

Florida Department of Revenue Technical Assistance and Dispute Resolution

Jim Zingale Executive Director

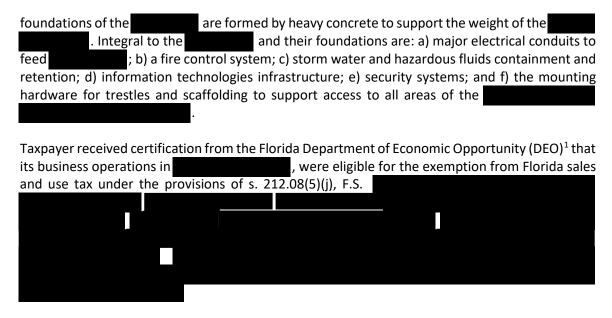
5050 W	est Tennessee Street, Tallahassee, FL 32399 floridarevenue.com
Question	on: Whether Taxpayer's purchases or rentals of items/materials used in the at its project are eligible and qualify for the tion from Florida sales and use tax provided under s. 212.08(5)(j), F.S.
Answe	project would be eligible and qualify for the
exemp	tion from Florida sales and use tax provided under s. 212.08(5)(j), F.S.
June 2	7, 2024
Re:	Technical Assistance Advisement – 24A-008 Sales and Use Tax – Exemption Manufacturing ("Taxpayer") BP No. Section 212.08(5)(j), Florida Statutes (F.S.)
Dear	:
(the "I volunta examir 12-11,	ter is a response to your petition dated pepartment, for the Florida Department of Revenue's Department's") issuance of a Technical Assistance Advisement ("TAA") with regard to whether any donations received are subject to Florida sales and use tax. Your petition has been carefulled and the Department finds it to be in compliance with the requisite criteria set forth in Chapte Florida Administrative Code. This response to your request constitutes a TAA and is issued to you the authority of section 213.22, F.S.
	Requested Advisements
	er is inquiring whether the exemption provided under s. 212.08(5)(j), F.S., would apply to the entire , including the material required to construct the that are necessary for the to be used as designed. Specifically er is seeking clarification concerning the following items:

1.	- These are concrete structures designed to support the full weight of a . They
	physically support the with major electrical feeds, a comprehensive fire control system, storm water and hazardous fluids containment and retention, information technologies infrastructure security systems, and the mounting hardware for trestles and scaffolding to support access to all areas of the
2.	Fire Pump House – The Fire Pump House will be constructed solely to enclose the fire pump system from the weather and salt corrosion. It is used to feed the fire contro system. The pump house has no other purpose and would be rendered archaic and be removed upon the pump systems being decommissioned.
3.	Motor Control Center and Control Room Structures – Integral to the waterside portion of the elevating platform are the motor control center which houses the numerous winches necessary to lift a large and the control room, where the operators monitor the weight distribution of the and while it is being lifted and transferred to an analysis of the was decommissioned.
4.	Storm water collection and retention system external to the fluids are contained within the and processed in compliance with federal and state statutes. Storm water from the maintenance area and is controlled through various structures on the site external to the . These are designed specifically to address the outflows from the tool.
5.	Utility Feeds – To operate the unique of the to the to the security systems, and information technologies infrastructure.
6.	Piles – Concrete and steel piles are installed throughout the winches and lifting platform to prevent the platform during lift.
7.	Consumable Materials – The installation of the requires the use of numerous consumable materials such as nails, screws, forms lumber, form oil, cure compounds etcetera, necessary to complete the installation.
Q	Rented Equipment – The installation of the

cranes, and other installation equipment.

Facts as Provided

The new facility r	eplaces the old dry dock	and a number of antiqua	ted structures with the
The primary custo	omer for the		. The new facility will
will be performed	d at the facility.		
	vill be built and owned by ensure technical integrity. The	,	, and tof fabrication and instal
of the be a component sales tax exempti work at the facilit	and associated necessa of ions/abatement is the ty. contra	ry support infrastructure . Therefore, t in the form	cos he ultimate beneficiary of n of lower contracting cos mpeted between shipyar
The west and do a		ft a ship out of the wat	
large winches on movement of the	each side of the platform e platform from an integr movable platform		•



Applicable Law and Discussion

Section 212.08(5)(j), F.S., Machinery and equipment used in semiconductor, defense, or space technology production, provide in part, as follows:

1.b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

7. As used in this paragraph, the term:

c. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

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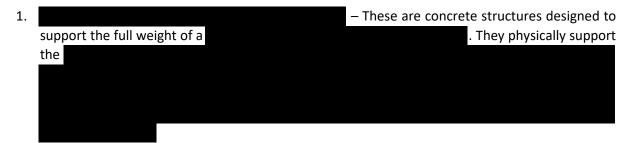
¹ Currently the Florida Department of Commerce.

The exemption from Florida sales and use tax provided under s. 212.08(5)(j), F.S., applies to industrial machinery and equipment used at certified defense technology facilities to design, manufacture, assemble, process, compound, or produce defense technology products for sale or for use by these facilities.

It has been determined that Taxpayer is eligible and qualifies for the Florida sales and use tax exemption provided under s. 212.08(5)(j), F.S., for purchases of industrial machinery and equipment used in defense technology production. Industrial machinery and equipment that Taxpayer uses in its certified defense facility that is integral to design, manufacture, assemble, process, compound, or produce defense technology products or for use by these facilities are exempt from Florida sales and use tax. To obtain the exemption from tax, Taxpayer would provide its *Tax Exemption Permit for Machinery and Equipment Used by Certified Semiconductor, Defense or Space Technology Facility* to the selling dealer.

It should be noted that any dealer that takes an exemption document or an exemption permit in good faith would be relieved of the liability to collect tax and the Department would look solely to the purchaser for any tax that may be subsequently determined to be due. A selling dealer accepting the permit in good faith, will not be held liable for any potential tax due; liability will rest with the purchaser/holder of the permit. Taxpayer should document in its books and records that purchases were used at and by the project rather than elsewhere.

Requested Advisements & Determinations



Based on the description provided, would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.

 Fire Pump House – The Fire Pump House will be constructed solely to enclose the fire pump system from the weather and salt corrosion. It is used to feed the fire control system. The pump house has no other purpose and would be rendered archaic and be removed upon the pump systems being decommissioned.

Based on the description provided, Fire Pump House would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.

3.	Motor Control Center and Control Room Structures – Integral to the waterside portion of the are the motor control center which houses the numerous winches necessary to lift a part of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room, where the operators monitor the weight distribution of the control room of th
	Based on the description provided, Motor Control Center and Control Room Structures would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.
4.	Storm water collection and retention system external to the — Hazardous fluids are contained within the and processed in compliance with federal and state statutes. Storm water from the however, exits from the maintenance area and is controlled through various structures on the site external to the These are designed specifically to address the outflows from the tool.
	Based on the description provided, Storm water collection and retention system external to the would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.
5.	Utility Feeds – To operate the, utilities will be run from various portions of the
	Based on the description provided, Utility Feeds would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.
6.	Piles – Concrete and steel piles are installed throughout the and lifting platform to prevent the from becoming unstable on the platform during lift.
	Based on the description provided, Piles would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.
7.	Consumable Materials – The installation of the consumable materials such as nails, screws, forms lumber, form oil, cure compounds etcetera, necessary to complete the instillation.

Based on the description provided, Consumable Materials would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.

8. Rented Equipment – The installation of the other installation equipment.

Based on the description provided, Rented Equipment would be exempt from Florida sales and use tax under the provisions of s. 212.08(5)(j), F.S., as industrial machinery and equipment used in a defense technology facility to design, manufacture, assemble, process, compound, or produce defense technology products or for use by the facility.

This response constitutes a TAA under s. 213.22, F.S., which is binding on the Department only under the facts and circumstances described in the request for this advice, as specified in s. 213.22, F.S. Our response is predicated on those facts and the specific situation summarized above. You are advised that subsequent statutory or administrative rule changes, or judicial interpretations of the statutes or rules, upon which this advice is based, may subject similar future transactions to a different treatment than expressed in this response.

You are further advised that this response, your request and related backup documents are public records under Chapter 119, F.S., and are subject to disclosure to the public under the conditions of s. 213.22, F.S. Confidential information must be deleted before public disclosure. In an effort to protect confidentiality, we request you provide the undersigned with an edited copy of your request for TAA, the backup material and this response, deleting names, addresses and any other details which might lead to identification of the Taxpayer. Your response should be received by the Department within ten (10) days of the date of this letter.

If you have any further questions with regard to this matter and wish to discuss them, you may contact me directly at 850-717-6735.

Kind Regards,

alan R. Futton

Alan R. Fulton Revenue Program Administrator I Technical Assistance & Dispute Resolution

Record ID: 1063296

TADR Satisfaction Survey

The Florida Department of Revenue invites you to complete the online TADR Satisfaction Survey to help us identify ways to improve our service to taxpayers. The survey is an opportunity to provide feedback on your recent experience with the Department's office of Technical Assistance and Dispute Resolution (TADR). To access the survey, place the following address in your browser's access bar:

https://tadr.questionpro.com

When you open the survey, you'll be asked to enter the following information. This information will enable you to complete and submit the survey.

Notification numb	oer:
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Respondent code:

Tax type:

Correspondence type: Technical Assistance

If you need technical assistance accessing the survey, please email Douglas Charity at douglas.charity@floridarevenue.com.

Thank you.