



HB 1617

2003
CS

CHAMBER ACTION

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The Committee on Commerce recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Aerospace Infrastructure Reinvestment Act of 2003; providing an act name; 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 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; providing a definition; providing for rules; providing for future repeal; providing an effective date.

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



HB 1617

2003
CS

29 Section 1. This act is the "Aerospace Infrastructure
30 Reinvestment Act of 2003."

31 Section 2. The Legislature finds that promoting the growth
32 of the space industry in Florida is a vital component of its
33 overall economic plan and that facilitating additions to
34 aerospace infrastructure will make the state more competitive
35 and promote the retention and growth of space businesses in this
36 state. This act therefore provides for the reinvestment of
37 certain sales tax receipts arising from the presence of the
38 space industry in Florida as a means of providing for that
39 infrastructure growth.

40 Section 3. Paragraphs (b) and (d) of subsection (6) of
41 section 212.20, Florida Statutes, as amended by section 1,
42 chapter 2002-291, Laws of Florida, are amended to read:

43 212.20 Funds collected, disposition; additional powers of
44 department; operational expense; refund of taxes adjudicated
45 unconstitutionally collected.--

46 (6) Distribution of all proceeds under this chapter and s.
47 202.18(1)(b) and (2)(b) shall be as follows:

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

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

55 1. In any fiscal year, the greater of \$500 million, minus
56 an amount equal to 4.6 percent of the proceeds of the taxes



HB 1617

2003
CS

57 collected pursuant to chapter 201, or 5 percent of all other
58 taxes and fees imposed pursuant to this chapter or remitted
59 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
60 monthly installments into the General Revenue Fund.

61 2. Two-tenths of one percent shall be transferred to the
62 Ecosystem Management and Restoration Trust Fund to be used for
63 water quality improvement and water restoration projects.

64 3. After the distribution under subparagraphs 1. and 2.,
65 9.653 percent of the amount remitted by a sales tax dealer
66 located within a participating county pursuant to s. 218.61
67 shall be transferred into the Local Government Half-cent Sales
68 Tax Clearing Trust Fund.

69 4. After the distribution under subparagraphs 1., 2., and
70 3., 0.065 percent shall be transferred to the Local Government
71 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
72 to s. 218.65.

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

78 6. For proceeds received after July 1, 2000, and after the
79 distributions under subparagraphs 1., 2., 3., and 4., 1.0715
80 percent of the available proceeds pursuant to this paragraph
81 shall be transferred monthly to the Revenue Sharing Trust Fund
82 for Municipalities pursuant to s. 218.215. If the total revenue
83 to be distributed pursuant to this subparagraph is at least as
84 great as the amount due from the Revenue Sharing Trust Fund for



HB 1617

2003
CS

85 Municipalities and the Municipal Financial Assistance Trust Fund
86 in state fiscal year 1999-2000, no municipality shall receive
87 less than the amount due from the Revenue Sharing Trust Fund for
88 Municipalities and the Municipal Financial Assistance Trust Fund
89 in state fiscal year 1999-2000. If the total proceeds to be
90 distributed are less than the amount received in combination
91 from the Revenue Sharing Trust Fund for Municipalities and the
92 Municipal Financial Assistance Trust Fund in state fiscal year
93 1999-2000, each municipality shall receive an amount
94 proportionate to the amount it was due in state fiscal year
95 1999-2000.

96 7. Of the remaining proceeds:

97 a. Beginning July 1, 2000, and in each fiscal year
98 thereafter, the sum of \$29,915,500 shall be divided into as many
99 equal parts as there are counties in the state, and one part
100 shall be distributed to each county. The distribution among the
101 several counties shall begin each fiscal year on or before
102 January 5th and shall continue monthly for a total of 4 months.
103 If a local or special law required that any moneys accruing to a
104 county in fiscal year 1999-2000 under the then-existing
105 provisions of s. 550.135 be paid directly to the district school
106 board, special district, or a municipal government, such payment
107 shall continue until such time that the local or special law is
108 amended or repealed. The state covenants with holders of bonds
109 or other instruments of indebtedness issued by local
110 governments, special districts, or district school boards prior
111 to July 1, 2000, that it is not the intent of this subparagraph
112 to adversely affect the rights of those holders or relieve local



HB 1617

2003
CS

113 governments, special districts, or district school boards of the
114 duty to meet their obligations as a result of previous pledges
115 or assignments or trusts entered into which obligated funds
116 received from the distribution to county governments under then-
117 existing s. 550.135. This distribution specifically is in lieu
118 of funds distributed under s. 550.135 prior to July 1, 2000.

119 b. The department shall distribute \$166,667 monthly
120 pursuant to s. 288.1162 to each applicant that has been
121 certified as a "facility for a new professional sports
122 franchise" or a "facility for a retained professional sports
123 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
124 distributed monthly by the department to each applicant that has
125 been certified as a "facility for a retained spring training
126 franchise" pursuant to s. 288.1162; however, not more than
127 \$208,335 may be distributed monthly in the aggregate to all
128 certified facilities for a retained spring training franchise.
129 Distributions shall begin 60 days following such certification
130 and shall continue for not more than 30 years. Nothing contained
131 in this paragraph shall be construed to allow an applicant
132 certified pursuant to s. 288.1162 to receive more in
133 distributions than actually expended by the applicant for the
134 public purposes provided for in s. 288.1162(6). However, a
135 certified applicant is entitled to receive distributions up to
136 the maximum amount allowable and undistributed under this
137 section for additional renovations and improvements to the
138 facility for the franchise without additional certification.

139 c. Beginning 30 days after notice by the Office of
140 Tourism, Trade, and Economic Development to the Department of



HB 1617

2003
CS

141 Revenue that an applicant has been certified as the professional
142 golf hall of fame pursuant to s. 288.1168 and is open to the
143 public, \$166,667 shall be distributed monthly, for up to 300
144 months, to the applicant.

145 d. Beginning 30 days after notice by the Office of
146 Tourism, Trade, and Economic Development to the Department of
147 Revenue that the applicant has been certified as the
148 International Game Fish Association World Center facility
149 pursuant to s. 288.1169, and the facility is open to the public,
150 \$83,333 shall be distributed monthly, for up to 168 months, to
151 the applicant. This distribution is subject to reduction
152 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
153 made, after certification and before July 1, 2000.

154 e. Every dealer conducting business at a fixed location at
155 the John F. Kennedy Space Center or Cape Canaveral Air Force
156 Station and selling admissions to the John F. Kennedy Space
157 Center or Cape Canaveral Air Force Station, or any part of
158 either, pursuant to a contract with the National Aeronautics and
159 Space Administration or pursuant to a subcontract thereto, shall
160 file returns each month in accordance with this sub-
161 subparagraph. Each such dealer shall file a separate return each
162 month which reports, separately from any other sales and use
163 taxes due pursuant to this chapter, the sale of admissions to
164 the John F. Kennedy Space Center or Cape Canaveral Air Force
165 Station or any part thereof or to any event held at either
166 location, together with sales at retail of tangible personal
167 property from such fixed place of business, and leases and
168 licenses by the dealer at the John F. Kennedy Space Center or



HB 1617

2003
CS

169 Cape Canaveral Air Force Station taxable pursuant to s. 212.031,
170 and the taxes collected by the dealer with respect to such
171 admissions, leases, licenses, and sales. All amounts due
172 pursuant to this chapter with respect to such transactions shall
173 be timely remitted to the department. The dealer shall
174 simultaneously file a copy of the return with the Florida
175 Commercial Space Financing Corporation and a copy with the
176 director of the Office of Tourism, Trade, and Economic
177 Development, all of which return copies and information therein
178 shall be subject to the same confidentiality provisions as are
179 applicable to returns and information filed with the department
180 pursuant to s. 213.053. Each month the department shall
181 distribute to the Florida Commercial Space Financing Corporation
182 all such proceeds collected and remitted to the department as
183 shown on the returns required by this sub-subparagraph. The
184 first \$1.5 million in such funds distributed to the Florida
185 Commercial Space Financing Corporation shall be expended for
186 aerospace infrastructure, as defined in this sub-subparagraph,
187 used in or pertaining directly to human space flight, including,
188 but not limited to, space shuttle orbiter maintenance,
189 enhancements, modifications, and related activities. The
190 remainder of the funds distributed to the Florida Commercial
191 Space Financing Corporation shall be used solely for funding
192 aerospace infrastructure as defined in this sub-subparagraph. In
193 the event the department collects any additional amounts
194 pursuant to this chapter with respect to any transactions for
195 which a separate return is required by this sub-subparagraph,
196 the proceeds shall, within 30 days following collection, be



HB 1617

2003
CS

197 distributed by the department to the Florida Commercial Space
198 Financing Corporation for the uses specified in this sub-
199 subparagraph. For purposes of this sub-subparagraph, "aerospace
200 infrastructure" means land, buildings and other improvements,
201 fixtures, machinery, equipment, instruments, and software that
202 will improve the state's capability to ensure security or to
203 support, expand, or attract the launch, construction,
204 processing, refurbishment, or manufacturing of rockets,
205 missiles, capsules, spacecraft, satellites, satellite control
206 facilities, ground support equipment and related tangible
207 personal property, launch vehicles, modules, space stations or
208 components destined for space station operation, and space
209 flight research and development facilities, instruments, and
210 equipment, together with any engineering, permitting, and other
211 expenses, including, but not limited to, utility location,
212 relocation, and realignment directly related to such land,
213 buildings, improvements, fixtures, machinery, equipment,
214 instruments, or software. Nothing in this sub-subparagraph shall
215 be construed as affecting any dealer's liability for other taxes
216 imposed by and due pursuant to this chapter.

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

219 Section 4. The Department of Revenue is authorized to
220 adopt rules implementing the provisions of this act.

221 Section 5. This act shall take effect July 1, 2003, and be
222 applicable to taxes due on or after that date and shall expire
223 and be without further force and effect on July 1, 2008.