

ENROLLED
 HB 1079, Engrossed 1

2006 Legislature

1 A bill to be entitled
 2 An act relating to an exemption from the tax on sales,
 3 use, and other transactions; amending s. 212.02, F.S.;
 4 defining the term "qualified aircraft"; amending s.
 5 212.08, F.S.; including qualified aircraft under certain
 6 miscellaneous exemption provisions relating to aircraft;
 7 exempting certain advertising materials distributed free
 8 of charge by mail in an envelope; creating s. 212.0801,
 9 F.S.; providing criteria, requirements, and limitations
 10 on exemptions for purchases or leases of qualified
 11 aircraft; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (33) is added to section 212.02,
 16 Florida Statutes, to read:

17 212.02 Definitions.--The following terms and phrases when
 18 used in this chapter have the meanings ascribed to them in this
 19 section, except where the context clearly indicates a different
 20 meaning:

21 (33) "Qualified aircraft" means any aircraft having a maximum
 22 certified takeoff weight of less than 10,000 pounds and equipped
 23 with twin turbofan engines that meet Stage IV noise requirements
 24 that is used by a business operating as an on-demand air carrier
 25 under Federal Aviation Administration Regulation Title 14, chapter
 26 I, part 135, Code of Federal Regulations, that owns and operates a
 27 fleet of at least 25 of such aircraft in this state.

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28 Section 2. Paragraphs (ee), (rr), and (ss) of subsection
29 (7) of section 212.08, Florida Statutes, are amended, and
30 paragraph (ccc) is added to that subsection, to read:

31 212.08 Sales, rental, use, consumption, distribution, and
32 storage tax; specified exemptions.--The sale at retail, the
33 rental, the use, the consumption, the distribution, and the
34 storage to be used or consumed in this state of the following
35 are hereby specifically exempt from the tax imposed by this
36 chapter.

37 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
38 entity by this chapter do not inure to any transaction that is
39 otherwise taxable under this chapter when payment is made by a
40 representative or employee of the entity by any means,
41 including, but not limited to, cash, check, or credit card, even
42 when that representative or employee is subsequently reimbursed
43 by the entity. In addition, exemptions provided to any entity by
44 this subsection do not inure to any transaction that is
45 otherwise taxable under this chapter unless the entity has
46 obtained a sales tax exemption certificate from the department
47 or the entity obtains or provides other documentation as
48 required by the department. Eligible purchases or leases made
49 with such a certificate must be in strict compliance with this
50 subsection and departmental rules, and any person who makes an
51 exempt purchase with a certificate that is not in strict
52 compliance with this subsection and the rules is liable for and
53 shall pay the tax. The department may adopt rules to administer
54 this subsection.

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55 (ee) Aircraft repair and maintenance labor charges.--There
56 shall be exempt from the tax imposed by this chapter all labor
57 charges for the repair and maintenance of qualified aircraft,
58 aircraft of more than 15,000 pounds maximum certified takeoff
59 weight, and rotary wing aircraft of more than 10,000 pounds
60 maximum certified takeoff weight. Except as otherwise provided
61 in this chapter, charges for parts and equipment furnished in
62 connection with such labor charges are taxable.

63 (rr) Equipment used in aircraft repair and
64 maintenance.--There shall be exempt from the tax imposed by this
65 chapter replacement engines, parts, and equipment used in the
66 repair or maintenance of qualified aircraft, aircraft of more
67 than 15,000 pounds maximum certified takeoff weight, and rotary
68 wing aircraft of more than 10,300 pounds maximum certified
69 takeoff weight, when such parts or equipment are installed on
70 such aircraft that is being repaired or maintained in this
71 state.

72 (ss) Aircraft sales or leases.--The sale or lease of a
73 qualified aircraft or an aircraft of more than 15,000 pounds
74 maximum certified takeoff weight for use by a common carrier is
75 exempt from the tax imposed by this chapter. As used in this
76 paragraph, "common carrier" means an airline operating under
77 Federal Aviation Administration regulations contained in Title
78 14, chapter I, part 121 or part 129 of the Code of Federal
79 Regulations.

80 (ccc) Advertising materials distributed free of charge by
81 mail in an envelope.--Likewise exempt are materials consisting

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82 exclusively of advertisements, such as individual coupons or
83 other individual cards, sheets, or pages of printed advertising,
84 that are distributed free of charge by mail in an envelope for
85 10 or more persons on a monthly, bimonthly, or other regular
86 basis.

87 Section 3. Section 212.0801, Florida Statutes, is created
88 to read:

89 212.0801 Qualified aircraft exemption.--To be eligible to
90 receive an exemption under s. 212.08(7) for a qualified aircraft, a
91 purchaser or lessee must offer, in writing, to participate in a
92 flight training and research program with two or more universities
93 based in this state which offer graduate programs in aeronautical
94 or aerospace engineering and offer flight training through a school
95 of aeronautics or college of aviation. The purchaser or lessee
96 shall forward a copy of the written offer to the Department of
97 Revenue. No exemption provided in this chapter for the lease,
98 purchase, repair, or maintenance of a qualified aircraft shall be
99 allowed unless the purchaser or lessee furnishes the dealer with a
100 certificate stating that the lease, purchase, repair, or
101 maintenance to be exempted is for the exclusive use of the
102 purchaser or lessee of a qualified aircraft and that the
103 purchaser or lessee otherwise qualifies for the exemption as
104 provided in this section. If a purchaser or lessee makes tax-
105 exempt purchases of qualified aircraft or leases a qualified
106 aircraft on a continual basis, the purchaser or lessee may
107 tender the certificate once and allow the dealer to keep a
108 certificate on file. The purchaser or lessee shall inform the

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109 | dealer that has a certificate on file when the purchaser or
110 | lessee no longer qualifies for the exemption. The department
111 | shall determine the format of the certificate.

112 | Section 4. This act shall take effect July 1, 2006.