

By Senator Perry

8-01130-18

2018902__

1 A bill to be entitled
2 An act relating to the tax on commercial real
3 property; amending s. 212.031, F.S.; providing a
4 specified exemption from the tax imposed on rental or
5 license fees charged for the use of commercial real
6 property; revising the amount of the exemption at
7 specified intervals; authorizing the Department of
8 Revenue to review any lease, license, or other
9 information for certain purposes; authorizing the
10 department, under certain circumstances, to adjust the
11 total rental charge subject to the exemption;
12 providing for the future repeal of s. 212.031, F.S.,
13 relating to the imposition of a tax on the rental or
14 license fees charged for the use of commercial real
15 property; amending s. 212.0598, F.S.; conforming a
16 provision to changes made by the act; amending s.
17 212.0602, F.S.; defining the term "qualified
18 production services"; conforming provisions to changes
19 made by the act; conforming cross-references; amending
20 ss. 288.1258, 338.234, and 341.840, F.S.; conforming
21 provisions to changes made by the act; conforming
22 cross-references; providing effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 212.031, Florida Statutes, is amended to
27 read:

28 212.031 Tax on rental or license fee for use of real
29 property.—

8-01130-18

2018902__

30 (1) (a) It is declared to be the legislative intent that
31 every person is exercising a taxable privilege who engages in
32 the business of renting, leasing, letting, or granting a license
33 for the use of any real property unless such property is:

34 1. Assessed as agricultural property under s. 193.461.

35 2. Used exclusively as dwelling units.

36 3. Property subject to tax on parking, docking, or storage
37 spaces under s. 212.03(6).

38 4. Recreational property or the common elements of a
39 condominium when subject to a lease between the developer or
40 owner thereof and the condominium association in its own right
41 or as agent for the owners of individual condominium units or
42 the owners of individual condominium units. However, only the
43 lease payments on such property shall be exempt from the tax
44 imposed by this chapter, and any other use made by the owner or
45 the condominium association shall be fully taxable under this
46 chapter.

47 5. A public or private street or right-of-way and poles,
48 conduits, fixtures, and similar improvements located on such
49 streets or rights-of-way, occupied or used by a utility or
50 provider of communications services, as defined by s. 202.11,
51 for utility or communications or television purposes. For
52 purposes of this subparagraph, the term "utility" means any
53 person providing utility services as defined in s. 203.012. This
54 exception also applies to property, wherever located, on which
55 the following are placed: towers, antennas, cables, accessory
56 structures, or equipment, not including switching equipment,
57 used in the provision of mobile communications services as
58 defined in s. 202.11. For purposes of this chapter, towers used

8-01130-18

2018902__

59 in the provision of mobile communications services, as defined
60 in s. 202.11, are considered to be fixtures.

61 6. A public street or road which is used for transportation
62 purposes.

63 7. Property used at an airport exclusively for the purpose
64 of aircraft landing or aircraft taxiing or property used by an
65 airline for the purpose of loading or unloading passengers or
66 property onto or from aircraft or for fueling aircraft.

67 8.a. Property used at a port authority, as defined in s.
68 315.02(2), exclusively for the purpose of oceangoing vessels or
69 tugs docking, or such vessels mooring on property used by a port
70 authority for the purpose of loading or unloading passengers or
71 cargo onto or from such a vessel, or property used at a port
72 authority for fueling such vessels, or to the extent that the
73 amount paid for the use of any property at the port is based on
74 the charge for the amount of tonnage actually imported or
75 exported through the port by a tenant.

76 b. The amount charged for the use of any property at the
77 port in excess of the amount charged for tonnage actually
78 imported or exported shall remain subject to tax except as
79 provided in sub-subparagraph a.

80 9. Property used as an integral part of the performance of
81 qualified production services. As used in this subparagraph, the
82 term "qualified production services" means any activity or
83 service performed directly in connection with the production of
84 a qualified motion picture, as defined in s. 212.06(1)(b), and
85 includes:

86 a. Photography, sound and recording, casting, location
87 managing and scouting, shooting, creation of special and optical

8-01130-18

2018902__

88 effects, animation, adaptation (language, media, electronic, or
89 otherwise), technological modifications, computer graphics, set
90 and stage support (such as electricians, lighting designers and
91 operators, greensmen, prop managers and assistants, and grips),
92 wardrobe (design, preparation, and management), hair and makeup
93 (design, production, and application), performing (such as
94 acting, dancing, and playing), designing and executing stunts,
95 coaching, consulting, writing, scoring, composing,
96 choreographing, script supervising, directing, producing,
97 transmitting dailies, dubbing, mixing, editing, cutting,
98 looping, printing, processing, duplicating, storing, and
99 distributing;

100 b. The design, planning, engineering, construction,
101 alteration, repair, and maintenance of real or personal property
102 including stages, sets, props, models, paintings, and facilities
103 principally required for the performance of those services
104 listed in sub-subparagraph a.; and

105 c. Property management services directly related to
106 property used in connection with the services described in sub-
107 subparagraphs a. and b.

108
109 This exemption will inure to the taxpayer upon presentation of
110 the certificate of exemption issued to the taxpayer under the
111 provisions of s. 288.1258.

112 10. Leased, subleased, licensed, or rented to a person
113 providing food and drink concessionaire services within the
114 premises of a convention hall, exhibition hall, auditorium,
115 stadium, theater, arena, civic center, performing arts center,
116 publicly owned recreational facility, or any business operated

8-01130-18

2018902__

117 under a permit issued pursuant to chapter 550. A person
118 providing retail concessionaire services involving the sale of
119 food and drink or other tangible personal property within the
120 premises of an airport shall be subject to tax on the rental of
121 real property used for that purpose, but shall not be subject to
122 the tax on any license to use the property. For purposes of this
123 subparagraph, the term "sale" shall not include the leasing of
124 tangible personal property.

125 11. Property occupied pursuant to an instrument calling for
126 payments which the department has declared, in a Technical
127 Assistance Advisement issued on or before March 15, 1993, to be
128 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
129 Administrative Code; provided that this subparagraph shall only
130 apply to property occupied by the same person before and after
131 the execution of the subject instrument and only to those
132 payments made pursuant to such instrument, exclusive of renewals
133 and extensions thereof occurring after March 15, 1993.

134 12. Property used or occupied predominantly for space
135 flight business purposes. As used in this subparagraph, "space
136 flight business" means the manufacturing, processing, or
137 assembly of a space facility, space propulsion system, space
138 vehicle, satellite, or station of any kind possessing the
139 capacity for space flight, as defined by s. 212.02(23), or
140 components thereof, and also means the following activities
141 supporting space flight: vehicle launch activities, flight
142 operations, ground control or ground support, and all
143 administrative activities directly related thereto. Property
144 shall be deemed to be used or occupied predominantly for space
145 flight business purposes if more than 50 percent of the

8-01130-18

2018902__

146 property, or improvements thereon, is used for one or more space
147 flight business purposes. Possession by a landlord, lessor, or
148 licensor of a signed written statement from the tenant, lessee,
149 or licensee claiming the exemption shall relieve the landlord,
150 lessor, or licensor from the responsibility of collecting the
151 tax, and the department shall look solely to the tenant, lessee,
152 or licensee for recovery of such tax if it determines that the
153 exemption was not applicable.

154 13. Rented, leased, subleased, or licensed to a person
155 providing telecommunications, data systems management, or
156 Internet services at a publicly or privately owned convention
157 hall, civic center, or meeting space at a public lodging
158 establishment as defined in s. 509.013. This subparagraph
159 applies only to that portion of the rental, lease, or license
160 payment that is based upon a percentage of sales, revenue
161 sharing, or royalty payments and not based upon a fixed price.
162 This subparagraph is intended to be clarifying and remedial in
163 nature and shall apply retroactively. This subparagraph does not
164 provide a basis for an assessment of any tax not paid, or create
165 a right to a refund of any tax paid, pursuant to this section
166 before July 1, 2010.

167 (b) When a lease involves multiple use of real property
168 wherein a part of the real property is subject to the tax
169 herein, and a part of the property would be excluded from the
170 tax under subparagraph (a)1., subparagraph (a)2., subparagraph
171 (a)3., or subparagraph (a)5., the department shall determine,
172 from the lease or license and such other information as may be
173 available, that portion of the total rental charge which is
174 exempt from the tax imposed by this section. The portion of the

8-01130-18

2018902__

175 premises leased or rented by a for-profit entity providing a
176 residential facility for the aged will be exempt on the basis of
177 a pro rata portion calculated by combining the square footage of
178 the areas used for residential units by the aged and for the
179 care of such residents and dividing the resultant sum by the
180 total square footage of the rented premises. For purposes of
181 this section, the term "residential facility for the aged" means
182 a facility that is licensed or certified in whole or in part
183 under chapter 400, chapter 429, or chapter 651; or that provides
184 residences to the elderly and is financed by a mortgage or loan
185 made or insured by the United States Department of Housing and
186 Urban Development under s. 202, s. 202 with a s. 8 subsidy, s.
187 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act;
188 or other such similar facility that provides residences
189 primarily for the elderly.

190 (c) For the exercise of such privilege, a tax is levied at
191 the rate of 5.8 percent of and on the total rent or license fee
192 charged for such real property by the person charging or
193 collecting the rental or license fee. The total rent or license
194 fee charged for such real property shall include payments for
195 the granting of a privilege to use or occupy real property for
196 any purpose and shall include base rent, percentage rents, or
197 similar charges. Such charges shall be included in the total
198 rent or license fee subject to tax under this section whether or
199 not they can be attributed to the ability of the lessor's or
200 licensor's property as used or operated to attract customers.
201 Payments for intrinsically valuable personal property such as
202 franchises, trademarks, service marks, logos, or patents are not
203 subject to tax under this section. In the case of a contractual

8-01130-18

2018902__

204 arrangement that provides for both payments taxable as total
205 rent or license fee and payments not subject to tax, the tax
206 shall be based on a reasonable allocation of such payments and
207 shall not apply to that portion which is for the nontaxable
208 payments.

209 (d) When the rental or license fee of any such real
210 property is paid by way of property, goods, wares, merchandise,
211 services, or other thing of value, the tax shall be at the rate
212 of 5.8 percent of the value of the property, goods, wares,
213 merchandise, services, or other thing of value.

214 (e) The tax rate in effect at the time that the tenant or
215 person occupies, uses, or is entitled to occupy or use the real
216 property is the tax rate applicable to the transaction taxable
217 under this section, regardless of when a rent or license fee
218 payment is due or paid. The applicable tax rate may not be
219 avoided by delaying or accelerating rent or license fee
220 payments.

221 (f) The following amounts are exempt from the tax imposed
222 under this section on each lease or license of real property:

223 1. Effective January 1, 2019, the first \$10,000 of the
224 total rent or license fee subject to tax under this section
225 which is charged during the calendar year by the person charging
226 or collecting the rental or license fee to the tenant or person
227 actually occupying, using, or entitled to the use of the
228 property.

229 2. Effective January 1, 2020, the first \$20,000 of the
230 total rent or license fee subject to tax under this section
231 which is charged during the calendar year by the person charging
232 or collecting the rental or license fee to the tenant or person

8-01130-18

2018902__

233 actually occupying, using, or entitled to the use of the
234 property.

235 3. Effective January 1, 2021, the first \$30,000 of the
236 total rent or license fee subject to tax under this section
237 which is charged during the calendar year by the person charging
238 or collecting the rental or license fee to the tenant or person
239 actually occupying, using, or entitled to the use of the
240 property.

241 4. Effective January 1, 2022, the first \$40,000 of the
242 total rent or license fee subject to tax under this section
243 which is charged during the calendar year by the person charging
244 or collecting the rental or license fee to the tenant or person
245 actually occupying, using, or entitled to the use of the
246 property.

247 5. Effective January 1, 2023, the first \$50,000 of the
248 total rent or license fee subject to tax under this section
249 which is charged during the calendar year by the person charging
250 or collecting the rental or license fee to the tenant or person
251 actually occupying, using, or entitled to the use of the
252 property.

253 6. Effective January 1, 2024, the first \$60,000 of the
254 total rent or license fee subject to tax under this section
255 which is charged during the calendar year by the person charging
256 or collecting the rental or license fee to the tenant or person
257 actually occupying, using, or entitled to the use of the
258 property.

259 7. Effective January 1, 2025, the first \$70,000 of the
260 total rent or license fee subject to tax under this section
261 which is charged during the calendar year by the person charging

8-01130-18

2018902__

262 or collecting the rental or license fee to the tenant or person
263 actually occupying, using, or entitled to the use of the
264 property.

265 8. Effective January 1, 2026, the first \$80,000 of the
266 total rent or license fee subject to tax under this section
267 which is charged during the calendar year by the person charging
268 or collecting the rental or license fee to the tenant or person
269 actually occupying, using, or entitled to the use of the
270 property.

271 9. Effective January 1, 2027, the first \$90,000 of the
272 total rent or license fee subject to tax under this section
273 which is charged during the calendar year by the person charging
274 or collecting the rental or license fee to the tenant or person
275 actually occupying, using, or entitled to the use of the
276 property.

277
278 For purposes of administering and implementing the exemptions
279 contained in this paragraph, the department has authority to
280 review any lease, license, or other such information as may be
281 available to determine the total rental charge that is subject
282 to the applicable exemption. The department may adjust the total
283 rental charge subject to the exemption, as necessary, to
284 accurately reflect the intent, terms, duration, or subject of
285 one or more rental or license agreements.

286 (2) (a) The tenant or person actually occupying, using, or
287 entitled to the use of any property from which the rental or
288 license fee is subject to taxation under this section shall pay
289 the tax to his or her immediate landlord or other person
290 granting the right to such tenant or person to occupy or use

8-01130-18

2018902__

291 such real property.

292 (b) It is the further intent of this Legislature that only
293 one tax be collected on the rental or license fee payable for
294 the occupancy or use of any such property, that the tax so
295 collected shall not be pyramided by a progression of
296 transactions, and that the amount of the tax due the state shall
297 not be decreased by any such progression of transactions.

298 (3) The tax imposed by this section shall be in addition to
299 the total amount of the rental or license fee, shall be charged
300 by the lessor or person receiving the rent or payment in and by
301 a rental or license fee arrangement with the lessee or person
302 paying the rental or license fee, and shall be due and payable
303 at the time of the receipt of such rental or license fee payment
304 by the lessor or other person who receives the rental or
305 payment. Notwithstanding any other provision of this chapter,
306 the tax imposed by this section on the rental, lease, or license
307 for the use of a convention hall, exhibition hall, auditorium,
308 stadium, theater, arena, civic center, performing arts center,
309 or publicly owned recreational facility to hold an event of not
310 more than 7 consecutive days' duration shall be collected at the
311 time of the payment for that rental, lease, or license but is
312 not due and payable to the department until the first day of the
313 month following the last day that the event for which the
314 payment is made is actually held, and becomes delinquent on the
315 21st day of that month. The owner, lessor, or person receiving
316 the rent or license fee shall remit the tax to the department at
317 the times and in the manner hereinafter provided for dealers to
318 remit taxes under this chapter. The same duties imposed by this
319 chapter upon dealers in tangible personal property respecting

8-01130-18

2018902__

320 the collection and remission of the tax; the making of returns;
321 the keeping of books, records, and accounts; and the compliance
322 with the rules and regulations of the department in the
323 administration of this chapter shall apply to and be binding
324 upon all persons who manage any leases or operate real property,
325 hotels, apartment houses, roominghouses, or tourist and trailer
326 camps and all persons who collect or receive rents or license
327 fees taxable under this chapter on behalf of owners or lessors.

328 (4) The tax imposed by this section shall constitute a lien
329 on the property of the lessee or licensee of any real estate in
330 the same manner as, and shall be collectible as are, liens
331 authorized and imposed by ss. 713.68 and 713.69.

332 (5) When space is subleased to a convention or industry
333 trade show in a convention hall, exhibition hall, or auditorium,
334 whether publicly or privately owned, the sponsor who holds the
335 prime lease is subject to tax on the prime lease and the
336 sublease is exempt.

337 (6) The lease or rental of land or a hall or other
338 facilities by a fair association subject to the provisions of
339 chapter 616 to a show promoter or prime operator of a carnival
340 or midway attraction is exempt from the tax imposed by this
341 section; however, the sublease of land or a hall or other
342 facilities by the show promoter or prime operator is not exempt
343 from the provisions of this section.

344 (7) Utility charges subject to sales tax which are paid by
345 a tenant to the lessor and which are part of a payment for the
346 privilege or right to use or occupy real property are exempt
347 from tax if the lessor has paid sales tax on the purchase of
348 such utilities and the charges billed by the lessor to the

8-01130-18

2018902__

349 tenant are separately stated and at the same or a lower price
350 than those paid by the lessor.

351 (8) Charges by lessors to a lessee to cancel or terminate a
352 lease agreement are presumed taxable if the lessor records such
353 charges as rental income in its books and records. This
354 presumption can be overcome by the provision of sufficient
355 documentation by either the lessor or the lessee that such
356 charges were other than for the rental of real property.

357 (9) The rental, lease, sublease, or license for the use of
358 a skybox, luxury box, or other box seats for use during a high
359 school or college football game is exempt from the tax imposed
360 by this section when the charge for such rental, lease,
361 sublease, or license is imposed by a nonprofit sponsoring
362 organization which is qualified as nonprofit pursuant to s.
363 501(c)(3) of the Internal Revenue Code.

364 Section 2. Effective January 1, 2028, section 212.031,
365 Florida Statutes, is repealed.

366 Section 3. Effective January 1, 2028, subsection (2) of
367 section 212.0598, Florida Statutes, is amended to read:

368 212.0598 Special provisions; air carriers.—

369 (2) The basis of the tax shall be the ratio of Florida
370 mileage to total mileage as determined pursuant to chapter 220
371 and this section. The ratio shall be determined at the close of
372 the carrier's preceding fiscal year. However, during the fiscal
373 year in which the air carrier begins initial operations in this
374 state, the carrier may determine its mileage apportionment
375 factor based on an estimated ratio of anticipated revenue miles
376 in this state to anticipated total revenue miles. In such cases,
377 the air carrier shall pay additional tax or apply for a refund

8-01130-18

2018902__

378 based on the actual ratio for that year. The applicable ratio
 379 shall be applied each month to the carrier's total systemwide
 380 gross purchases of tangible personal property and services
 381 otherwise taxable in Florida. ~~Additionally, the ratio shall be~~
 382 ~~applied each month to the carrier's total systemwide payments~~
 383 ~~for the lease or rental of, or license in, real property used by~~
 384 ~~the carrier substantially for aircraft maintenance if that~~
 385 ~~carrier employed, on average, during the previous calendar~~
 386 ~~quarter in excess of 3,000 full-time equivalent maintenance or~~
 387 ~~repair employees at one maintenance base that it leases, rents,~~
 388 ~~or has a license in, in this state. In all other instances, the~~
 389 ~~tax on real property leased, rented, or licensed by the carrier~~
 390 ~~shall be as provided in s. 212.031.~~

391 Section 4. Effective January 1, 2028, section 212.0602,
 392 Florida Statutes, is amended to read:

393 212.0602 Education; limited exemption.—

394 (1) To facilitate investment in education and job training,
 395 there is also exempt from the taxes levied under this chapter,
 396 subject to the provisions of this section, the purchase or lease
 397 of materials, equipment, and other items ~~or the license in or~~
 398 ~~lease of real property~~ by any entity, institution, or
 399 organization that is primarily engaged in teaching students to
 400 perform any qualified production services ~~of the activities or~~
 401 ~~services described in s. 212.031(1)(a)9.~~, that conducts classes
 402 at a fixed location located in this state, that is licensed
 403 under chapter 1005, and that has at least 500 enrolled students.
 404 Any entity, institution, or organization meeting the
 405 requirements of this section shall be deemed to qualify for the
 406 exemptions in s. ss. ~~212.031(1)(a)9. and~~ 212.08(5)(f) and (12)7

8-01130-18

2018902__

407 and to qualify for an exemption for its purchase or lease of
408 materials, equipment, and other items used for education or
409 demonstration of the school's curriculum, including supporting
410 operations. Nothing in this section shall preclude an entity
411 described in this section from qualifying for any other
412 exemption provided for in this chapter.

413 (2) As used in this section, the term "qualified production
414 services" means any activity or service performed directly in
415 connection with the production of a qualified motion picture, as
416 defined in s. 212.06(1)(b), and includes:

417 (a) Photography, sound and recording, casting, location
418 managing and scouting, shooting, creation of special and optical
419 effects, animation, adaptation (language, media, electronic, or
420 otherwise), technological modifications, computer graphics, set
421 and stage support (such as electricians, lighting designers and
422 operators, greensmen, prop managers and assistants, and grips),
423 wardrobe (design, preparation, and management), hair and makeup
424 (design, production, and application), performing (such as
425 acting, dancing, and playing), designing and executing stunts,
426 coaching, consulting, writing, scoring, composing,
427 choreographing, script supervising, directing, producing,
428 transmitting dailies, dubbing, mixing, editing, cutting,
429 looping, printing, processing, duplicating, storing, and
430 distributing.

431 (b) The design, planning, engineering, construction,
432 alteration, repair, and maintenance of real or personal
433 property, including stages, sets, props, models, paintings, and
434 facilities principally required for the performance of those
435 services listed in paragraph (a).

8-01130-18

2018902__

436 (c) Property management services directly related to
437 property used in connection with the services described in
438 paragraphs (a) and (b).

439 Section 5. Effective January 1, 2028, paragraphs (b) and
440 (c) of subsection (2) and subsection (3) of section 288.1258,
441 Florida Statutes, are amended to read:

442 288.1258 Entertainment industry qualified production
443 companies; application procedure; categories; duties of the
444 Department of Revenue; records and reports.-

445 (2) APPLICATION PROCEDURE.-

446 (b)1. The Office of Film and Entertainment shall establish
447 a process by which an entertainment industry production company
448 may be approved by the office as a qualified production company
449 and may receive a certificate of exemption from the Department
450 of Revenue for the sales and use tax exemptions under ss.
451 ~~212.031~~, 212.06~~7~~ and 212.08.

452 2. Upon determination by the Office of Film and
453 Entertainment that a production company meets the established
454 approval criteria and qualifies for exemption, the Office of
455 Film and Entertainment shall return the approved application or
456 application renewal or extension to the Department of Revenue,
457 which shall issue a certificate of exemption.

458 3. The Office of Film and Entertainment shall deny an
459 application or application for renewal or extension from a
460 production company if it determines that the production company
461 does not meet the established approval criteria.

462 (c) The Office of Film and Entertainment shall develop,
463 with the cooperation of the Department of Revenue and local
464 government entertainment industry promotion agencies, a

8-01130-18

2018902__

465 standardized application form for use in approving qualified
466 production companies.

467 1. The application form shall include, but not be limited
468 to, production-related information on employment, proposed
469 budgets, planned purchases of items exempted from sales and use
470 taxes under ss. ~~212.031~~, 212.06~~7~~ and 212.08, a signed
471 affirmation from the applicant that any items purchased for
472 which the applicant is seeking a tax exemption are intended for
473 use exclusively as an integral part of entertainment industry
474 preproduction, production, or postproduction activities engaged
475 in primarily in this state, and a signed affirmation from the
476 Office of Film and Entertainment that the information on the
477 application form has been verified and is correct. In lieu of
478 information on projected employment, proposed budgets, or
479 planned purchases of exempted items, a production company
480 seeking a 1-year certificate of exemption may submit summary
481 historical data on employment, production budgets, and purchases
482 of exempted items related to production activities in this
483 state. Any information gathered from production companies for
484 the purposes of this section shall be considered confidential
485 taxpayer information and shall be disclosed only as provided in
486 s. 213.053.

487 2. The application form may be distributed to applicants by
488 the Office of Film and Entertainment or local film commissions.

489 (3) CATEGORIES.—

490 (a)1. A production company may be qualified for designation
491 as a qualified production company for a period of 1 year if the
492 company has operated a business in Florida at a permanent
493 address for a period of 12 consecutive months. Such a qualified

8-01130-18

2018902__

494 production company shall receive a single 1-year certificate of
495 exemption from the Department of Revenue for the sales and use
496 tax exemptions under ss. ~~212.031~~, 212.06, and 212.08, which
497 certificate shall expire 1 year after issuance or upon the
498 cessation of business operations in the state, at which time the
499 certificate shall be surrendered to the Department of Revenue.

500 2. The Office of Film and Entertainment shall develop a
501 method by which a qualified production company may annually
502 renew a 1-year certificate of exemption for a period of up to 5
503 years without requiring the production company to resubmit a new
504 application during that 5-year period.

505 3. Any qualified production company may submit a new
506 application for a 1-year certificate of exemption upon the
507 expiration of that company's certificate of exemption.

508 (b)1. A production company may be qualified for designation
509 as a qualified production company for a period of 90 days. Such
510 production company shall receive a single 90-day certificate of
511 exemption from the Department of Revenue for the sales and use
512 tax exemptions under ss. ~~212.031~~, 212.06, and 212.08, which
513 certificate shall expire 90 days after issuance, with extensions
514 contingent upon approval of the Office of Film and
515 Entertainment. The certificate shall be surrendered to the
516 Department of Revenue upon its expiration.

517 2. Any production company may submit a new application for
518 a 90-day certificate of exemption upon the expiration of that
519 company's certificate of exemption.

520 Section 6. Effective January 1, 2028, section 338.234,
521 Florida Statutes, is amended to read:

522 338.234 Granting concessions or selling along the turnpike

8-01130-18

2018902__

523 system; ~~immunity from taxation.~~

524 ~~(1)~~ The department may enter into contracts or licenses
525 with any person for the sale of services or products or business
526 opportunities on the turnpike system, or the turnpike enterprise
527 may sell services, products, or business opportunities on the
528 turnpike system, which benefit the traveling public or provide
529 additional revenue to the turnpike system. Services, business
530 opportunities, and products authorized to be sold include, but
531 are not limited to, motor fuel, vehicle towing, and vehicle
532 maintenance services; food with attendant nonalcoholic
533 beverages; lodging, meeting rooms, and other business services
534 opportunities; advertising and other promotional opportunities,
535 which advertising and promotions must be consistent with the
536 dignity and integrity of the state; state lottery tickets sold
537 by authorized retailers; games and amusements that operate by
538 the application of skill, not including games of chance as
539 defined in s. 849.16 or other illegal gambling games; Florida
540 citrus, goods promoting the state, or handmade goods produced
541 within the state; and travel information, tickets, reservations,
542 or other related services. However, the department, pursuant to
543 the grants of authority to the turnpike enterprise under this
544 section, shall not exercise the power of eminent domain solely
545 for the purpose of acquiring real property in order to provide
546 business services or opportunities, such as lodging and meeting-
547 room space on the turnpike system.

548 ~~(2) The effectuation of the authorized purposes of the~~
549 ~~Strategic Intermodal System, created under ss. 339.61-339.65,~~
550 ~~and Florida Turnpike Enterprise, created under this chapter, is~~
551 ~~for the benefit of the people of the state, for the increase of~~

8-01130-18

2018902__

552 ~~their commerce and prosperity, and for the improvement of their~~
553 ~~health and living conditions; and, because the system and~~
554 ~~enterprise perform essential government functions in~~
555 ~~effectuating such purposes, neither the turnpike enterprise nor~~
556 ~~any nongovernment lessee or licensee renting, leasing, or~~
557 ~~licensing real property from the turnpike enterprise, pursuant~~
558 ~~to an agreement authorized by this section, are required to pay~~
559 ~~any commercial rental tax imposed under s. 212.031 on any~~
560 ~~capital improvements constructed, improved, acquired, installed,~~
561 ~~or used for such purposes.~~

562 Section 7. Effective January 1, 2028, paragraph (a) of
563 subsection (3) of section 341.840, Florida Statutes, is amended
564 to read:

565 341.840 Tax exemption.—

566 (3) (a) Purchases or leases of tangible personal property or
567 real property by the enterprise, excluding agents of the
568 enterprise, are exempt from taxes imposed by chapter 212 as
569 provided in s. 212.08(6). Purchases or leases of tangible
570 personal property that is incorporated into the high-speed rail
571 system as a component part thereof, as determined by the
572 enterprise, by agents of the enterprise or the owner of the
573 high-speed rail system are exempt from sales or use taxes
574 imposed by chapter 212. ~~Leases, rentals, or licenses to use real~~
575 ~~property granted to agents of the enterprise or the owner of the~~
576 ~~high-speed rail system are exempt from taxes imposed by s.~~
577 ~~212.031 if the real property becomes part of such system. The~~
578 exemptions granted in this subsection do not apply to sales,
579 leases, or licenses by the enterprise, agents of the enterprise,
580 or the owner of the high-speed rail system.

8-01130-18

2018902__

581 Section 8. Except as otherwise expressly provided in this
582 act, this act shall take effect July 1, 2018.