

Bill No. HB 3273

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Meadows moved the following amendment:

Senate Amendment (with title amendment)

On page 2, between lines 10 and 11,

insert:

Section 2. Paragraph (f) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.--

(f) Certain property ~~Motion picture or video equipment~~ used in motion picture or television production activities or broadcasting and sound recording equipment used in the production of master tapes and master records.--

1. Motion picture or video equipment and sound recording equipment purchased or leased for use in this state

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1 in production activities is exempt from the tax imposed by
2 this chapter upon an affirmative showing by the purchaser or
3 lessee to the satisfaction of the department that the
4 equipment will be used for production activities. There shall
5 be exempt from the tax imposed by this chapter all personal or
6 real property purchased or lease for use in the operation of
7 any television broadcasting station that;

8 a. Has been acquired following the conclusion of
9 bankruptcy proceedings by a previous owner;

10 b. Submits an affidavit from its general manager
11 stating that the broadcasting station employees more than 50
12 employees and that at least 90 percent of the employees of the
13 bankrupt station were offered jobs following its acquisition;

14 c. Has received more than \$5 million in capital
15 improvements following its acquisition;

16 d. Is located within the boundaries of a metropolitan
17 statistical area and shared common ownership or management
18 with another broadcasting station that has been acquired
19 following bankruptcy which is located in a different
20 metropolitan statistical area;

21 e. Has spent more than \$3 million since 1995 for
22 equipment used in the digital storage of programming; and

23 f. In the year following receipt of a tax refund under
24 this section, broadcasts at no cost to the state
25 youth-oriented anti-tobacco public service announcements of an
26 equal or greater value than the tax refund received by the
27 broadcasting station in the previous year. If the the
28 broadcasting station that has received a refund fails to
29 broadcast a sufficient number of public service announcements.
30 the taxpayer must return the refund to the state together with
31 interest and penalties.

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2 The exemption provided by this paragraph shall inure to the
3 taxpayer only through a refund of previously paid taxes. The
4 maximum refund allowed in any year may not exceed \$350,000
5 for any broadcasting station or group of broadcasting stations
6 that share common ownership or management, and no taxpayer may
7 receive a refund for more than 5 years. Notwithstanding the
8 provisions of s. 212.095, such refund shall be made within 30
9 days of formal application, which application may be made
10 after the completion of of each quarter ~~production activities~~
11 ~~or on a quarterly basis~~. Notwithstanding the provisions of
12 chapter 213, the department shall provide the Department of
13 Commerce with a copy of each refund application and the amount
14 of such refund, if any.

15 2. For the purpose of the exemption provided in
16 subparagraph 1.:

17 a. "Motion picture or video equipment" and "sound
18 recording equipment" includes only equipment meeting the
19 definition of "section 38 property" as defined in s.
20 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is
21 used by the lessee or purchaser exclusively as an integral
22 part of production activities; however, motion picture or
23 video equipment and sound recording equipment does not include
24 supplies, tape, records, film, or video tape used in
25 productions or other similar items; vehicles or vessels; or
26 general office equipment not specifically suited to production
27 activities. In addition, the term does not include equipment
28 purchased or leased by television or radio broadcasting or
29 cable companies licensed by the Federal Communications
30 Commission.

31 b. "Production activities" means activities directed

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1 toward the preparation of a:

2 (I) Master tape or master record embodying sound; or

3 (II) Motion picture or television production which is

4 produced for theatrical, commercial, advertising, or

5 educational purposes and utilizes live or animated actions or

6 a combination of live and animated actions. The motion picture

7 or television production shall be commercially produced for

8 sale or for showing on screens or broadcasting on television

9 and may be on film or video tape.

10

11 (Redesignate subsequent sections.)

12

13

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

15 And the title is amended as follows:

16 On page 1, line 2 and 3, delete those lines

17

18 and insert:

19 An act relating to taxation; amending s.

20 212.08, F.S.; providing tax exemptions relating

21 to property used in motion picture or

22 television production activities or

23 broadcasting and sound recording activities;

24 amending ss. 320.08056 and 320.08058, F.S.;

25 creating a

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