land, buildings, improvements, fixtures, machinery,
19 equipment, instruments, or software. Nothing in this
20 sub-subparagraph shall be construed as affecting any dealer's
21 liability for other taxes imposed by and due pursuant to this
22 chapter.

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

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

27 Section 5. This act shall take effect July 1, 2002,
28 and be applicable to taxes due on or after that date and shall
29 expire and be without further force and effect on July 1,
30 2007.

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

2 And the title is amended as follows:

3 remove: the entire title

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5 and insert:

6 A bill to be entitled

7 An act relating to the Aerospace Infrastructure

8 Reinvestment Act of 2002; creating said act;

9 providing legislative findings; amending s.

10 212.20, F.S.; providing that the amounts due

11 under the chapter on sales, use, and other

12 transactions collected by dealers conducting

13 business at a fixed location at the Kennedy

14 Space Center or Cape Canaveral Air Station on

15 admissions, leases, and licenses thereto and on

16 sales of tangible personal property at such

17 business shall be separately returned and

18 distributed by the Department of Revenue to the

19 Florida Commercial Space Financing Corporation

20 and used for described purposes; providing a

21 definition; providing for rules; providing for

22 future repeal; providing an effective date.

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