

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Real Property & Probate offered the following:

Amendment (with title amendment)

On page 1, line 26 through page 2, line 8, remove from the bill: all of said lines

and insert in lieu thereof: operated to attract customers. Payments for intrinsically valuable personal property such as franchises, trademarks, service marks, logos, or patents are not subject to tax under this section. In the case of a contractual arrangement that provides for both payments taxable as total rent or license fee and payments not subject to tax, the tax shall be based on a reasonable allocation of such payments and shall not apply to that portion which is for the nontaxable payments. For purposes of this paragraph, the term "total rent or license fee" does not include the following items, provided that the charge by the lessor or licensor for each such item is separately stated or the lessee or licensee pays for the item directly to a third party:

1. Ad valorem taxes.

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1 2. Insurance.
2 3. The lessee's or licensee's proportionate share of
3 common area maintenance charges. For purposes of this
4 paragraph, "common area maintenance charges" are the total
5 costs and expenses incurred in operating, maintaining, and
6 repairing the common area facilities, including all real
7 property that is dedicated for the use, enjoyment, or benefit
8 of all lessees or licensees, but does not include real
9 property in the exclusive possession of the lessor, licensor,
10 lessee, or licensee.

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

14 And the title is amended as follows:

15 On page 1, lines 2 through 6,
16 remove from the title of the bill: all of said lines

18 and insert in lieu thereof:

19 An act relating to the tax on sales, use, and
20 other transactions; amending s. 212.031, F.S.;
21 providing an exemption to the tax on lease or
22 rental of or license in real property for
23 payments for ad valorem taxes, insurance, or
24 common area maintenance charges; providing an
25 effective date.