

By Senator Gainer

2-01603-19

20191642__

1 A bill to be entitled
2 An act relating to the sales tax on commercial real
3 property rentals; amending s. 212.031, F.S.; reducing
4 the rate of the tax; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Paragraphs (c) and (d) of subsection (1) of
9 section 212.031, Florida Statutes, are amended to read:

10 212.031 Tax on rental or license fee for use of real
11 property.—

12 (1)

13 (c) For the exercise of such privilege, a tax is levied at
14 the rate of 5.5 ~~5.7~~ percent of and on the total rent or license
15 fee charged for such real property by the person charging or
16 collecting the rental or license fee. The total rent or license
17 fee charged for such real property shall include payments for
18 the granting of a privilege to use or occupy real property for
19 any purpose and shall include base rent, percentage rents, or
20 similar charges. Such charges shall be included in the total
21 rent or license fee subject to tax under this section whether or
22 not they can be attributed to the ability of the lessor's or
23 licensor's property as used or operated to attract customers.
24 Payments for intrinsically valuable personal property such as
25 franchises, trademarks, service marks, logos, or patents are not
26 subject to tax under this section. In the case of a contractual
27 arrangement that provides for both payments taxable as total
28 rent or license fee and payments not subject to tax, the tax
29 shall be based on a reasonable allocation of such payments and

2-01603-19

20191642__

30 shall not apply to that portion which is for the nontaxable
31 payments.

32 (d) When the rental or license fee of any such real
33 property is paid by way of property, goods, wares, merchandise,
34 services, or other thing of value, the tax shall be at the rate
35 of 5.5 ~~5.7~~ percent of the value of the property, goods, wares,
36 merchandise, services, or other thing of value.

37 Section 2. This act shall take effect July 1, 2019.