

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 1108

INTRODUCER: Commerce and Tourism Committee and Senator Altman

SUBJECT: Exemptions from the Tax on Sales, Use, and Other Transactions

DATE: February 7, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	Fav/CS
2.	Toman	Yeatman	CA	Pre-meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The CS creates a new exemption from the sales and use tax for certain items used to manufacture and produce aircraft and gas turbine engines. Items used and consumed in the production of castings are also exempt.

This CS creates s. 212.08(7)(hhh) of the Florida Statutes.

II. Present Situation:

Sales and Use Taxes

Chapter 212, F.S., contains the state’s statutory provisions authorizing the levying and collection of Florida’s sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. The statutes currently provide more than 200 different exemptions. Florida imposes a 6 percent tax on tangible personal property sold, used, consumed, distributed, stored for use or consumption, rented, or leased in Florida.¹

¹ See ss. 212.05 and 212.06, F.S.

Turbines

“A turbine is any kind of spinning device that uses the action of a fluid to produce work.”² Fluids typically used in turbines include air, wind, water, steam and helium. Windmills and hydroelectric dams are two examples of turbine action being used to turn the core of an electrical generator to produce power.

Gas turbines were first developed in the 1930s, and were used to generate electricity and power airplane flight. Gas turbines use a compressor to draw in and compress gas (usually air), then a combustor (or burner) adds fuel (such as propane, natural gas, kerosene or jet fuel) to heat the compressed gas, and a turbine extracts power from the hot air flow. The gas turbine is an internal combustion engine employing a continuous combustion process. Gas turbines are also known as combustion turbines, turboshaft engines, or gas turbine engines in power generation and marine applications and as jet engines, jet turbine engines, turbojets, turbofans, fanjets, turboprops or prop jets in aviation applications.

Gas turbines have many applications, and are used in power plants, tanks, jets, helicopters and trains.

Castings

“Casting is a manufacturing process by which a liquid material is usually poured into a mold, which contains a hollow cavity of the desired shape, and then allowed to solidify.” The “casting” is the solidified part, which is generally removed from the mold by breaking the mold.³ There are several different methods to create a casting.⁴ Materials used in casting are usually metals or “various cold setting materials that cure after mixing two or more components together. Casting is most often used for making complex shapes that would be otherwise difficult or uneconomical to make by other methods.”⁵

The World Foundry Organization lists the U.S. as the third largest castings producer in the world in 2009.⁶

III. Effect of Proposed Changes:

Section 1 creates s. 212.08(7)(hhh), F.S., to establish a new exemption from the tax on sales, use, and other transactions. The CS exempts chemicals, machinery, parts, and equipment used and consumed in the manufacture or fabrication of aircraft and gas turbine engines.

² See Langston, Lee S., and George Opdyke, Jr., *Introduction to Gas Turbines for Non-Engineers*, *Global Gas Turbine News*, Volume 37: 1997, No.2, available at <http://files.asme.org/IGTI/101/13001.pdf> (last visited Feb. 7, 2012).

³ See Wikipedia article, “Casting,” citing Degarmo, E. Paul, J. T. Black, and Ronald A. Kosher, “Materials and Processes in Manufacturing (9th ed.)” Wiley (2003).

⁴ See Reliance Foundry Co. Ltd. website on Foundry Production for a description of different methods of casting. Available at <http://www.reliance-foundry.com/foundry-production/> (last visited Feb. 7, 2012).

⁵ See “Casting” article.

⁶ See World Foundry Organization website Modern Castings and the American Foundry Society, *44th Census of World Casting Production* (2010), available at <http://thewfo.com/Page.aspx?pageId=11> (last visited Feb. 7, 2012).

Items exempted include cores, electrical discharge machining supplies, brass electrodes, ceramic guides, grinding and deburring wheels, Norton vortex wheels, argon, nitrogen, helium, fluid abrasive cutters, solvents and soaps, borescopes, penetrants, patterns, dies, and molds consumed in the production of castings.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution, excuses counties and municipalities from complying with laws requiring them to spend funds or to take an action unless certain conditions are met.

Subsection (b) of the provision prohibits the Legislature from “enacting, amending, or repealing any general law if the anticipated effect” is to reduce county or municipal aggregate revenue generating authority as it existed on February 1, 1989. The exception to this prohibition is if the Legislature passes such a law by two-thirds of the membership of each chamber.

Subsection (d) provides an exemption from this prohibition. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (which is \$1.88 million for FY 2012-13), are exempt.

The Revenue Estimating Conference estimated that this CS will have a \$300,000 negative fiscal impact annually on local governments. Consequently, it may be exempt from the mandates restriction due to its insignificant fiscal impact.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) estimated the impact of the CS on December 12, 2011. The REC adopted a recurring negative impact of \$1.3 million to general revenue and a recurring negative impact of \$300,000 to local funds each year.⁷

⁷ Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Conference for 2012 Regular Session – Exemption on Gas Turbine Manufacturers, HB 939* (December 12, 2011), available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2012/pdf/page174-178.pdf> (last visited Feb. 8, 2012).

B. Private Sector Impact:

Purchasers of these items will benefit from the exemption of these items from taxes.

C. Government Sector Impact:

The Department of Revenue has indicated that this CS would have an insignificant impact on its operations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Turbine engines are classified by the type of fluid used to drive the engine. In general, the manufacturing process for all engines is the same and uses the same materials (cores, patterns, dies, and molds), although they may vary by type of metal. The exemption provided by this CS is limited to manufacturing and fabricating aircraft and gas turbine engines. The items cited for exemption which are used for other types of manufacturing would not be eligible for the exemption.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on February 2, 2012:

This committee substitute combined the two separately stated exemptions in the original bill into one.

B. Amendments:

None.