



HB 5601, Engrossed 1

2014

1                   A bill to be entitled  
2           An act relating to taxation; amending s. 202.11, F.S.;  
3           revising the term "prepaid calling arrangement";  
4           amending s. 212.05, F.S.; clarifying and updating  
5           which services are included under the definition  
6           "prepaid calling arrangement" and subject to a sales  
7           tax; conforming provisions to changes made by the act  
8           to taxes on electrical power and energy made;  
9           providing retroactive application; amending s. 203.01,  
10          F.S.; providing for an additional tax on charges for,  
11          or the use of, certain electrical power or energy and  
12          the rate for such tax; providing an exemption;  
13          providing for the redistribution of certain taxes on  
14          electrical power and energy; providing applicability;  
15          providing that a seller of electrical power or energy  
16          may combine the collection of certain taxes if  
17          properly reflected in its return to the Department of  
18          Revenue; amending s. 205.0535, F.S.; providing that a  
19          county or municipality may repeal or reduce a local  
20          business tax by majority vote; amending s. 210.20,  
21          F.S.; revising the payment and distribution of the  
22          Cigarette Tax Collection Trust Fund; amending s.  
23          212.08, F.S.; exempting therapeutic veterinary diets  
24          obtainable only from a licensed veterinarian from the  
25          state tax on sales, use, and other transactions;



HB 5601, Engrossed 1

2014

26 increasing the amount of tax credits that may be  
27 granted for certain approved projects that provide  
28 homeownership opportunities; extending the expiration  
29 date applicable to the granting of community  
30 contribution tax credits against the sales and use tax  
31 for contributions to eligible sponsors of community  
32 projects approved by the Department of Economic  
33 Opportunity; revising provisions exempting certain  
34 prepaid meal plans and certain machinery and equipment  
35 from the sales and use tax exempting sales of child  
36 restraint systems and booster seats for use in motor  
37 vehicles and youth bicycle helmets from the sales and  
38 use tax; amending s. 212.12, F.S.; conforming  
39 provisions to changes made by the act; amending s.  
40 212.20, F.S.; revising the distribution of taxes,  
41 including the taxes collected on charges for  
42 electrical power and energy; authorizing the  
43 Department of Revenue to adopt emergency rules;  
44 amending s. 212.17, F.S.; providing procedures,  
45 requirements, and calculation methodologies that allow  
46 dealers to obtain tax credits or refunds for taxes  
47 paid on worthless or uncollectible private-label  
48 credit card accounts or receivables; providing a cap  
49 on the amount that may be recovered; providing  
50 definitions; amending s. 213.0535, F.S.; providing



HB 5601, Engrossed 1

2014

51 provisions related to the publication of statistics  
52 regarding the Registration Information Sharing and  
53 Exchange Program; amending s. 220.183, F.S.;  
54 increasing the amount of tax credits that may be  
55 granted for certain approved programs; extending the  
56 expiration date applicable to the granting of  
57 community contribution tax credits against the  
58 corporate income tax for contributions to eligible  
59 sponsors of community projects approved by the  
60 Department of Economic Opportunity; amending s.  
61 288.9914, F.S.; revising limits on tax credits that  
62 may be approved by the Department of Economic  
63 Opportunity under the New Markets Development Program;  
64 amending s. 624.4094, F.S.; deleting a provision  
65 relating to the reporting or payment of specified  
66 insurance premium taxes; amending s. 624.509, F.S.;  
67 requiring an insurer to pay to the Department of  
68 Revenue a specified amount of the direct written  
69 premiums for bail bonds; amending s. 624.5105, F.S.;  
70 increasing the amount of tax credits that may be  
71 granted for certain approved programs; extending the  
72 expiration date applicable to the granting of  
73 community contribution tax credits against the  
74 insurance premium tax for contributions to eligible  
75 sponsors of community projects approved by the



HB 5601, Engrossed 1

2014

76 Department of Economic Opportunity; amending s.  
77 627.7711, F.S.; conforming provisions to changes made  
78 by the act; providing for a sales tax holiday for  
79 certain Energy Star and WaterSense products; providing  
80 restrictions; specifying a period during which the  
81 sale of clothing, wallets, bags, school supplies,  
82 personal computers, and personal computer-related  
83 accessories are exempt from the sales tax; providing  
84 definitions; providing exceptions; authorizing the  
85 Department of Revenue to adopt emergency rules;  
86 providing an exemption from the sales and use tax for  
87 sales during a specified period of certain tangible  
88 personal property related to hurricane preparedness;  
89 authorizing the Department of Revenue to adopt  
90 emergency rules; providing an exemption from the sales  
91 and use tax for sales during a specified period of  
92 certain tangible personal property related to  
93 hurricane preparedness; authorizing the Department of  
94 Revenue to adopt emergency rules; providing  
95 appropriations; providing effective dates.

96  
97 Be It Enacted by the Legislature of the State of Florida:

98  
99 Section 1. Effective July 1, 2014, subsection (9) of  
100 section 202.11, Florida Statutes, is amended to read:



HB 5601, Engrossed 1

2014

101 202.11 Definitions.—As used in this chapter, the term:

102 (9) "Prepaid calling arrangement" means: the separately  
103 stated retail sale by advance payment of

104 (a) A right to use communications services, other than  
105 mobile communications services, for which a separately stated  
106 price must be paid in advance, which is sold at retail in  
107 predetermined units that decline in number with use on a  
108 predetermined basis, and which ~~that~~ consist exclusively of  
109 telephone calls originated by using an access number,  
110 authorization code, or other means that may be manually,  
111 electronically, or otherwise entered; or ~~and that are sold in~~  
112 ~~predetermined units or dollars of which the number declines with~~  
113 ~~use in a known amount.~~

114 (b) A right to use mobile communications services that  
115 must be paid for in advance and is sold at retail in  
116 predetermined units that expire or decline in number on a  
117 predetermined basis if:

118 1. The purchaser's right to use mobile communications  
119 services terminates upon all purchased units' expiring or being  
120 exhausted unless the purchaser pays for additional units;

121 2. The purchaser is not required to purchase additional  
122 units; and

123 3. Any right of the purchaser to use units to obtain  
124 communications services other than mobile communications  
125 services is limited to services that are provided to or through



HB 5601, Engrossed 1

2014

126 the same handset or other electronic device that is used by the  
127 purchaser to access mobile communications services.

128  
129 Predetermined units described in this subsection may be  
130 quantified as amounts of usage, time, money, or a combination of  
131 these or other means of measurement.

132 Section 2. Effective July 1, 2014, paragraph (e) of  
133 subsection (1) of section 212.05, Florida Statutes, is amended  
134 to read:

135 212.05 Sales, storage, use tax.—It is hereby declared to  
136 be the legislative intent that every person is exercising a  
137 taxable privilege who engages in the business of selling  
138 tangible personal property at retail in this state, including  
139 the business of making mail order sales, or who rents or  
140 furnishes any of the things or services taxable under this  
141 chapter, or who stores for use or consumption in this state any  
142 item or article of tangible personal property as defined herein  
143 and who leases or rents such property within the state.

144 (1) For the exercise of such privilege, a tax is levied on  
145 each taxable transaction or incident, which tax is due and  
146 payable as follows:

147 (e)1. At the rate of 6 percent on charges for:

148 a. Prepaid calling arrangements. The tax on charges for  
149 prepaid calling arrangements shall be collected at the time of  
150 sale and remitted by the selling dealer.



HB 5601, Engrossed 1

2014

151 (I) "Prepaid calling arrangement" has the same meaning as  
152 provided in s. 202.11 ~~means the separately stated retail sale by~~  
153 ~~advance payment of communications services that consist~~  
154 ~~exclusively of telephone calls originated by using an access~~  
155 ~~number, authorization code, or other means that may be manually,~~  
156 ~~electronically, or otherwise entered and that are sold in~~  
157 ~~predetermined units or dollars whose number declines with use in~~  
158 ~~a known amount.~~

159 (II) If the sale or recharge of the prepaid calling  
160 arrangement does not take place at the dealer's place of  
161 business, it shall be deemed to have taken ~~take~~ place at the  
162 customer's shipping address or, if no item is shipped, at the  
163 customer's address or the location associated with the  
164 customer's mobile telephone number.

165 (III) The sale or recharge of a prepaid calling  
166 arrangement shall be treated as a sale of tangible personal  
167 property for purposes of this chapter, regardless of whether ~~or~~  
168 ~~not~~ a tangible item evidencing such arrangement is furnished to  
169 the purchaser, and such sale within this state subjects the  
170 selling dealer to the jurisdiction of this state for purposes of  
171 this subsection.

172 (IV) No additional tax under this chapter or chapter 202  
173 is due or payable if a purchaser of a prepaid calling  
174 arrangement who has paid tax under this chapter on the sale or  
175 recharge of such arrangement applies one or more units of the



HB 5601, Engrossed 1

2014

176 prepaid calling arrangement to obtain communications services as  
177 described in s. 202.11(9)(b)3., other services that are not  
178 communications services, or products.

179 b. The installation of telecommunication and telegraphic  
180 equipment.

181 c. Electrical power or energy, except that the tax rate  
182 for charges for electrical power or energy is 4.35 7 percent.  
183 Charges for electrical power and energy do not include taxes  
184 imposed under ss. 166.231 and 203.01(1)(a)3.

185 2. Section ~~The provisions of s. 212.17(3), regarding~~  
186 credit for tax paid on charges subsequently found to be  
187 worthless, is ~~shall be~~ equally applicable to any tax paid under  
188 ~~the provisions of~~ this section on charges for prepaid calling  
189 arrangements, telecommunication or telegraph services, or  
190 electric power subsequently found to be uncollectible. As used  
191 in this paragraph, the term ~~word~~ "charges" ~~in this paragraph~~  
192 does not include any excise or similar tax levied by the Federal  
193 Government, a ~~any~~ political subdivision of this ~~the~~ state, or a  
194 ~~any~~ municipality upon the purchase, sale, or recharge of prepaid  
195 calling arrangements or upon the purchase or sale of  
196 telecommunication, television system program, or telegraph  
197 service or electric power, which tax is collected by the seller  
198 from the purchaser.

199 Section 3. The amendments made to ss. 202.11 and  
200 212.05(1)(e)1.a., Florida Statutes, by this act are intended to





HB 5601, Engrossed 1

2014

201 be remedial in nature and apply retroactively, but do not  
202 provide a basis for an assessment of any tax not paid or create  
203 a right to a refund or credit of any tax paid before the  
204 effective date of this act.

205 Section 4. Effective July 1, 2014, subsections (1), (3),  
206 (4), and (7) of section 203.01, Florida Statutes, are amended to  
207 read:

208 203.01 Tax on gross receipts for utility and  
209 communications services.—

210 (1)(a)1. A tax is imposed on gross receipts from utility  
211 services that are delivered to a retail consumer in this state.  
212 The tax shall be levied as provided in paragraphs (b)-(j).

213 2. A tax is levied on communications services as defined  
214 in s. 202.11(1). The tax shall be applied to the same services  
215 and transactions as are subject to taxation under chapter 202,  
216 and to communications services that are subject to the exemption  
217 provided in s. 202.125(1). The tax shall be applied to the sales  
218 price of communications services when sold at retail, as the  
219 terms are defined in s. 202.11, shall be due and payable at the  
220 same time as the taxes imposed pursuant to chapter 202, and  
221 shall be administered and collected pursuant to ~~the provisions~~  
222 ~~of~~ chapter 202.

223 3. An additional tax is levied on charges for, or the use  
224 of, electrical power or energy that is subject to the tax levied  
225 pursuant to s. 212.05(1)(e)1.c. or s. 212.06(1). The tax shall



HB 5601, Engrossed 1

2014

226 be applied to the same transactions or uses as are subject to  
227 taxation under s. 212.05(1)(e)1.c. or s. 212.06(1). If a  
228 transaction or use is exempt from the tax imposed under  
229 212.05(1)(e)1.c. or s. 212.06(1), the transaction or use is also  
230 exempt from the tax imposed under this subparagraph. The tax  
231 shall be applied to charges for electrical power or energy and  
232 is due and payable at the same time as taxes imposed pursuant to  
233 chapter 212. Chapter 212 governs the administration and  
234 enforcement of the tax imposed by this subparagraph. The charges  
235 upon which the tax imposed by this subparagraph is applied do  
236 not include the taxes imposed by subparagraph 1. or s. 166.231.  
237 The tax imposed by this subparagraph becomes state funds at the  
238 moment of collection and is not considered as revenue of a  
239 utility for purposes of a franchise agreement between the  
240 utility and a local government.

241 (b)1. The rate applied to utility services shall be 2.5  
242 percent.

243 2. The rate applied to communications services shall be  
244 2.37 percent.

245 3. ~~There shall be~~ An additional rate of 0.15 percent shall  
246 be applied to communication services subject to the tax levied  
247 pursuant to s. 202.12(1)(a), (c), and (d). The exemption  
248 provided in s. 202.125(1) applies to the tax levied pursuant to  
249 this subparagraph.

250 4. The rate applied to electrical power or energy taxed



HB 5601, Engrossed 1

2014

251 | under subparagraph (a)3. shall be 2.6 percent.

252 |       (c)1. The tax imposed under subparagraph (a)1. shall be  
253 | levied against the total amount of gross receipts received by a  
254 | distribution company for its sale of utility services if the  
255 | utility service is delivered to the retail consumer by a  
256 | distribution company and the retail consumer pays the  
257 | distribution company a charge for utility service which includes  
258 | a charge for both the electricity and the transportation of  
259 | electricity to the retail consumer. The distribution company  
260 | shall report and remit to the Department of Revenue by the 20th  
261 | day of each month the taxes levied pursuant to this paragraph  
262 | during the preceding month.

263 |       2. To the extent practicable, the Department of Revenue  
264 | must distribute all receipts of taxes remitted under this  
265 | chapter to the Public Education Capital Outlay and Debt Service  
266 | Trust Fund in the same month as the department collects such  
267 | taxes.

268 |       (d)1. Each distribution company that receives payment for  
269 | the delivery of electricity to a retail consumer in this state  
270 | is subject to tax on the exercise of this privilege as provided  
271 | by this paragraph unless the payment is subject to tax under  
272 | paragraph (c). For the exercise of this privilege, the tax  
273 | levied on the ~~such~~ distribution company's receipts for the  
274 | delivery of electricity shall be determined by multiplying the  
275 | number of kilowatt hours delivered by the index price and



HB 5601, Engrossed 1

2014

276 applying the rate in subparagraph (b)1. ~~paragraph (b)~~ to the  
277 result.

278 2. The index price is the Florida price per kilowatt hour  
279 for retail consumers in the previous calendar year, as published  
280 in the United States Energy Information Administration Electric  
281 Power Monthly and announced by the Department of Revenue on June  
282 1 of each year to be effective for the 12-month period beginning  
283 July 1 of that year. For each residential, commercial, and  
284 industrial customer class, the applicable index posted for  
285 residential, commercial, and industrial shall ~~will~~ be applied in  
286 calculating the gross receipts to which the tax applies. If  
287 publication of the indices is delayed or discontinued, the last  
288 posted index shall be used until a current index is posted or  
289 the department adopts a comparable index by rule.

290 3. Tax due under this paragraph shall be administered,  
291 paid, and reported in the same manner as the tax due under  
292 paragraph (c).

293 4. The amount of tax due under this paragraph shall be  
294 reduced by the amount of any like tax lawfully imposed on and  
295 paid by the person from whom the retail consumer purchased the  
296 electricity, whether imposed by and paid to this state, another  
297 state, a territory of the United States, or the District of  
298 Columbia. This reduction in tax shall be available to the retail  
299 consumer as a refund made pursuant to s. 215.26 and does not  
300 inure to the benefit of the person who receives payment for the



HB 5601, Engrossed 1

2014

301 delivery of the electricity. The methods of demonstrating proof  
302 of payment and the amount of such refund shall be made according  
303 to rules of the Department of Revenue.

304 (e)1. A ~~Every~~ distribution company that receives payment  
305 for the sale or transportation of natural or manufactured gas to  
306 a retail consumer in this state is subject to tax on the  
307 exercise of this privilege as provided by this paragraph. For  
308 the exercise of this privilege, the tax levied on the ~~such~~  
309 distribution company's receipts for the sale or transportation  
310 of natural or manufactured gas shall be determined by dividing  
311 the number of cubic feet delivered by 1,000, multiplying the  
312 resulting number by the index price, and applying the rate in  
313 subparagraph (b)1. ~~paragraph (b)~~ to the result.

314 2. The index price is the Florida price per 1,000 cubic  
315 feet for retail consumers in the previous calendar year as  
316 published in the United States Energy Information Administration  
317 Natural Gas Monthly and announced by the Department of Revenue  
318 on June 1 of each year to be effective for the 12-month period  
319 beginning July 1 of that year. For each residential, commercial,  
320 and industrial customer class, the applicable index posted for  
321 residential, commercial, and industrial shall ~~will~~ be applied in  
322 calculating the gross receipts to which the tax applies. If  
323 publication of the indices is delayed or discontinued, the last  
324 posted index shall be used until a current index is posted or  
325 the department adopts a comparable index by rule.



HB 5601, Engrossed 1

2014

326 3. Tax due under this paragraph shall be administered,  
327 paid, and reported in the same manner as the tax due under  
328 paragraph (c).

329 4. The amount of tax due under this paragraph shall be  
330 reduced by the amount of any like tax lawfully imposed on and  
331 paid by the person from whom the retail consumer purchased the  
332 natural gas or manufactured gas, whether imposed by and paid to  
333 this state, another state, a territory of the United States, or  
334 the District of Columbia. This reduction in tax shall be  
335 available to the retail consumer as a refund pursuant to s.  
336 215.26 and does not inure to the benefit of the person providing  
337 the transportation service. The methods of demonstrating proof  
338 of payment and the amount of such refund shall be made according  
339 to rules of the Department of Revenue.

340 (f) Any person who imports into this state electricity,  
341 natural gas, or manufactured gas, or severs natural gas, for  
342 that person's own use or consumption as a substitute for  
343 purchasing utility, transportation, or delivery services taxable  
344 under subparagraph (a)1. this chapter and who cannot demonstrate  
345 payment of the tax imposed by this chapter must register with  
346 the Department of Revenue and pay into the State Treasury each  
347 month an amount equal to the cost price, as defined in s.  
348 212.02, of such electricity, natural gas, or manufactured gas  
349 times the rate set forth in subparagraph (b)1. paragraph (b),  
350 reduced by the amount of any like tax lawfully imposed on and



HB 5601, Engrossed 1

2014

351 | paid by the person from whom the electricity, natural gas, or  
352 | manufactured gas was purchased or any person who provided  
353 | delivery service or transportation service in connection with  
354 | the electricity, natural gas, or manufactured gas. ~~For purposes~~  
355 | ~~of this paragraph, the term "cost price" has the meaning~~  
356 | ~~ascribed in s. 212.02(4).~~ The methods of demonstrating proof of  
357 | payment and the amount of such reductions in tax shall be made  
358 | according to rules of the Department of Revenue.

359 | (g) Electricity produced by cogeneration or by small power  
360 | producers which is transmitted and distributed by a public  
361 | utility between two locations of a customer of the utility  
362 | pursuant to s. 366.051 is subject to the tax imposed by  
363 | subparagraph (a)1 ~~this section~~. The tax shall be applied to the  
364 | cost price, as defined in s. 212.02, of such electricity ~~as~~  
365 | ~~provided in s. 212.02(4)~~ and shall be paid each month by the  
366 | producer of such electricity.

367 | (h) Electricity produced by cogeneration or by small power  
368 | producers during the 12-month period ending June 30 of each year  
369 | which is in excess of nontaxable electricity produced during the  
370 | 12-month period ending June 30, 1990, is subject to the tax  
371 | imposed by subparagraph (a)1 ~~this section~~. The tax shall be  
372 | applied to the cost price, as defined in s. 212.02, of such  
373 | electricity ~~as provided in s. 212.02(4)~~ and shall be paid each  
374 | month, beginning with the month in which total production  
375 | exceeds the production of nontaxable electricity for the 12-



HB 5601, Engrossed 1

2014

376 month period ending June 30, 1990. As used in ~~For purposes of~~  
377 this paragraph, the term "nontaxable electricity" means  
378 electricity produced by cogeneration or by small power producers  
379 which is not subject to tax under paragraph (g). Taxes paid  
380 pursuant to paragraph (g) may be credited against taxes due  
381 under this paragraph. Electricity generated as part of an  
382 industrial manufacturing process that ~~which~~ manufactures  
383 products from phosphate rock, raw wood fiber, paper, citrus, or  
384 any agricultural product is ~~shall not be~~ subject to the tax  
385 imposed by this paragraph. The term "industrial manufacturing  
386 process" means the entire process conducted at the location  
387 where the process takes place.

388 (i) Any person other than a cogenerator or small power  
389 producer described in paragraph (h) who produces for his or her  
390 own use electrical energy that ~~which~~ is a substitute for  
391 electrical energy produced by an electric utility as defined in  
392 s. 366.02 is subject to the tax imposed by subparagraph (a)1  
393 ~~this section~~. The tax shall be applied to the cost price, as  
394 defined in s. 212.02, of such electrical energy ~~as provided in~~  
395 ~~s. 212.02(4)~~ and shall be paid each month. ~~The provisions of~~  
396 This paragraph does ~~de~~ not apply to ~~any~~ electrical energy  
397 produced and used by an electric utility.

398 (j) Notwithstanding any other provision of this chapter,  
399 with the exception of a communications services dealer reporting  
400 taxes administered under chapter 202, the department may





HB 5601, Engrossed 1

2014

401 require:

402 1. A quarterly return and payment when the tax remitted  
403 for the preceding four calendar quarters did not exceed \$1,000;

404 2. A semiannual return and payment when the tax remitted  
405 for the preceding four calendar quarters did not exceed \$500; or

406 3. An annual return and payment when the tax remitted for  
407 the preceding four calendar quarters did not exceed \$100.

408 (3) The tax imposed by subparagraph (1)(a)1. ~~subsection~~  
409 ~~(1)~~ does not apply to:

410 (a)1. The sale or transportation of natural gas or  
411 manufactured gas to a public or private utility, including a  
412 municipal corporation or rural electric cooperative association,  
413 ~~either~~ for resale or for use as fuel in the generation of  
414 electricity; or

415 2. The sale or delivery of electricity to a public or  
416 private utility, including a municipal corporation or rural  
417 electric cooperative association, for resale, or as part of an  
418 electrical interchange agreement or contract between such  
419 utilities for the purpose of transferring more economically  
420 generated power;

421  
422 if provided the person deriving gross receipts from such sale  
423 demonstrates that a sale, transportation, or delivery for resale  
424 in fact occurred and complies with the following requirements: A  
425 sale, transportation, or delivery for resale must be in strict



HB 5601, Engrossed 1

2014

426 compliance with the rules ~~and regulations~~ of the Department of  
427 Revenue; and any sale subject to the tax imposed by this section  
428 which is not in strict compliance with the rules ~~and regulations~~  
429 of the Department of Revenue shall be subject to the tax at the  
430 appropriate rate imposed on utilities under subparagraph  
431 (1)(b)1. ~~by paragraph (b)~~ on the person making the sale. Any  
432 person making a sale for resale may, through an informal protest  
433 provided ~~for~~ in s. 213.21 and the rules of the Department of  
434 Revenue, provide the department with evidence of the exempt  
435 status of a sale. The department shall adopt rules that provide  
436 that valid proof and documentation of the resale by a person  
437 making the sale for resale will be accepted by the department  
438 when submitted during the protest period but will not be  
439 accepted when submitted in any proceeding under chapter 120 or  
440 any circuit court action instituted under chapter 72;

441 (b) Wholesale sales of electric transmission service;

442 (c) The use of natural gas in the production of oil or  
443 gas, or the use of natural or manufactured gas by a person  
444 transporting natural or manufactured gas, when used and consumed  
445 in providing such services; or

446 (d) The sale or transportation to, or use of, natural gas  
447 or manufactured gas by a person eligible for an exemption under  
448 s. 212.08(7)(ff)2. for use as an energy source or a raw  
449 material. Possession by a seller of natural or manufactured gas  
450 or by any person providing transportation or delivery of natural



HB 5601, Engrossed 1

2014

451 or manufactured gas of a written certification by the purchaser,  
452 certifying the purchaser's entitlement to the exclusion  
453 permitted by this paragraph, relieves the seller or person  
454 providing transportation or delivery from the responsibility of  
455 remitting tax on the nontaxable amounts, and the department  
456 shall look solely to the purchaser for recovery of such tax if  
457 the department determines that the purchaser was not entitled to  
458 the exclusion. The certification must include an acknowledgment  
459 by the purchaser that it will be liable for tax pursuant to  
460 paragraph (1)(f) if the requirements for exclusion are not met.

461 (4) The tax imposed pursuant to subparagraph (1)(a)1. ~~this~~  
462 ~~chapter~~ relating to the provision of ~~any~~ utility services at the  
463 option of the person supplying the taxable services may be  
464 separately stated as Florida gross receipts tax on the total  
465 amount of any bill, invoice, or other tangible evidence of the  
466 provision of such taxable services and may be added as a  
467 component part of the total charge. If ~~Whenever~~ a provider of  
468 taxable services elects to separately state such tax as a  
469 component of the charge for the provision of such taxable  
470 services, any ~~every~~ person, including all governmental units,  
471 shall remit the tax to the person who provides such taxable  
472 services as a part of the total bill, and the tax is a component  
473 part of the debt of the purchaser to the person who provides  
474 such taxable services until paid and, if unpaid, is recoverable  
475 at law in the same manner as any other part of the charge for



HB 5601, Engrossed 1

2014

476 such taxable services. For a utility, the decision to separately  
477 state any increase in the rate of tax imposed by this chapter  
478 which is effective after December 31, 1989, and the ability to  
479 recover the increased charge from the customer is ~~shall~~ not be  
480 subject to regulatory approval.

481 (7) Gross receipts subject to the tax imposed under  
482 subparagraph (1)(a)1. by this section for the provision of  
483 electricity must ~~shall~~ include receipts from monthly customer  
484 charges or monthly customer facility charges.

485 Section 5. The amendments to s. 212.05(1)(e)1.c. made in  
486 section 2 of this act and to s. 203.01 made in section 4 of this  
487 act apply to taxable transactions included on bills that are for  
488 utility services and that are dated on or after July 1, 2014.

489 Section 6. In complying with the amendments to ss. 203.01  
490 and 212.05, Florida Statutes, relating to the additional tax on  
491 electrical power or energy, made by this act, a seller of  
492 electrical power or energy may collect a combined rate of 6.95  
493 percent, which consists of the 4.35 percent and 2.6 percent  
494 required under ss. 212.05(1)(e)1.c. and 203.01(1)(b)4., Florida  
495 Statutes, respectively, if the provider properly reflects the  
496 tax collected with respect to the two provisions as required in  
497 the return to the Department of Revenue.

498 Section 7. Subsections (4) and (5) of section 205.0535,  
499 Florida Statutes, are amended to read:

500 205.0535 Reclassification and rate structure revisions.—



HB 5601, Engrossed 1

2014

501 (4) After the conditions specified in subsections (2) and  
502 (3) are met, municipalities and counties may, every other year  
503 thereafter, increase or decrease by ordinance the rates of  
504 business taxes by up to 5 percent. However, an increase must,  
505 ~~however, may not~~ be enacted by at least ~~less than~~ a majority  
506 plus one vote of the governing body.

507 (5) ~~Nothing in~~ This chapter does not ~~shall be construed to~~  
508 prohibit a municipality or county from decreasing or repealing  
509 any business tax authorized under this chapter. By majority  
510 vote, the governing body of a county or municipality may adopt  
511 an ordinance repealing a local business tax or establishing new  
512 rates that decrease local business taxes and do not result in an  
513 increase in local business taxes for a taxpayer. Such ordinances  
514 are not subject to subsections (2) and (3).

515 (6)~~(5)~~ A receipt may not be issued unless the federal  
516 employer identification number or social security number is  
517 obtained from the person to be taxed.

518 Section 8. Paragraph (b) of subsection (2) of section  
519 210.20, Florida Statutes, is amended to read:

520 210.20 Employees and assistants; distribution of funds.—

521 (2) As collections are received by the division from such  
522 cigarette taxes, it shall pay the same into a trust fund in the  
523 State Treasury designated "Cigarette Tax Collection Trust Fund"  
524 which shall be paid and distributed as follows:

525 (b) Beginning July 1, 2004, and continuing through June



HB 5601, Engrossed 1

2014

526 | 30, 2013, the division shall from month to month certify to the  
527 | Chief Financial Officer the amount derived from the cigarette  
528 | tax imposed by s. 210.02, less the service charges provided for  
529 | in s. 215.20 and less 0.9 percent of the amount derived from the  
530 | cigarette tax imposed by s. 210.02, which shall be deposited  
531 | into the Alcoholic Beverage and Tobacco Trust Fund, specifying  
532 | an amount equal to 1.47 percent of the net collections, and that  
533 | amount shall be paid to the Board of Directors of the H. Lee  
534 | Moffitt Cancer Center and Research Institute, established under  
535 | s. 1004.43, by warrant drawn by the Chief Financial Officer.  
536 | Beginning July 1, 2014 ~~2013~~, and continuing through June 30,  
537 | 2033, the division shall from month to month certify to the  
538 | Chief Financial Officer the amount derived from the cigarette  
539 | tax imposed by s. 210.02, less the service charges provided for  
540 | in s. 215.20 and less 0.9 percent of the amount derived from the  
541 | cigarette tax imposed by s. 210.02, which shall be deposited  
542 | into the Alcoholic Beverage and Tobacco Trust Fund, specifying  
543 | an amount equal to 4.04 ~~2.75~~ percent of the net collections, and  
544 | that amount shall be paid to the Board of Directors of the H.  
545 | Lee Moffitt Cancer Center and Research Institute, established  
546 | under s. 1004.43, by warrant drawn by the Chief Financial  
547 | Officer. These funds are appropriated monthly out of the  
548 | Cigarette Tax Collection Trust Fund, to be used for lawful  
549 | purposes, including constructing, furnishing, equipping,  
550 | financing, operating, and maintaining cancer research and



HB 5601, Engrossed 1

2014

551 | clinical and related facilities; furnishing, equipping,  
552 | operating, and maintaining other properties owned or leased by  
553 | the H. Lee Moffitt Cancer Center and Research Institute; and  
554 | paying costs incurred in connection with purchasing, financing,  
555 | operating, and maintaining such equipment, facilities, and  
556 | properties. In fiscal years 2004-2005 and thereafter, the  
557 | appropriation to the H. Lee Moffitt Cancer Center and Research  
558 | Institute authorized by this subparagraph shall not be less than  
559 | the amount that would have been paid to the H. Lee Moffitt  
560 | Cancer Center and Research Institute in fiscal year 2001-2002,  
561 | had this subparagraph been in effect.

562 |       Section 9. Effective July 1, 2014, paragraphs (i) through  
563 | (k) of subsection (2) of section 212.08, Florida Statutes, are  
564 | redesignated as paragraphs (j) through (l), respectively, and a  
565 | new paragraph (i) is added to that subsection, paragraph (p) of  
566 | subsection (5) and paragraph (r) of subsection (7) are amended,  
567 | paragraph (kkk) of subsection (7), as created by chapter 2013-  
568 | 39, Laws of Florida, is amended, and paragraphs (lll) and (mmm)  
569 | are added to subsection (7) of that section, to read:

570 |       212.08 Sales, rental, use, consumption, distribution, and  
571 | storage tax; specified exemptions.—The sale at retail, the  
572 | rental, the use, the consumption, the distribution, and the  
573 | storage to be used or consumed in this state of the following  
574 | are hereby specifically exempt from the tax imposed by this  
575 | chapter.



HB 5601, Engrossed 1

2014

576 (2) EXEMPTIONS; MEDICAL.—

577 (i) Sales of therapeutic veterinary diets specifically  
578 formulated to aid in the management of illness and disease of a  
579 diagnosed health disorder in an animal and which are only  
580 available from a licensed veterinarian are exempt from the tax  
581 imposed under this chapter.

582 (5) EXEMPTIONS; ACCOUNT OF USE.—

583 (p) *Community contribution tax credit for donations.*—

584 1. Authorization.—Persons who are registered with the  
585 department under s. 212.18 to collect or remit sales or use tax  
586 and who make donations to eligible sponsors are eligible for tax  
587 credits against their state sales and use tax liabilities as  
588 provided in this paragraph:

589 a. The credit shall be computed as 50 percent of the  
590 person's approved annual community contribution.

591 b. The credit shall be granted as a refund against state  
592 sales and use taxes reported on returns and remitted in the 12  
593 months preceding the date of application to the department for  
594 the credit as required in sub-subparagraph 3.c. If the annual  
595 credit is not fully used through such refund because of  
596 insufficient tax payments during the applicable 12-month period,  
597 the unused amount may be included in an application for a refund  
598 made pursuant to sub-subparagraph 3.c. in subsequent years  
599 against the total tax payments made for such year. Carryover  
600 credits may be applied for a 3-year period without regard to any





601 time limitation that would otherwise apply under s. 215.26.

602 c. A person may not receive more than \$200,000 in annual  
603 tax credits for all approved community contributions made in any  
604 one year.

605 d. All proposals for the granting of the tax credit  
606 require the prior approval of the Department of Economic  
607 Opportunity.

608 e. The total amount of tax credits which may be granted  
609 for all programs approved under this paragraph, s. 220.183, and  
610 s. 624.5105 is \$18.4 ~~\$10.5~~ million annually for projects that  
611 provide homeownership opportunities for low-income households or  
612 very-low-income households as those terms are defined in s.  
613 420.9071~~(19)~~ and ~~(28)~~ and \$3.5 million annually for all other  
614 projects.

615 f. A person who is eligible to receive the credit provided  
616 ~~for~~ in this paragraph, s. 220.183, or s. 624.5105 may receive  
617 the credit only under ~~the~~ one section of the person's choice.

618 2. Eligibility requirements.—

619 a. A community contribution by a person must be in the  
620 following form:

621 (I) Cash or other liquid assets;

622 (II) Real property;

623 (III) Goods or inventory; or

624 (IV) Other physical resources ~~as~~ identified by the  
625 Department of Economic Opportunity.



HB 5601, Engrossed 1

2014

626           b. All community contributions must be reserved  
627 exclusively for use in a project. As used in this sub-  
628 subparagraph, the term "project" means ~~any~~ activity undertaken  
629 by an eligible sponsor which is designed to construct, improve,  
630 or substantially rehabilitate housing that is affordable to low-  
631 income households or very-low-income households as those terms  
632 are defined in s. 420.9071(19) and (28); designed to provide  
633 commercial, industrial, or public resources and facilities; or  
634 designed to improve entrepreneurial and job-development  
635 opportunities for low-income persons. A project may be the  
636 investment necessary to increase access to high-speed broadband  
637 capability in rural communities with enterprise zones, including  
638 projects that result in improvements to communications assets  
639 that are owned by a business. A project may include the  
640 provision of museum educational programs and materials that are  
641 directly related to a any project approved between January 1,  
642 1996, and December 31, 1999, and located in an enterprise zone  
643 designated pursuant to s. 290.0065. This paragraph does not  
644 preclude projects that propose to construct or rehabilitate  
645 housing for low-income households or very-low-income households  
646 on scattered sites. With respect to housing, contributions may  
647 be used to pay the following eligible low-income and very-low-  
648 income housing-related activities:

649           (I) Project development impact and management fees for  
650 low-income or very-low-income housing projects;



HB 5601, Engrossed 1

2014

651 (II) Down payment and closing costs for low-income persons  
652 and very-low-income eligible persons, as those terms are defined  
653 in s. 420.9071~~(19) and (28)~~;

654 (III) Administrative costs, including housing counseling  
655 and marketing fees, not to exceed 10 percent of the community  
656 contribution, directly related to low-income or very-low-income  
657 projects; and

658 (IV) Removal of liens recorded against residential  
659 property by municipal, county, or special district local  
660 governments if ~~when~~ satisfaction of the lien is a necessary  
661 precedent to the transfer of the property to a low-income person  
662 or very-low-income ~~an eligible~~ person, as those terms are  
663 defined in s. 420.9071~~(19) and (28)~~, for the purpose of  
664 promoting home ownership. Contributions for lien removal must be  
665 received from a nonrelated third party.

666 c. The project must be undertaken by an "eligible  
667 sponsor," which includes:

668 (I) A community action program;

669 (II) A nonprofit community-based development organization  
670 whose mission is the provision of housing for low-income  
671 households or very-low-income households or increasing  
672 entrepreneurial and job-development opportunities for low-income  
673 persons;

674 (III) A neighborhood housing services corporation;

675 (IV) A local housing authority created under chapter 421;



676 (V) A community redevelopment agency created under s.  
677 163.356;

678 (VI) A historic preservation district agency or  
679 organization;

680 (VII) A regional workforce board;

681 (VIII) A direct-support organization as provided in s.  
682 1009.983;

683 (IX) An enterprise zone development agency created under  
684 s. 290.0056;

685 (X) A community-based organization incorporated under  
686 chapter 617 which is recognized as educational, charitable, or  
687 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
688 and whose bylaws and articles of incorporation include  
689 affordable housing, economic development, or community  
690 development as the primary mission of the corporation;

691 (XI) Units of local government;

692 (XII) Units of state government; or

693 (XIII) Any other agency that the Department of Economic  
694 Opportunity designates by rule.

695

696 ~~In no event may~~ A contributing person may not have a financial  
697 interest in the eligible sponsor.

698 d. The project must be located in an area designated an  
699 enterprise zone or a Front Porch Florida Community, unless the  
700 project increases access to high-speed broadband capability for



HB 5601, Engrossed 1

2014

701 rural communities that have ~~with~~ enterprise zones but is  
702 physically located outside the designated rural zone boundaries.  
703 Any project designed to construct or rehabilitate housing for  
704 low-income households or very-low-income households as those  
705 terms are defined in s. 420.9071~~(19)~~ and ~~(28)~~ is exempt from the  
706 area requirement of this sub-subparagraph.

707 e.(I) If, during the first 10 business days of the state  
708 fiscal year, eligible tax credit applications for projects that  
709 provide homeownership opportunities for low-income households or  
710 very-low-income households as those terms are defined in s.  
711 420.9071~~(19)~~ and ~~(28)~~ are received for less than the annual tax  
712 credits available for those projects, the Department of Economic  
713 Opportunity shall grant tax credits for those applications and  
714 ~~shall~~ grant remaining tax credits on a first-come, first-served  
715 basis for ~~any~~ subsequent eligible applications received before  
716 the end of the state fiscal year. If, during the first 10  
717 business days of the state fiscal year, eligible tax credit  
718 applications for projects that provide homeownership  
719 opportunities for low-income households or very-low-income  
720 households as those terms are defined in s. 420.9071~~(19)~~ and  
721 ~~(28)~~ are received for more than the annual tax credits available  
722 for those projects, the Department of Economic Opportunity shall  
723 grant the tax credits for those applications as follows:

724 (A) If tax credit applications submitted for approved  
725 projects of an eligible sponsor do not exceed \$200,000 in total,



HB 5601, Engrossed 1

2014

726 the credits shall be granted in full if the tax credit  
727 applications are approved.

728 (B) If tax credit applications submitted for approved  
729 projects of an eligible sponsor exceed \$200,000 in total, the  
730 amount of tax credits granted pursuant to sub-sub-sub-  
731 subparagraph (A) shall be subtracted from the amount of  
732 available tax credits, and the remaining credits shall be  
733 granted to each approved tax credit application on a pro rata  
734 basis.

735 (II) If, during the first 10 business days of the state  
736 fiscal year, eligible tax credit applications for projects other  
737 than those that provide homeownership opportunities for low-  
738 income households or very-low-income households as those terms  
739 are defined in s. 420.9071(19) and (28) are received for less  
740 than the annual tax credits available for those projects, the  
741 Department of Economic Opportunity shall grant tax credits for  
742 those applications and shall grant remaining tax credits on a  
743 first-come, first-served basis for ~~any~~ subsequent eligible  
744 applications received before the end of the state fiscal year.  
745 If, during the first 10 business days of the state fiscal year,  
746 eligible tax credit applications for projects other than those  
747 that provide homeownership opportunities for low-income  
748 households or very-low-income households as those terms are  
749 defined in s. 420.9071(19) and (28) are received for more than  
750 the annual tax credits available for those projects, the



HB 5601, Engrossed 1

2014

751 Department of Economic Opportunity shall grant the tax credits  
752 for those applications on a pro rata basis.

753 3. Application requirements.—

754 a. Any eligible sponsor seeking to participate in this  
755 program must submit a proposal to the Department of Economic  
756 Opportunity which sets forth the name of the sponsor, a  
757 description of the project, and the area in which the project is  
758 located, together with such supporting information as is  
759 prescribed by rule. The proposal must also contain a resolution  
760 from the local governmental unit in which the project is located  
761 certifying that the project is consistent with local plans and  
762 regulations.

763 b. Any person seeking to participate in this program must  
764 submit an application for tax credit to the Department of  
765 Economic Opportunity which sets forth the name of the sponsor, a  
766 description of the project, and the type, value, and purpose of  
767 the contribution. The sponsor shall verify, in writing, the  
768 terms of the application and indicate its receipt of the  
769 contribution, and such ~~which~~ verification must ~~be in writing and~~  
770 accompany the application for tax credit. The person must submit  
771 a separate tax credit application to the Department of Economic  
772 Opportunity for each individual contribution that it makes to  
773 each individual project.

774 c. Any person who has received notification from the  
775 Department of Economic Opportunity that a tax credit has been



HB 5601, Engrossed 1

2014

776 approved must apply to the department to receive the refund.  
777 Application must be made on the form prescribed for claiming  
778 refunds of sales and use taxes and be accompanied by a copy of  
779 the notification. A person may submit only one application for  
780 refund to the department within a ~~any~~ 12-month period.

781 4. Administration.—

782 a. The Department of Economic Opportunity may adopt rules  
783 ~~pursuant to ss. 120.536(1) and 120.54~~ necessary to administer  
784 this paragraph, including rules for the approval or disapproval  
785 of proposals by a person.

786 b. The decision of the Department of Economic Opportunity  
787 must be in writing, and, if approved, the notification shall  
788 state the maximum credit allowable to the person. Upon approval,  
789 the Department of Economic Opportunity shall transmit a copy of  
790 the decision to the department ~~of Revenue~~.

791 c. The Department of Economic Opportunity shall  
792 periodically monitor all projects in a manner consistent with  
793 available resources to ensure that resources are used in  
794 accordance with this paragraph; however, each project must be  
795 reviewed at least once every 2 years.

796 d. The Department of Economic Opportunity shall, in  
797 consultation with the statewide and regional housing and  
798 financial intermediaries, market the availability of the  
799 community contribution tax credit program to community-based  
800 organizations.





HB 5601, Engrossed 1

2014

801           5. Expiration.—This paragraph expires June 30, 2016 ~~2015~~;  
802 however, any accrued credit carryover that is unused on that  
803 date may be used until the expiration of the 3-year carryover  
804 period for such credit.

805           (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
806 entity by this chapter do not inure to any transaction that is  
807 otherwise taxable under this chapter when payment is made by a  
808 representative or employee of the entity by any means,  
809 including, but not limited to, cash, check, or credit card, even  
810 when that representative or employee is subsequently reimbursed  
811 by the entity. In addition, exemptions provided to any entity by  
812 this subsection do not inure to any transaction that is  
813 otherwise taxable under this chapter unless the entity has  
814 obtained a sales tax exemption certificate from the department  
815 or the entity obtains or provides other documentation as  
816 required by the department. Eligible purchases or leases made  
817 with such a certificate must be in strict compliance with this  
818 subsection and departmental rules, and any person who makes an  
819 exempt purchase with a certificate that is not in strict  
820 compliance with this subsection and the rules is liable for and  
821 shall pay the tax. The department may adopt rules to administer  
822 this subsection.

823           (r) *School books and school lunches.*—This exemption  
824 applies to school books used in regularly prescribed courses of  
825 study, and to school lunches served in public, parochial, or



HB 5601, Engrossed 1

2014

826 nonprofit schools operated for and attended by pupils of grades  
827 K through 12. Yearbooks, magazines, newspapers, directories,  
828 bulletins, and similar publications distributed by such  
829 educational institutions to their students are also exempt.  
830 School books and food sold or served at community colleges and  
831 other institutions of higher learning are taxable, except that  
832 prepaid meal plans purchased from a college or other institution  
833 of higher learning by students currently enrolled at that  
834 college or other institution of higher learning are exempt. As  
835 used in this paragraph, "prepaid meal plans" means payment in  
836 advance to a college or institution of higher learning for the  
837 provision of a defined quantity of units that must expire at the  
838 end of an academic term, cannot be refunded to the student upon  
839 expiration, and which may only be exchanged for food.

840 (kkk) Certain machinery and equipment.—

841 1. Industrial machinery and equipment purchased by  
842 eligible manufacturing businesses which is used at a fixed  
843 location within this state, or a mixer drum affixed to a mixer  
844 truck which is used at any location within this state to mix,  
845 agitate, and transport freshly mixed concrete in a plastic  
846 state, for the manufacture, processing, compounding, or  
847 production of items of tangible personal property for sale shall  
848 be exempt from the tax imposed by this chapter. Parts and labor  
849 required to affix a mixer drum exempt under this paragraph to a  
850 mixer truck are also exempt. If at the time of purchase the



HB 5601, Engrossed 1

2014

851 purchaser furnishes the seller with a signed certificate  
852 certifying the purchaser's entitlement to exemption pursuant to  
853 this paragraph, the seller is relieved of the responsibility for  
854 collecting the tax on the sale of such items, and the department  
855 shall look solely to the purchaser for recovery of the tax if it  
856 determines that the purchaser was not entitled to the exemption.

857 2. For purposes of this paragraph, the term:

858 a. "Eligible manufacturing business" means any business  
859 whose primary business activity at the location where the  
860 industrial machinery and equipment is located is within the  
861 industries classified under NAICS codes 31, 32, and 33. As used  
862 in this subparagraph, "NAICS" means those classifications  
863 contained in the North American Industry Classification System,  
864 as published in 2007 by the Office of Management and Budget,  
865 Executive Office of the President.

866 b. "Primary business activity" means an activity  
867 representing more than fifty percent of the activities conducted  
868 at the location where the industrial machinery and equipment is  
869 located.

870 c. "Industrial machinery and equipment" means tangible  
871 personal property or other property that has a depreciable life  
872 of 3 years or more and that is used as an integral part in the  
873 manufacturing, processing, compounding, or production of  
874 tangible personal property for sale. A building and its  
875 structural components are not industrial machinery and equipment



HB 5601, Engrossed 1

2014

876 unless the building or structural component is so closely  
877 related to the industrial machinery and equipment that it houses  
878 or supports that the building or structural component can be  
879 expected to be replaced when the machinery and equipment are  
880 replaced. Heating and air conditioning systems are not  
881 industrial machinery and equipment unless the sole justification  
882 for their installation is to meet the requirements of the  
883 production process, even though the system may provide  
884 incidental comfort to employees or serve, to an insubstantial  
885 degree, nonproduction activities. The term includes parts and  
886 accessories for industrial machinery and equipment only to the  
887 extent that the parts and accessories are purchased prior to the  
888 date the machinery and equipment are placed in service.

889 3. This paragraph is repealed April 30, 2017.

890 (lll) Motor vehicle child restraint.—The sale of a child  
891 restraint system or booster seat for use in a motor vehicle is  
892 exempt from the tax imposed by this chapter.

893 (mmm) Youth bicycle helmets.—The sale of a bicycle helmet  
894 marketed for use by youth is exempt from the tax imposed by this  
895 chapter.

896 Section 10. Subsection (11) of section 212.12, Florida  
897 Statutes, is amended to read:

898 212.12 Dealer's credit for collecting tax; penalties for  
899 noncompliance; powers of Department of Revenue in dealing with  
900 delinquents; brackets applicable to taxable transactions;



901 records required.—

902 (11) The department shall make available in an electronic  
 903 format or otherwise the tax amounts and brackets applicable to  
 904 all taxable transactions that occur in counties that have a  
 905 surtax at a rate other than 1 percent which ~~transactions~~ would  
 906 otherwise have been transactions taxable at the rate of 6  
 907 percent. Likewise, the department shall make available in an  
 908 electronic format or otherwise the tax amounts and brackets  
 909 applicable to transactions taxable at 4.35 ~~7~~ percent pursuant to  
 910 s. 212.05(1)(e)1.c. ~~s. 212.05(1)(e)~~ and on transactions which  
 911 would otherwise have been so taxable in counties which have  
 912 adopted a discretionary sales surtax.

913 Section 11. Effective September 1, 2014, paragraphs (c)  
 914 and (d) of subsection (6) of section 212.20, Florida Statutes,  
 915 are amended to read:

916 212.20 Funds collected, disposition; additional powers of  
 917 department; operational expense; refund of taxes adjudicated  
 918 unconstitutionally collected.—

919 (6) Distribution of all proceeds under this chapter, ~~and~~  
 920 s. 202.18(1)(b) and (2)(b), and s. 203.01(1)(a)3. ~~is shall be~~ as  
 921 follows:

922 (c)1. Proceeds from the fees imposed under ss.  
 923 212.05(1)(h)3. and 212.18(3) shall remain with the General  
 924 Revenue Fund.

925 2. The portion of the proceeds which constitutes gross



HB 5601, Engrossed 1

2014

926 receipts tax imposed pursuant to s. 203.01(1)(a)3. shall be  
927 deposited as provided by law and in accordance with s. 9, Art.  
928 XII of the State Constitution.

929 (d) The proceeds of all other taxes and fees imposed  
930 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
931 and (2)(b) shall be distributed as follows:

932 1. In any fiscal year, the greater of \$500 million, minus  
933 an amount equal to 4.6 percent of the proceeds of the taxes  
934 collected pursuant to chapter 201, or 5.2 percent of all other  
935 taxes and fees imposed pursuant to this chapter or remitted  
936 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
937 monthly installments into the General Revenue Fund.

938 2. After the distribution under subparagraph 1., 8.8854  
939 ~~8.814~~ percent of the amount remitted by a sales tax dealer  
940 located within a participating county pursuant to s. 218.61  
941 shall be transferred into the Local Government Half-cent Sales  
942 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
943 be transferred shall be reduced by 0.1 percent, and the  
944 department shall distribute this amount to the Public Employees  
945 Relations Commission Trust Fund less \$5,000 each month, which  
946 shall be added to the amount calculated in subparagraph 3. and  
947 distributed accordingly.

948 3. After the distribution under subparagraphs 1. and 2.,  
949 0.0956 ~~0.095~~ percent shall be transferred to the Local  
950 Government Half-cent Sales Tax Clearing Trust Fund and



HB 5601, Engrossed 1

2014

951 distributed pursuant to s. 218.65.

952 4. After the distributions under subparagraphs 1., 2., and  
953 3., 2.0603 ~~2.0440~~ percent of the available proceeds shall be  
954 transferred monthly to the Revenue Sharing Trust Fund for  
955 Counties pursuant to s. 218.215.

956 5. After the distributions under subparagraphs 1., 2., and  
957 3., 1.3517 ~~1.3409~~ percent of the available proceeds shall be  
958 transferred monthly to the Revenue Sharing Trust Fund for  
959 Municipalities pursuant to s. 218.215. If the total revenue to  
960 be distributed pursuant to this subparagraph is at least as  
961 great as the amount due from the Revenue Sharing Trust Fund for  
962 Municipalities and the former Municipal Financial Assistance  
963 Trust Fund in state fiscal year 1999-2000, no municipality shall  
964 receive less than the amount due from the Revenue Sharing Trust  
965 Fund for Municipalities and the former Municipal Financial  
966 Assistance Trust Fund in state fiscal year 1999-2000. If the  
967 total proceeds to be distributed are less than the amount  
968 received in combination from the Revenue Sharing Trust Fund for  
969 Municipalities and the former Municipal Financial Assistance  
970 Trust Fund in state fiscal year 1999-2000, each municipality  
971 shall receive an amount proportionate to the amount it was due  
972 in state fiscal year 1999-2000.

973 6. Of the remaining proceeds:

974 a. In each fiscal year, the sum of \$29,915,500 shall be  
975 divided into as many equal parts as there are counties in the



HB 5601, Engrossed 1

2014

976 | state, and one part shall be distributed to each county. The  
977 | distribution among the several counties must begin each fiscal  
978 | year on or before January 5th and continue monthly for a total  
979 | of 4 months. If a local or special law required that any moneys  
980 | accruing to a county in fiscal year 1999-2000 under the then-  
981 | existing provisions of s. 550.135 be paid directly to the  
982 | district school board, special district, or a municipal  
983 | government, such payment must continue until the local or  
984 | special law is amended or repealed. The state covenants with  
985 | holders of bonds or other instruments of indebtedness issued by  
986 | local governments, special districts, or district school boards  
987 | before July 1, 2000, that it is not the intent of this  
988 | subparagraph to adversely affect the rights of those holders or  
989 | relieve local governments, special districts, or district school  
990 | boards of the duty to meet their obligations as a result of  
991 | previous pledges or assignments or trusts entered into which  
992 | obligated funds received from the distribution to county  
993 | governments under then-existing s. 550.135. This distribution  
994 | specifically is in lieu of funds distributed under s. 550.135  
995 | before July 1, 2000.

996 |       b. The department shall distribute \$166,667 monthly  
997 | ~~pursuant to s. 288.1162~~ to each applicant certified as a  
998 | facility for a new or retained professional sports franchise  
999 | pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
1000 | monthly by the department to each certified applicant as defined





HB 5601, Engrossed 1

2014

1001 in s. 288.11621 for a facility for a spring training franchise.  
1002 However, not more than \$416,670 may be distributed monthly in  
1003 the aggregate to all certified applicants for facilities for  
1004 spring training franchises. Distributions begin 60 days after  
1005 such certification and continue for not more than 30 years,  
1006 except as otherwise provided in s. 288.11621. A certified  
1007 applicant identified in this sub-subparagraph may not receive  
1008 more in distributions than expended by the applicant for the  
1009 public purposes provided ~~for~~ in s. 288.1162(5) or s.  
1010 288.11621(3).

1011 c. Beginning 30 days after notice by the Department of  
1012 Economic Opportunity to the Department of Revenue that an  
1013 applicant has been certified as the professional golf hall of  
1014 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
1015 shall be distributed monthly, for up to 300 months, to the  
1016 applicant.

1017 d. Beginning 30 days after notice by the Department of  
1018 Economic Opportunity to the Department of Revenue that the  
1019 applicant has been certified as the International Game Fish  
1020 Association World Center facility pursuant to s. 288.1169, and  
1021 the facility is open to the public, \$83,333 shall be distributed  
1022 monthly, for up to 168 months, to the applicant. This  
1023 distribution is subject to reduction pursuant to s. 288.1169. A  
1024 lump sum payment of \$999,996 shall be made, after certification  
1025 and before July 1, 2000.



HB 5601, Engrossed 1

2014

1026 e. The department shall distribute up to \$55,555 monthly  
1027 to each certified applicant as defined in s. 288.11631 for a  
1028 facility used by a single spring training franchise, or up to  
1029 \$111,110 monthly to each certified applicant as defined in s.  
1030 288.11631 for a facility used by more than one spring training  
1031 franchise. Monthly distributions begin 60 days after such  
1032 certification or July 1, 2016, whichever is later, and continue  
1033 for not more than 30 years, except as otherwise provided in s.  
1034 288.11631. A certified applicant identified in this sub-  
1035 subparagraph may not receive more in distributions than expended  
1036 by the applicant for the public purposes provided in s.  
1037 288.11631(3).

1038 7. All other proceeds must remain in the General Revenue  
1039 Fund.

1040 Section 12. The Department of Revenue may, and all  
1041 conditions are deemed met to, adopt emergency rules pursuant to  
1042 ss. 120.536(1) and 120.54, Florida Statutes, for the purpose of  
1043 implementing the amendments to ss. 203.01, 212.05, 212.12, and  
1044 212.20, Florida Statutes, relating to changes to the taxation of  
1045 electrical power or energy, made by this act. This section  
1046 expires July 1, 2017.

1047 Section 13. Effective July 1, 2014, section 212.17,  
1048 Florida Statutes, is reordered and amended to read:

1049 212.17 Tax credits or refunds ~~for returned goods, rentals,~~  
1050 ~~or admissions; goods acquired for dealer's own use and~~



HB 5601, Engrossed 1

2014

1051 ~~subsequently resold; additional powers of department.-~~

1052 (1) (a) ~~If In the event~~ purchases are returned to a dealer  
1053 by the purchaser or consumer after the tax imposed by this  
1054 chapter has been collected from or charged to the account of the  
1055 consumer or user, the dealer is ~~shall be~~ entitled to  
1056 reimbursement of the amount of tax collected or charged by the  
1057 dealer, in the manner prescribed by the department.

1058 (b) A registered dealer that purchases property for the  
1059 dealer's own use, pays tax on acquisition, and sells the  
1060 property subsequent to acquisition without ~~ever~~ having used the  
1061 property is entitled to reimbursement, in the manner prescribed  
1062 by the department, of the amount of tax paid on the property's  
1063 acquisition.

1064 (c) If the tax has not been remitted by a dealer to the  
1065 department, the dealer may deduct the same in submitting his or  
1066 her return upon receipt of a signed statement by ~~of~~ the dealer  
1067 as to the gross amount of such refunds during the period covered  
1068 by the ~~said~~ signed statement, which may ~~period shall~~ not be  
1069 longer than 90 days. The department shall issue to the dealer an  
1070 official credit memorandum equal to the net amount remitted by  
1071 the dealer for such tax collected or paid. Such memorandum shall  
1072 be accepted by the department at full face value from the dealer  
1073 to whom it is issued upon, ~~in~~ the remittance of ~~for~~ subsequent  
1074 taxes accrued under ~~the provisions of~~ this chapter. If a dealer  
1075 has retired from business and ~~has~~ filed a final return, a refund



HB 5601, Engrossed 1

2014

1076 of tax may be made if it can be established to the satisfaction  
1077 of the department that the tax was not due.

1078 (2) A dealer who has paid the tax imposed by this chapter  
1079 on tangible personal property sold under a retained title,  
1080 conditional sale, or similar contract, or under a contract in  
1081 which ~~wherein~~ the dealer retains a security interest in the  
1082 property pursuant to chapter 679, may take credit or obtain a  
1083 refund for the tax paid by the dealer on the unpaid balance due  
1084 him or her when he or she repossesses the property, ~~(with or~~  
1085 ~~without judicial process,)~~ ~~the property~~ within 12 months after  
1086 ~~following~~ the month in which the property was repossessed. If  
1087 ~~When~~ such repossessed property is resold, the sale is subject in  
1088 all respects to the tax imposed by this chapter.

1089 (3) Except as provided in subsection (4), a dealer who has  
1090 paid the tax imposed by this chapter on tangible personal  
1091 property or services may take a credit or obtain a refund for  
1092 any tax paid by the dealer on the unpaid balance due on  
1093 worthless accounts within 12 months after ~~following~~ the month in  
1094 which the bad debt has been charged off for federal income tax  
1095 purposes. If any accounts so charged off for which a credit or  
1096 refund has been obtained are subsequently, ~~thereafter~~ in whole  
1097 or in part, paid to the dealer, the amount so paid shall be  
1098 included in the first return filed after such collection and the  
1099 tax paid accordingly.

1100 (4) With respect to the payment of taxes on purchases made



HB 5601, Engrossed 1

2014

1101 | through a private-label credit card program:

1102 |       (a) If consumer accounts or receivables are found to be  
1103 | worthless or uncollectible, the dealer may claim a credit for,  
1104 | or obtain a refund of, the tax remitted by the dealer on the  
1105 | unpaid balance due if:

1106 |           1. The accounts or receivables have been charged off as  
1107 | bad debt on the lender's books and records on or after January  
1108 | 1, 2014;

1109 |           2. A credit was not previously claimed and a refund was  
1110 | not previously allowed on any portion of the accounts or  
1111 | receivables; and

1112 |           3. The credit or refund is claimed within 12 months after  
1113 | the month in which the bad debt has been charged off by the  
1114 | lender for federal income tax purposes.

1115 |       (b) If the dealer or the lender subsequently collects, in  
1116 | whole or in part, the accounts or receivables for which a credit  
1117 | or refund has been granted under paragraph (a), the dealer shall  
1118 | include the taxable percentage of the amount collected in the  
1119 | first return filed after the collection and pay the tax on the  
1120 | portion of that amount for which a credit or refund was granted.

1121 |       (c) The credit or refund allowed includes all credit sale  
1122 | transaction amounts that are outstanding in the specific  
1123 | private-label credit card account or receivable at the time the  
1124 | account or receivable is charged off, regardless of the date on  
1125 | which the credit sale transaction actually occurred.



1126 (d) A dealer must use one of the following methods to  
1127 determine the amount of the credit or refund:

1128 1. An apportionment method to substantiate the amount of  
1129 tax imposed under this chapter which is included in the bad debt  
1130 to which the credit or refund applies. The method must use the  
1131 dealer's Florida and non-Florida sales, the dealer's taxable and  
1132 nontaxable sales, and the amount of tax the dealer remitted to  
1133 this state; or

1134 2. A specified percentage of the accounts or receivables  
1135 giving rise to the credit or refund, which is derived from a  
1136 sampling of the dealer's or lender's records in accordance with  
1137 a methodology agreed upon by the department and the dealer.

1138 (e) For purposes of computing the credit or refund,  
1139 payments on the accounts or receivables shall be allocated based  
1140 on the terms and conditions of the contract between the dealer  
1141 or lender and the consumer.

1142 (f) The credit or refund for tax on bad debt may be  
1143 claimed on any return filed by an entity related by a direct or  
1144 indirect common ownership of 50 percent or more.

1145 (g) The amount of the credit or refund that a dealer is  
1146 eligible to recover under this subsection is limited to 64.4  
1147 percent of the tax paid to the department which is attributable  
1148 to bad debt.

1149 (h) As used in this subsection, the term:

1150 1. "Dealer's affiliates" means an entity affiliated with



HB 5601, Engrossed 1

2014

1151 | the dealer under 26 U.S.C. s. 1504 or an entity that would be an  
1152 | affiliate under that section if the entity were a corporation.

1153 | 2. "Lender" means a person who owns or has owned a  
1154 | private-label credit card account or an interest in a private-  
1155 | label credit card receivable that:

1156 | a. The person purchased directly from a dealer who  
1157 | remitted the tax imposed under this chapter or from the dealer's  
1158 | affiliates, or that was transferred from a third party;

1159 | b. The person originated pursuant to that person's  
1160 | contract with a dealer who remitted the tax imposed under this  
1161 | chapter or with the dealer's affiliates; or

1162 | c. Is affiliated in the manner described under 26 U.S.C.  
1163 | s. 1504, regardless of whether the different entities are  
1164 | corporations, with a person described in sub-subparagraph a. or  
1165 | sub-subparagraph b. or with an assignee or other transferee of  
1166 | such person.

1167 | 3. "Private-label credit card" means a charge card or  
1168 | credit card that carries, refers to, or is branded with the name  
1169 | or logo of a dealer and can be used for purchases from the  
1170 | dealer whose name or logo appears on the card or for purchases  
1171 | from the dealer's affiliates or franchises.

1172 | (6)-(4)-(a) The department shall:

1173 | (a) Design, prepare, print and furnish to all dealers,  
1174 | except dealers filing through electronic data interchange, or  
1175 | make available or prescribe to the dealers, all necessary forms



HB 5601, Engrossed 1

2014

1176 for filing returns and instructions to ensure a full collection  
1177 from dealers and an accounting for the taxes due. ~~The, but~~  
1178 failure of a any dealer to secure such forms does not relieve  
1179 the dealer from the payment of the tax at the time and in the  
1180 manner provided.

1181 (b) ~~The department shall~~ Prescribe the format and  
1182 instructions necessary for filing returns in a manner that is  
1183 initiated through an electronic data interchange to ensure a  
1184 full collection from dealers and an accounting for the taxes  
1185 due. The failure of a any dealer to use such format does not  
1186 relieve the dealer from the payment of the tax at the time and  
1187 in the manner provided.

1188 (7) ~~(5)~~ The department and its assistants are ~~hereby~~  
1189 authorized and empowered to administer the oath for the purpose  
1190 of enforcing and administering ~~the provisions of~~ this chapter.

1191 (8) ~~(6)~~ The department may ~~has authority to~~ adopt rules  
1192 pursuant to ~~ss. 120.536(1) and 120.54~~ to administer and enforce  
1193 ~~the provisions of this section~~ chapter.

1194 (5) ~~(7)~~ If ~~The department, where~~ admissions, license fees,  
1195 ~~or~~ rental payments, or payments for services are made and  
1196 ~~thereafter~~ returned to ~~the~~ payors after the taxes ~~thereon~~ have  
1197 been paid, the department shall return or credit the taxpayer  
1198 for taxes ~~so~~ paid on the moneys returned in the same manner as  
1199 ~~is~~ provided for returns or credits of taxes if ~~where~~ purchases  
1200 or tangible personal property are returnable to a dealer.





HB 5601, Engrossed 1

2014

1201           Section 14. Subsection (5) of section 213.0535, Florida  
1202 Statutes, is amended to read:  
1203           213.0535 Registration Information Sharing and Exchange  
1204 Program.—  
1205           (5) A ~~Any~~ provision of law imposing confidentiality upon  
1206 data shared under this section, including, but not limited to, a  
1207 ~~any~~ provision imposing penalties for disclosure, applies to  
1208 recipients of this data and their employees. Data exchanged  
1209 under this section may not be provided to a ~~any~~ person or entity  
1210 other than a person or entity administering the tax or licensing  
1211 provisions of those provisions ~~of law~~ enumerated in paragraph  
1212 (4) (a), and such data may not be used for any purpose other than  
1213 for enforcing those tax or licensing provisions. This subsection  
1214 does not prevent a level-two participant from publishing  
1215 statistics classified so as to prevent the identification of  
1216 particular accounts, reports, declarations, or returns. However,  
1217 statistics may not be published if they contain data pertaining  
1218 to fewer than three taxpayers or if the statistics are prepared  
1219 for geographic areas below the county level and contain data  
1220 pertaining to fewer than 10 taxpayers. This subsection does not  
1221 authorize the publishing of statistics that could be used to  
1222 calculate the gross receipts or income of any individual  
1223 taxpayer. Statistics may not be published under this section if  
1224 a single taxpayer has remitted more than 33 percent of the tax  
1225 that is the subject of the statistics. Statistics published



HB 5601, Engrossed 1

2014

1226 under this subsection must relate only to tourist development  
1227 taxes imposed under s. 125.0104, the tourist impact tax imposed  
1228 under s. 125.0108, convention development taxes imposed under s.  
1229 212.0305, or the municipal resort tax authorized under chapter  
1230 67-930, Laws of Florida. This subsection does not prevent the  
1231 Department of Revenue from meeting the requirements of s.  
1232 125.0104(3) (h) .

1233 Section 15. Effective July 1, 2014, paragraph (c) of  
1234 subsection (1) and subsection (5) of section 220.183, Florida  
1235 Statutes, are amended to read:

1236 220.183 Community contribution tax credit.—

1237 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
1238 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
1239 SPENDING.—

1240 (c) The total amount of tax credit which may be granted  
1241 for all programs approved under this section, s. 212.08(5)(p),  
1242 and s. 624.5105 is \$18.4 ~~\$10.5~~ million annually for projects  
1243 that provide homeownership opportunities for low-income or very-  
1244 low-income households as defined in s. 420.9071~~(19) and (28)~~ and  
1245 \$3.5 million annually for all other projects.

1246 (5) EXPIRATION.—The provisions of this section, except  
1247 paragraph (1)(e), ~~shall~~ expire and are ~~be~~ void on June 30, 2016  
1248 ~~2015~~.

1249 Section 16. Effective July 1, 2014, paragraph (c) of  
1250 subsection (3) of section 288.9914, Florida Statutes, is amended



HB 5601, Engrossed 1

2014

1251 to read:

1252 288.9914 Certification of qualified investments;  
1253 investment issuance reporting.—

1254 (3) REVIEW.—

1255 (c) The department may not approve a cumulative amount of  
1256 qualified investments that may result in the claim of more than  
1257 \$216.34 ~~\$178.8~~ million in tax credits during the existence of  
1258 the program or more than \$36.6 million in tax credits in a  
1259 single state fiscal year. However, the potential for a taxpayer  
1260 to carry forward an unused tax credit may not be considered in  
1261 calculating the annual limit.

1262 Section 17. Effective January 1, 2015, subsection (5) of  
1263 section 624.4094, Florida Statutes, is amended to read:

1264 624.4094 Bail bond premiums.—

1265 ~~(5) This section does not affect the reporting or payment~~  
1266 ~~of insurance premium taxes under ss. 624.509, 624.5091, and~~  
1267 ~~624.5092, and the insurance premium tax and related excise taxes~~  
1268 ~~shall continue to be calculated using gross bail bond premiums.~~

1269 Section 18. Effective January 1, 2015, subsections (1) and  
1270 (8) of section 624.509, Florida Statutes, are amended to read:

1271 624.509 Premium tax; rate and computation.—

1272 (1) In addition to the license taxes provided for in this  
1273 chapter, each insurer shall also annually, and on or before  
1274 March 1 in each year, except as to wet marine and transportation  
1275 insurance taxed under s. 624.510, pay to the Department of



1276 Revenue a tax on insurance premiums, premiums for title  
 1277 insurance, or assessments, including membership fees and policy  
 1278 fees and gross deposits received from subscribers to reciprocal  
 1279 or interinsurance agreements, and on annuity premiums or  
 1280 considerations, received during the preceding calendar year, the  
 1281 amounts thereof to be determined as set forth in this section,  
 1282 to wit:

1283 (a) An amount equal to 1.75 percent of the gross amount of  
 1284 such receipts on account of life and health insurance policies  
 1285 covering persons resident in this state and on account of all  
 1286 other types of policies and contracts, ~~(except annuity policies~~  
 1287 ~~or contracts taxable under paragraph (b) and bail bond policies~~  
 1288 or contracts taxable under paragraph (c), ~~+~~ covering property,  
 1289 subjects, or risks located, resident, or to be performed in this  
 1290 state, omitting premiums on reinsurance accepted, and less  
 1291 return premiums or assessments, but without deductions:

- 1292 1. For reinsurance ceded to other insurers;
- 1293 2. For moneys paid upon surrender of policies or  
 1294 certificates for cash surrender value;
- 1295 3. For discounts or refunds for direct or prompt payment  
 1296 of premiums or assessments; and
- 1297 4. On account of dividends of any nature or amount paid  
 1298 and credited or allowed to holders of insurance policies;  
 1299 certificates; or surety, indemnity, reciprocal, or  
 1300 interinsurance contracts or agreements; ~~and~~



HB 5601, Engrossed 1

2014

1301 (b) An amount equal to 1 percent of the gross receipts on  
1302 annuity policies or contracts paid by holders thereof in this  
1303 state; and-

1304 (c) An amount equal to 1.75 percent of the direct written  
1305 premiums for bail bonds, excluding any amounts retained by  
1306 licensed bail bond agents or licensed managing general agents.

1307 (8) ~~From and after July 1, 1980,~~ The premium tax  
1308 authorized by this section may ~~shall~~ not be imposed on: ~~upon~~

1309 (a) Any portion of the title insurance premium retained by  
1310 a title insurance agent or agency; or

1311 (b) Receipts of annuity premiums or considerations paid by  
1312 holders in this state if the tax savings derived are credited to  
1313 the annuity holders. Upon request by the Department of Revenue,  
1314 an ~~any~~ insurer availing itself of this provision shall submit to  
1315 the department evidence that ~~which~~ establishes that the tax  
1316 savings derived have been credited to annuity holders. As used  
1317 in this paragraph subsection, the term "holders" includes ~~shall~~  
1318 ~~be deemed to include~~ employers contributing to an employee's  
1319 pension, annuity, or profit-sharing plan.

1320 Section 19. Effective July 1, 2014, paragraph (c) of  
1321 subsection (1) and subsection (6) of section 624.5105, Florida  
1322 Statutes, are amended to read:

1323 624.5105 Community contribution tax credit; authorization;  
1324 limitations; eligibility and application requirements;  
1325 administration; definitions; expiration.-



1326 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

1327 (c) The total amount of tax credit which may be granted  
 1328 for all programs approved under this section and ss.

1329 212.08(5)(p) and 220.183 is \$18.4 ~~\$10.5~~ million annually for  
 1330 projects that provide homeownership opportunities for low-income  
 1331 or very-low-income households as defined in s. 420.9071(19) and  
 1332 ~~(28)~~ and \$3.5 million annually for all other projects.

1333 (6) EXPIRATION.—The provisions of this section, except  
 1334 paragraph (1)(e), ~~shall~~ expire and are ~~be~~ void on June 30, 2016  
 1335 ~~2015~~.

1336 Section 20. Effective January 1, 2015, subsection (2) of  
 1337 section 627.7711, Florida Statutes, is amended to read

1338 627.7711 Definitions.—As used in this part, the term:

1339 (2) "Premium" means the charge, as specified by rule of  
 1340 the commission, which ~~that~~ is made by a title insurer for a  
 1341 title insurance policy, including the charge for performance of  
 1342 primary title services by a title insurer or title insurance  
 1343 agent or agency, and incurring the risks incident to such  
 1344 policy, under the several classifications of title insurance  
 1345 contracts and forms, ~~and upon which charge a premium tax is paid~~  
 1346 ~~under s. 624.509~~. As used in this part or in any other law, with  
 1347 respect to title insurance, the word "premium" does not include  
 1348 a commission.

1349 Section 21. Sales tax holiday for Energy Star and  
 1350 WaterSense products.—



HB 5601, Engrossed 1

2014

1351       (1) The tax levied under chapter 212, Florida Statutes,  
1352 may not be collected during the period from 12:01 a.m. on  
1353 September 19, 2014, through 11:59 p.m. on September 21, 2014, on  
1354 the first \$1,500 of the sales price of a new Energy Star product  
1355 or WaterSense product. However, a person is limited to one  
1356 purchase of each specific type of Energy Star or WaterSense  
1357 product listed in paragraph (2) (a) or paragraph (2) (b) with a  
1358 sales price of \$500 or more. A second or subsequent purchase of  
1359 a specific type of Energy Star product or WaterSense product  
1360 with a sales price of \$500 or more is subject to tax.

1361       (2) As used in this section, the term:

1362       (a) "Energy Star product" means a room air conditioner,  
1363 air purifier, ceiling fan, clothes washer, clothes dryer,  
1364 dehumidifier, dishwasher, freezer, refrigerator, water heater,  
1365 swimming pool pump, or package of light bulbs that is designated  
1366 by the United States Environmental Protection Agency and the  
1367 United States Department of Energy as meeting or exceeding each  
1368 agency's requirements under the Energy Star program and that is  
1369 affixed with an Energy Star label.

1370       (b) "WaterSense product" means a bathroom sink faucet,  
1371 faucet accessory, high-efficiency toilet or urinal, showerhead,  
1372 or weather or sensor-based irrigation controller that is  
1373 recognized as water efficient by the WaterSense program  
1374 sponsored by the United States Environmental Protection Agency  
1375 and that is affixed with a WaterSense label.



HB 5601, Engrossed 1

2014

1376 (3) The Department of Revenue may, and all conditions are  
1377 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
1378 and 120.54, Florida Statutes, to administer this section.

1379 Section 22. (1) The tax levied under chapter 212, Florida  
1380 Statutes, may not be collected during the period from 12:01 a.m.  
1381 on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the  
1382 sale of:

1383 (a) Clothing, wallets, or bags, including handbags,  
1384 backpacks, fanny packs, and diaper bags, but excluding  
1385 briefcases, suitcases, and other garment bags, having a sales  
1386 price of \$100 or less per item. As used in this paragraph, the  
1387 term "clothing" means:

1388 1. Any article of wearing apparel intended to be worn on  
1389 or about the human body, excluding watches, watchbands, jewelry,  
1390 umbrellas, and handkerchiefs; and

1391 2. All footwear, excluding skis, swim fins, roller blades,  
1392 and skates.

1393 (b) School supplies having a sales price of \$15 or less  
1394 per item. As used in this paragraph, the term "school supplies"  
1395 means pens, pencils, erasers, crayons, notebooks, notebook  
1396 filler paper, legal pads, binders, lunch boxes, construction  
1397 paper, markers, folders, poster board, composition books, poster  
1398 paper, scissors, cellophane tape, glue or paste, rulers,  
1399 computer disks, protractors, compasses, and calculators.

1400 (2) The tax levied under chapter 212, Florida Statutes,





HB 5601, Engrossed 1

2014

1401 may not be collected during the period from 12:01 a.m. on August  
1402 1, 2014, through 11:59 p.m. on August 3, 2014, on the first \$750  
1403 of the sales price of personal computers or personal computer-  
1404 related accessories purchased for noncommercial home or personal  
1405 use. As used in this subsection, the term:

1406 (a) "Personal computers" includes electronic book readers,  
1407 laptops, desktops, handhelds, tablets, and tower computers. The  
1408 term does not include cellular telephones, video game consoles,  
1409 digital media receivers, or devices that are not primarily  
1410 designed to process data.

1411 (b) "Personal computer-related accessories" includes  
1412 keyboards, mice, personal digital assistants, monitors, other  
1413 peripheral devices, modems, routers, and nonrecreational  
1414 software, regardless of whether the accessories are used in  
1415 association with a personal computer base unit. The term does  
1416 not include furniture or systems, devices, software, or  
1417 peripherals designed or intended primarily for recreational use.

1418 (c) "Monitors" does not include devices that have a  
1419 television tuner.

1420 (3) The tax exemptions provided in this section do not  
1421 apply to sales within a theme park or entertainment complex as  
1422 defined in s. 509.013(9), Florida Statutes, within a public  
1423 lodging establishment as defined in s. 509.013(4), Florida  
1424 Statutes, or within an airport as defined in s. 330.27(2),  
1425 Florida Statutes.



HB 5601, Engrossed 1

2014

1426       (4) The Department of Revenue may, and all conditions are  
1427 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
1428 and 120.54, Florida Statutes, to administer this section.

1429       Section 23. (1) The tax levied under chapter 212, Florida  
1430 Statutes, may not be collected during the period from 12:01 a.m.  
1431 on May 31, 2014, through 11:59 p.m. on June 8, 2014, on the sale  
1432 of:

1433       (a) A portable self-powered light source selling for \$20  
1434 or less.

1435       (b) A portable self-powered radio, two-way radio, or  
1436 weatherband radio selling for \$50 or less.

1437       (c) A tarpaulin or other flexible waterproof sheeting  
1438 selling for \$50 or less.

1439       (d) A self-contained first-aid kit selling for \$30 or  
1440 less.

1441       (e) A ground anchor system or tie-down kit selling for \$50  
1442 or less.

1443       (f) A gas or diesel fuel tank selling for \$25 or less.

1444       (g) A package of AA-cell, C-cell, D-cell, 6-volt, or 9-  
1445 volt batteries, excluding automobile and boat batteries, selling  
1446 for \$30 or less.

1447       (h) A nonelectric food storage cooler selling for \$30 or  
1448 less.

1449       (i) A portable generator used to provide light or  
1450 communications or preserve food in the event of a power outage



HB 5601, Engrossed 1

2014

1451 selling for \$750 or less.

1452 (j) Reusable ice selling for \$10 or less.

1453 (2) The Department of Revenue may, and all conditions are  
1454 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
1455 and 120.54, Florida Statutes, to administer this section.

1456 (3) The tax exemptions provided in this section do not  
1457 apply to sales within a theme park or entertainment complex as  
1458 defined in s. 509.013(9), Florida Statutes, within a public  
1459 lodging establishment as defined in s. 509.013(4), Florida  
1460 Statutes, or within an airport as defined in s. 330.27(2),  
1461 Florida Statutes.

1462 Section 24. For fiscal year 2014-2015, the sum of \$43,941  
1463 of nonrecurring funds is appropriated from the General Revenue  
1464 Fund to the Department of Revenue for the purpose of  
1465 administering the sales tax holiday for Energy Star and  
1466 WaterSense products.

1467 Section 25. For the 2013-2014 fiscal year, the sum of  
1468 \$223,048 in nonrecurring funds is appropriated from the General  
1469 Revenue Fund to the Department of Revenue for the purpose of  
1470 administering the provisions of this act relating to the tax  
1471 exemption for specified school supplies. Funds from the  
1472 appropriation that remain unexpended or unencumbered as of June  
1473 30, 2014, shall revert and be reappropriated for the same  
1474 purpose in the 2014-2015 fiscal year.

1475 Section 26. For the 2013-2014 fiscal year, the sum of



HB 5601, Engrossed 1

2014

1476 \$280,912 in nonrecurring funds is appropriated from the General  
1477 Revenue Fund to the Department of Revenue for purposes of  
1478 administering the tax exemptions for the purchase of tangible  
1479 personal property relating to hurricane preparedness specified  
1480 under this act.

1481 Section 27. Except as otherwise expressly provided in this  
1482 act, this act shall take effect upon becoming a law.