

1 A bill to be entitled
 2 An act relating to air carriers; amending s. 206.9825,
 3 F.S.; providing for the scheduled deletion of an
 4 excise tax exemption for certain aviation fuel
 5 delivered by certain licensed wholesalers or terminal
 6 suppliers; creating s. 206.9850, F.S.; requiring
 7 distributions of certain state funds for specified
 8 qualified air carriers; creating s. 288.1259, F.S.;
 9 providing definitions; providing an incentive program
 10 for certain qualified air carriers to receive certain
 11 state funds; providing application procedures and
 12 award criteria; providing an annual cap for awards;
 13 authorizing the Department of Economic Opportunity and
 14 Department of Revenue to adopt rules; amending s.
 15 212.20, F.S.; requiring the Department of Revenue to
 16 deposit certain amounts into the State Transportation
 17 Trust Fund; providing effective dates.

18
 19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Effective June 1, 2018, subsection (1) of
 22 section 206.9825, Florida Statutes, is amended to read:

23 206.9825 Aviation fuel tax.—

24 (1)~~(a)~~ Except as otherwise provided in this part, an
 25 excise tax of 6.9 cents per gallon of aviation fuel is imposed
 26 upon every gallon of aviation fuel sold in this state, or

27 brought into this state for use, upon which such tax has not
 28 been paid or the payment thereof has not been lawfully assumed
 29 by some person handling the same in this state. Fuel taxed
 30 pursuant to this part shall not be subject to the taxes imposed
 31 by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and
 32 (d).

33 ~~(b) Any licensed wholesaler or terminal supplier that~~
 34 ~~delivers aviation fuel to an air carrier offering~~
 35 ~~transcontinental jet service and that, after January 1, 1996,~~
 36 ~~increases the air carrier's Florida workforce by more than 1000~~
 37 ~~percent and by 250 or more full-time equivalent employee~~
 38 ~~positions, may receive a credit or refund as the ultimate vendor~~
 39 ~~of the aviation fuel for the 6.9 cents excise tax previously~~
 40 ~~paid, provided that the air carrier has no facility for fueling~~
 41 ~~highway vehicles from the tank in which the aviation fuel is~~
 42 ~~stored. In calculating the new or additional Florida full-time~~
 43 ~~equivalent employee positions, any full-time equivalent employee~~
 44 ~~positions of parent or subsidiary corporations which existed~~
 45 ~~before January 1, 1996, shall not be counted toward reaching the~~
 46 ~~Florida employment increase thresholds. The refund allowed under~~
 47 ~~this paragraph is in furtherance of the goals and policies of~~
 48 ~~the State Comprehensive Plan set forth in s. 187.201(16)(a),~~
 49 ~~(b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1.,~~
 50 ~~2., 4., 7., 9., and 12.~~

51 ~~(c) If, before July 1, 2001, the number of full-time~~
 52 ~~equivalent employee positions created or added to the air~~

53 ~~carrier's Florida workforce falls below 250, the exemption~~
54 ~~granted pursuant to this section shall not apply during the~~
55 ~~period in which the air carrier has fewer than the 250~~
56 ~~additional employees.~~

57 ~~(d) The exemption taken by credit or refund pursuant to~~
58 ~~paragraph (b) shall apply only under the terms and conditions~~
59 ~~set forth therein. If any part of that paragraph is judicially~~
60 ~~declared to be unconstitutional or invalid, the validity of any~~
61 ~~provisions taxing aviation fuel shall not be affected and all~~
62 ~~fuel exempted pursuant to paragraph (b) shall be subject to tax~~
63 ~~as if the exemption was never enacted. Every person benefiting~~
64 ~~from such exemption shall be liable for and make payment of all~~
65 ~~taxes for which a credit or refund was granted.~~

66 Section 2. Section 206.9850, Florida Statutes, is created
67 to read:

68 206.9850 Distributions to certain air carriers.—Beginning
69 on July 1 of each year or 30 days after the Department of
70 Economic Opportunity provides written notice to the department
71 of the qualified applicants who are qualified air carriers
72 pursuant to s. 288.1259, whichever occurs later, the department
73 shall make 12 monthly distributions to the qualified air
74 carriers in an amount certified by the Department of Economic
75 Opportunity pursuant to s. 288.1259. All distributions under
76 this program shall be made from the Fuel Tax Collection Trust
77 Fund. However, such distributions shall be made from the
78 existing aviation fuel tax revenue and may not exceed that

79 portion of the trust fund which is composed of deposits from the
 80 aviation fuel tax collected under this part.

81 Section 3. Section 288.1259, Florida Statutes, is created
 82 to read:

83 288.1259 Florida Aviation Race to the Sky Program.—

84 (1) DEFINITIONS.—As used in this section, the term:

85 (a) "Air carrier" means a person, as defined in s.
 86 1.01(3), that is in the business of air transportation for
 87 compensation or hire.

88 (b) "Award" means an amount of state funds to be
 89 distributed from the Fuel Tax Collection Trust Fund pursuant to
 90 s. 206.9850.

91 (c) "Department" means the Department of Economic
 92 Opportunity.

93 (d) "Destination" means a location in Florida receiving
 94 air transportation service from an air carrier for which
 95 compensation is received by the carrier.

96 (e) "Passenger enplanements" means the number of persons
 97 who board an aircraft in this state for the purpose of air
 98 transportation for which compensation is received by the
 99 carrier.

100 (e) "Qualified air carrier" means an air carrier certified
 101 by the department to receive an award under this section.

102 (f) "Qualified applicant" means an air carrier that files
 103 a timely and complete application pursuant to subsection (2).

104 (2) APPLICATION PROCESS.—

105 (a) An air carrier may apply for an award pursuant to this
 106 section by submitting an application to the department after
 107 January 1 but no later than April 1 of each year. Upon receipt
 108 of an application, the department shall review the application
 109 for completeness. If review of the application demonstrates that
 110 the application is incomplete, the executive director shall
 111 notify the applicant within 15 business days after receipt and
 112 identify the reasons for denial. The applicant may respond
 113 within 15 business days after notification providing additional
 114 information necessary to complete the application.

115 (b) The application must include any information required
 116 by the department.

117 (c) After April 1 but no later than June 1 of each year,
 118 the executive director shall review all timely filed and
 119 complete applications, determine which qualified applicants will
 120 receive an award pursuant to subsection (3), and issue a letter
 121 of certification to each qualified applicant, which includes:

122 1. Justification for the department's decision to approve
 123 or deny an award for the applicant.

124 2. The total amount of funds, if any, awarded to the
 125 applicant.

126 3. The schedule of payments for any award.

127 4. The certification to receive the scheduled payments, if
 128 any, from the Department of Revenue pursuant to s. 206.9850.

129 (3) AWARDS.—The total annual award amount to be allocated
 130 to qualified air carriers shall be \$17.6 million. Such amount

131 shall be allocated and certified by the department pursuant to
132 this subsection.

133 (a) Capacity development incentive.—The department shall
134 use the data reported to the United States Department of
135 Transportation on Form 41, Schedule T100 Air Carrier Data, to
136 determine the total passenger enplanements in this state for the
137 previous calendar year for each qualified applicant. The
138 department shall certify the three qualified applicants who,
139 among all qualified applicants, had the largest number of
140 passenger enplanements in this state in the previous calendar
141 year, and, upon such certification, shall allocate a percentage
142 of the total annual award as follows:

143 1. Twenty-eight percent to the qualified air carrier with
144 the most passenger enplanements.

145 2. Twenty-two percent to the qualified air carrier with
146 the second most passenger enplanements.

147 3. Twenty percent to the qualified air carrier with the
148 third most passenger enplanements.

149 (b) Destination variety incentive.—The department shall
150 use the data reported to the United States Department of
151 Transportation on Form 41, Schedule T100 Air Carrier Data, to
152 determine the total number of destinations in this state for
153 which each qualified applicant provided air transportation in
154 the previous calendar year. The department shall certify the
155 three qualified applicants who, among all qualified applicants,
156 provided air transportation to the largest number of

157 destinations in this state in the previous calendar year, and,
 158 upon such certification, shall allocate 10 percent of the total
 159 annual award to each of these three qualified applicants.

160 (4) RULEMAKING AUTHORITY.—

161 (a) The department may adopt rules prescribing policies
 162 and procedures to implement and administer this section. The
 163 department must develop an application form for use by
 164 applicants to apply for qualification as qualified air carriers.

165 (b) The Department of Revenue may adopt rules to
 166 administer this section.

167 Section 4. Effective July 1, 2018, paragraph (d) of
 168 subsection (6) of section 212.20, Florida Statutes, is amended
 169 to read:

170 212.20 Funds collected, disposition; additional powers of
 171 department; operational expense; refund of taxes adjudicated
 172 unconstitutionally collected.—

173 (6) Distribution of all proceeds under this chapter and
 174 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

178 1. In any fiscal year, the greater of \$500 million, minus
 179 an amount equal to 4.6 percent of the proceeds of the taxes
 180 collected pursuant to chapter 201, or 5.2 percent of all other
 181 taxes and fees imposed pursuant to this chapter or remitted
 182 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in

183 monthly installments into the General Revenue Fund.

184 2. After the distribution under subparagraph 1., 8.8854
185 percent of the amount remitted by a sales tax dealer located
186 within a participating county pursuant to s. 218.61 shall be
187 transferred into the Local Government Half-cent Sales Tax
188 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
189 transferred shall be reduced by 0.1 percent, and the department
190 shall distribute this amount to the Public Employees Relations
191 Commission Trust Fund less \$5,000 each month, which shall be
192 added to the amount calculated in subparagraph 3. and
193 distributed accordingly.

194 3. After the distribution under subparagraphs 1. and 2.,
195 0.0956 percent shall be transferred to the Local Government
196 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
197 to s. 218.65.

198 4. After the distributions under subparagraphs 1., 2., and
199 3., 2.0603 percent of the available proceeds shall be
200 transferred monthly to the Revenue Sharing Trust Fund for
201 Counties pursuant to s. 218.215.

202 5. After the distributions under subparagraphs 1., 2., and
203 3., 1.3517 percent of the available proceeds shall be
204 transferred monthly to the Revenue Sharing Trust Fund for
205 Municipalities pursuant to s. 218.215. If the total revenue to
206 be distributed pursuant to this subparagraph is at least as
207 great as the amount due from the Revenue Sharing Trust Fund for
208 Municipalities and the former Municipal Financial Assistance

209 Trust Fund in state fiscal year 1999-2000, no municipality shall
210 receive less than the amount due from the Revenue Sharing Trust
211 Fund for Municipalities and the former Municipal Financial
212 Assistance Trust Fund in state fiscal year 1999-2000. If the
213 total proceeds to be distributed are less than the amount
214 received in combination from the Revenue Sharing Trust Fund for
215 Municipalities and the former Municipal Financial Assistance
216 Trust Fund in state fiscal year 1999-2000, each municipality
217 shall receive an amount proportionate to the amount it was due
218 in state fiscal year 1999-2000.

219 6. Of the remaining proceeds:

220 a. In each fiscal year, the sum of \$29,915,500 shall be
221 divided into as many equal parts as there are counties in the
222 state, and one part shall be distributed to each county. The
223 distribution among the several counties must begin each fiscal
224 year on or before January 5th and continue monthly for a total
225 of 4 months. If a local or special law required that any moneys
226 accruing to a county in fiscal year 1999-2000 under the then-
227 existing provisions of s. 550.135 be paid directly to the
228 district school board, special district, or a municipal
229 government, such payment must continue until the local or
230 special law is amended or repealed. The state covenants with
231 holders of bonds or other instruments of indebtedness issued by
232 local governments, special districts, or district school boards
233 before July 1, 2000, that it is not the intent of this
234 subparagraph to adversely affect the rights of those holders or

235 | relieve local governments, special districts, or district school
236 | boards of the duty to meet their obligations as a result of
237 | previous pledges or assignments or trusts entered into which
238 | obligated funds received from the distribution to county
239 | governments under then-existing s. 550.135. This distribution
240 | specifically is in lieu of funds distributed under s. 550.135
241 | before July 1, 2000.

242 | b. The department shall distribute \$166,667 monthly to
243 | each applicant certified as a facility for a new or retained
244 | professional sports franchise pursuant to s. 288.1162. Up to
245 | \$41,667 shall be distributed monthly by the department to each
246 | certified applicant as defined in s. 288.11621 for a facility
247 | for a spring training franchise. However, not more than \$416,670
248 | may be distributed monthly in the aggregate to all certified
249 | applicants for facilities for spring training franchises.
250 | Distributions begin 60 days after such certification and
251 | continue for not more than 30 years, except as otherwise
252 | provided in s. 288.11621. A certified applicant identified in
253 | this sub-subparagraph may not receive more in distributions than
254 | expended by the applicant for the public purposes provided in s.
255 | 288.1162(5) or s. 288.11621(3).

256 | c. Beginning 30 days after notice by the Department of
257 | Economic Opportunity to the Department of Revenue that an
258 | applicant has been certified as the professional golf hall of
259 | fame pursuant to s. 288.1168 and is open to the public, \$166,667
260 | shall be distributed monthly, for up to 300 months, to the

261 applicant.

262 d. Beginning 30 days after notice by the Department of
263 Economic Opportunity to the Department of Revenue that the
264 applicant has been certified as the International Game Fish
265 Association World Center facility pursuant to s. 288.1169, and
266 the facility is open to the public, \$83,333 shall be distributed
267 monthly, for up to 168 months, to the applicant. This
268 distribution is subject to reduction pursuant to s. 288.1169. A
269 lump sum payment of \$999,996 shall be made after certification
270 and before July 1, 2000.

271 e. The department shall distribute up to \$83,333 monthly
272 to each certified applicant as defined in s. 288.11631 for a
273 facility used by a single spring training franchise, or up to
274 \$166,667 monthly to each certified applicant as defined in s.
275 288.11631 for a facility used by more than one spring training
276 franchise. Monthly distributions begin 60 days after such
277 certification or July 1, 2016, whichever is later, and continue
278 for not more than 20 years to each certified applicant as
279 defined in s. 288.11631 for a facility used by a single spring
280 training franchise or not more than 25 years to each certified
281 applicant as defined in s. 288.11631 for a facility used by more
282 than one spring training franchise. A certified applicant
283 identified in this sub-subparagraph may not receive more in
284 distributions than expended by the applicant for the public
285 purposes provided in s. 288.11631(3).

286 f. Beginning 45 days after notice by the Department of

287 Economic Opportunity to the Department of Revenue that an
288 applicant has been approved by the Legislature and certified by
289 the Department of Economic Opportunity under s. 288.11625 or
290 upon a date specified by the Department of Economic Opportunity
291 as provided under s. 288.11625(6)(d), the department shall
292 distribute each month an amount equal to one-twelfth of the
293 annual distribution amount certified by the Department of
294 Economic Opportunity for the applicant. The department may not
295 distribute more than \$7 million in the 2014-2015 fiscal year or
296 more than \$13 million annually thereafter under this sub-
297 subparagraph.

298 g. Beginning July 1, 2018, the department shall deposit
299 \$116,667 monthly into the State Transportation Trust Fund.

300 7. All other proceeds must remain in the General Revenue
301 Fund.

302 Section 5. Except as otherwise expressly provided in this
303 act, this act shall take effect July 1, 2017.