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2 An act relating to telecommunications; creating  
3 ss. 125.421, 166.047, F.S.; specifying  
4 circumstances under which a county or other  
5 entity of local government may obtain or hold a  
6 certificate under chapter 364, F.S., relating  
7 to telecommunications companies, and under  
8 which the provision of telecommunications  
9 services constitutes a municipal or public  
10 purpose; providing exceptions; amending s.  
11 196.012, F.S.; providing that certain  
12 telecommunications services provided to the  
13 public for hire are not exempt from taxation  
14 unless provided by the operator of a public-use  
15 airport or provided by a public hospital;  
16 providing that certain property used to provide  
17 such services is exempt until a specified date;  
18 amending s. 199.183, F.S.; providing that  
19 telecommunication services provided to the  
20 public for hire by the state or a political  
21 subdivision are not exempt from intangible  
22 personal property taxes; providing exceptions;  
23 amending s. 212.08, F.S.; providing that  
24 telecommunication services provided to the  
25 public for hire by the state or political  
26 subdivision are not exempt from sales or use  
27 taxes; providing exceptions; providing a  
28 finding of an important state interest;  
29 providing an effective date.  
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31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Section 125. 421, Florida Statutes is  
2 created to read:

3           125.421 Telecommunications services.--A  
4 telecommunications company that is a county or other entity of  
5 local government may obtain or hold a certificate required by  
6 chapter 364, and the obtaining or holding of said certificate  
7 serves a public purpose only if the county or other entity of  
8 local government:(1) Separately accounts for the revenues,  
9 expenses, property, and source of investment dollars  
10 associated with the provision of such service;

11           (2) Is subject, without exemption, to all local  
12 requirements applicable to telecommunications companies; and

13           (3) Notwithstanding any other provision of law, pays,  
14 on its telecommunications facilities used to provide two-way  
15 telecommunication services to the public for hire and for  
16 which a certificate is required under chapter 364, ad valorem  
17 taxes, or fees in amounts equal thereto, to any taxing  
18 jurisdiction in which the county or other entity of local  
19 government operates. Any entity of local government may pay  
20 and impose such ad valorem taxes or fees. Any immunity of any  
21 county or other entity of local government from taxation of  
22 the property taxed by this section is hereby waived.

23  
24 This section does not apply to the provision of  
25 telecommunications services for internal operational needs of  
26 a county or other entity of local government. This section  
27 does not apply to the provision of internal information  
28 services, including, but not limited to, tax records,  
29 engineering records, and property records, by a county or  
30 other entity of local government to the public for a fee.

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1           Section 2. Section 166.047, Florida Statutes, is  
2 created to read:

3           166.047 Telecommunications services.--A  
4 telecommunications company that is a municipality or other  
5 entity of local government may obtain or hold a certificate  
6 required by chapter 364, and the obtaining or holding of said  
7 certificate serves a municipal or public purpose under the  
8 provision of Article VIII Section (2)b, Florida Constitution,  
9 only if the municipality or other entity of local  
10 government:(1) Separately accounts for the revenues,  
11 expenses, property, and source of investment dollars  
12 associated with the provision of such services;(2) Is  
13 subject, without exemption, to all local requirements  
14 applicable to telecommunications companies; and

15           (3) Notwithstanding any other provision of law, pays,  
16 on its telecommunications facilities used to provide two-way  
17 telecommunications services to the public for hire and for  
18 which a certificate is required pursuant to chapter 364, ad  
19 valorem taxes, or fees in amounts equal there to, to any  
20 taxing jurisdiction in which the municipality or other entity  
21 of local government operates. Any entity of local government  
22 may pay and impose such ad valorem taxes or fees.

23  
24 This section does not apply to the provision of  
25 telecommunications services for internal operational needs of  
26 a municipality or other entity of local government. This  
27 sections does not apply to the provision of internal  
28 information services, including, but not limited to, tax  
29 records, engineering records, and property records, by a  
30 municipality or other entity of local government to the public  
31 for a fee.

1           Section 3. Section Subsection (6) of section 196.012,  
2 Florida Statutes, is amended to read:

3           196.012 Definitions.--For the purpose of this chapter,  
4 the following terms are defined as follows, except where the  
5 context clearly indicates otherwise:

6           (6) Governmental, municipal, or public purpose or  
7 function shall be deemed to be served or performed when the  
8 lessee under any leasehold interest created in property of the  
9 United States, the state or any of its political subdivisions,  
10 or any municipality, agency, authority, or other public body  
11 corporate of the state is demonstrated to perform a function  
12 or serve a governmental purpose which could properly be  
13 performed or served by an appropriate governmental unit or  
14 which is demonstrated to perform a function or serve a purpose  
15 which would otherwise be a valid subject for the allocation of  
16 public funds. For purposes of the preceding sentence, an  
17 activity undertaken by a lessee which is permitted under the  
18 terms of its lease of real property designated as an aviation  
19 area on an airport layout plan which has been approved by the  
20 Federal Aviation Administration and which real property is  
21 used for the administration, operation, business offices and  
22 activities related specifically thereto in connection with the  
23 conduct of an aircraft full service fixed base operation which  
24 provides goods and services to the general aviation public in  
25 the promotion of air commerce shall be deemed an activity  
26 which serves a governmental, municipal, or public purpose or  
27 function. The use by a lessee, licensee, or management company  
28 of real property or a portion thereof as a convention center,  
29 visitor center, sports facility with permanent seating,  
30 concert hall, arena, stadium, park, or beach is deemed a use  
31 that serves a governmental, municipal, or public purpose or

1 function when access to the property is open to the general  
2 public with or without a charge for admission. If property  
3 deeded to a municipality by the United States is subject to a  
4 requirement that the Federal Government, through a schedule  
5 established by the Secretary of the Interior, determine that  
6 the property is being maintained for public historic  
7 preservation, park, or recreational purposes and if those  
8 conditions are not met the property will revert back to the  
9 Federal Government, then such property shall be deemed to  
10 serve a municipal or public purpose. The term "governmental  
11 purpose" also includes a direct use of property on federal  
12 lands in connection with the Federal government's Space  
13 Exploration Program. Real property and tangible personal  
14 property owned by the Federal Government and used for defense  
15 and space exploration purposes or which is put to a use in  
16 support thereof shall be deemed to perform an essential  
17 national governmental purpose and shall be exempt. "Owned by  
18 the lessee" as used in this chapter does not include personal  
19 property, buildings, or other real property improvements used  
20 for the administration, operation, business offices and  
21 activities related specifically thereto in connection with the  
22 conduct of an aircraft full service fixed based operation  
23 which provides goods and services to the general aviation  
24 public in the promotion of air commerce provided that the real  
25 property is designated as an aviation area on an airport  
26 layout plan approved by the Federal Aviation Administration.  
27 For purposes of determination of "ownership," buildings and  
28 other real property improvements which will revert to the  
29 airport authority or other governmental unit upon expiration  
30 of the term of the lease shall be deemed "owned" by the  
31 governmental unit and not the lessee. Providing two-way

1 telecommunications services to the public for hire by the use  
2 of a telecommunications facility, as defined in s. 364.02(13),  
3 and for which a certificate is required under chapter 364 does  
4 not constitute an exempt use for purposes of s. 196.199,  
5 unless the telecommunications services are provided by the  
6 operator of a public-use airport, as defined in s. 332.004,  
7 for the operator's provision of telecommunications services  
8 for the airport or its tenants, concessionaires, or licensees,  
9 or unless the telecommunications services are provided by a  
10 public hospital. However, property that is being used to  
11 provide such telecommunications services on or before October  
12 1, 1997, shall remain exempt, but such exemption expires  
13 October 1, 2004.

14 Section 4. Subsection (1) of section 199.183, Florida  
15 Statutes, 1996 Supplement, is amended to read:

16 199.183 Taxpayers exempt from annual and  
17 nonrecurring taxes.--

18 (1) Intangible personal property owned by this state  
19 or any of its political subdivisions or municipalities shall  
20 be exempt from taxation under this chapter. This exemption  
21 does ~~shall~~ not apply to:

22 (a) Any leasehold or other interest that ~~which~~ is  
23 described in s. 199.023(1)(d).

24 (b) Property related to the provision of two-way  
25 telecommunications services to the public for hire by the use  
26 of a telecommunications facility, as defined in s. 364.02(13),  
27 and for which a certificate is required under chapter 364,  
28 when such service is provided by any county, municipality, or  
29 other political subdivision of the state. Any immunity of any  
30 political subdivision of the state or other entity of local  
31 government from taxation of the property used to provide

1 telecommunication services that is taxed as a result of this  
2 paragraph is hereby waived. However, intangible personal  
3 property related to the provision of such telecommunications  
4 services provided by the operator of a public-use airport, as  
5 defined in s. 332.004, for the operator's provision of  
6 telecommunications services for the airport or its tenants,  
7 concessionaires, or licensees, and intangible personal  
8 property related to the provision of such telecommunications  
9 services provided by a public hospital, are exempt from  
10 taxation under this chapter.

11 Section 5. Subsection (6) of section 212.08, Florida  
12 Statutes, 1996 Supplement, is amended to read:

13 212.08 Sales, rental, use, consumption, distribution,  
14 and storage tax; specified exemptions.--The sale at retail,  
15 the rental, the use, the consumption, the distribution, and  
16 the storage to be used or consumed in this state of the  
17 following are hereby specifically exempt from the tax imposed  
18 by this part.

19 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.--There are  
20 also exempt from the tax imposed by this chapter sales made to  
21 the United States Government, a state, or any county,  
22 municipality, or political subdivision of a state when payment  
23 is made directly to the dealer by the governmental entity.  
24 This exemption shall not inure to any transaction otherwise  
25 taxable under this chapter when payment is made by a  
26 government employee by any means, including, but not limited  
27 to, cash, check, or credit card when that employee is  
28 subsequently reimbursed by the governmental entity. This  
29 exemption does not include sales of tangible personal property  
30 made to contractors employed either directly or as agents of  
31 any such government or political subdivision thereof when such

1 tangible personal property goes into or becomes a part of  
2 public works owned by such government or political subdivision  
3 thereof. This exemption does not include sales, rental, use,  
4 consumption, or storage for use in any political subdivision  
5 or municipality in this state of machines and equipment and  
6 parts and accessories therefor used in the generation,  
7 transmission, or distribution of electrical energy by systems  
8 owned and operated by a political subdivision in this state  
9 for transmission or distribution expansion. Likewise exempt  
10 are charges for services rendered by radio and television  
11 stations, including line charges, talent fees, or license fees  
12 and charges for films, videotapes, and transcriptions used in  
13 producing radio or television broadcasts. The exemption  
14 provided in this subsection does not include sales, rental,  
15 use, consumption, or storage for use in any political  
16 subdivision or municipality in this state of machines and  
17 equipment and parts and accessories therefor used in providing  
18 two-way telecommunications services to the public for hire by  
19 the use of a telecommunications facility, as defined in s.  
20 364.02(13), and for which a certificate is required under  
21 chapter 364, which facility is owned and operated by any  
22 county, municipality, or other political subdivision of the  
23 state. Any immunity of any political subdivision of the state  
24 or other entity of local government from taxation of the  
25 property used to provide telecommunication services that is  
26 taxed as a result of this section is hereby waived. However,  
27 the exemption provided in this subsection includes  
28 transactions taxable under this part which are for use by the  
29 operator of a public-use airport, as defined in s. 322.004, in  
30 providing such telecommunications services for the airport or  
31 its tenants, concessionaires, or licensees, or which are for



1 use by a public hospital for the provision of such  
2 telecommunications services.

3 Section 6. Severability Clause

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5 If any section, subsection, paragraph, or other provision of  
6 this act, or its application to any person or circumstances  
7 shall be held invalid or unconstitutional, such holding shall  
8 not affect the validity of any other section, subsection,  
9 paragraph, or other provision, or its application to other  
10 persons or circumstances. The legislature hereby expresses  
11 the intent that it would have enacted the other provisions of  
12 this act as if the invalid or unconstitutional provisions was  
13 not contained within the act.

14 Section 7. Under s. 18, Art. VII of the State  
15 Constitution, the Legislature determines and declares that the  
16 provisions of this act fulfill an important state interest.

17 Section 8. This act shall take effect October 1, 1997.  
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