

hbd-032

Bill No. HB 1961

Amendment No. \_\_\_\_ (for drafter's use only)

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

11 Representative(s) Wallace offered the following:

**Amendment to Amendment (494845) (with title amendment)**

14 On page 1, line 26, through page 3, line 30,  
15 remove from the amendment: all of said lines,

17 and insert in lieu thereof:

18 (b) Machinery and equipment used to increase  
19 productive output.--

20 1. Industrial machinery and equipment purchased for  
21 exclusive use by a new business in spaceport activities as  
22 defined by s. 212.02 or for use in new businesses which  
23 manufacture, process, compound, or produce for sale items of  
24 tangible personal property at fixed locations are exempt from  
25 the tax imposed by this chapter upon an affirmative showing by  
26 the taxpayer to the satisfaction of the department that such  
27 items are used in a new business in this state. Such purchases  
28 must be made prior to the date the business first begins its  
29 productive operations, and delivery of the purchased item must  
30 be made within 12 months of that date.

31 2.a. Industrial machinery and equipment purchased for

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1 exclusive use by an expanding facility which is engaged in  
 2 spaceport activities as defined by s. 212.02 or for use in  
 3 expanding manufacturing facilities or plant units which  
 4 manufacture, process, compound, or produce for sale items of  
 5 tangible personal property at fixed locations in this state  
 6 are exempt from any amount of tax imposed by this chapter in  
 7 excess of \$40,000~~\$50,000~~ per calendar year upon an  
 8 affirmative showing by the taxpayer to the satisfaction of the  
 9 department that such items are used to increase the productive  
 10 output of such expanded facility or business by not less than  
 11 10 percent.

12           b. Notwithstanding any other provision of this  
 13 section, industrial machinery and equipment purchased for use  
 14 in expanding printing manufacturing facilities or plant units  
 15 that manufacture, process, compound, or produce for sale items  
 16 of tangible personal property at fixed locations in this state  
 17 are exempt from any amount of tax imposed by this chapter upon  
 18 an affirmative showing by the taxpayer to the satisfaction of  
 19 the department that such items are used to increase the  
 20 productive output of such an expanded business by not less  
 21 than 10 percent.

22           3.a. To receive an exemption provided by subparagraph  
 23 1. or subparagraph 2., a qualifying business entity shall  
 24 apply to the department for a temporary tax exemption permit.  
 25 The application shall state that a new business exemption or  
 26 expanded business exemption is being sought. Upon a tentative  
 27 affirmative determination by the department pursuant to  
 28 subparagraph 1. or subparagraph 2., the department shall issue  
 29 such permit.

30           b. The applicant shall be required to maintain all  
 31 necessary books and records to support the exemption. Upon

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1 completion of purchases of qualified machinery and equipment  
2 pursuant to subparagraph 1. or subparagraph 2., the temporary  
3 tax permit shall be delivered to the department or returned to  
4 the department by certified or registered mail.

5 c. If, in a subsequent audit conducted by the  
6 department, it is determined that the machinery and equipment  
7 purchased as exempt under subparagraph 1. or subparagraph 2.  
8 did not meet the criteria mandated by this paragraph or if  
9 commencement of production did not occur, the amount of taxes  
10 exempted at the time of purchase shall immediately be due and  
11 payable to the department by the business entity, together  
12 with the appropriate interest and penalty, computed from the  
13 date of purchase, in the manner prescribed by this chapter.

14 d. In the event a qualifying business entity fails to  
15 apply for a temporary exemption permit or if the tentative  
16 determination by the department required to obtain a temporary  
17 exemption permit is negative, a qualifying business entity  
18 shall receive the exemption provided in subparagraph 1. or  
19 subparagraph 2. through a refund of previously paid taxes. No  
20 refund may be made for such taxes unless the criteria mandated  
21 by subparagraph 1. or subparagraph 2. have been met and  
22 commencement of production has occurred.

23  
24

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

26 And the title is amended as follows:

27 On page 6, lines 1-4, of the amendment  
28 remove: all of said lines,

29

30 and insert in lieu thereof:

31 amending s. 212.08, F.S.; reducing the maximum

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