

By Representative Culp

1                                   A bill to be entitled  
2           An act relating to tax on sales, use, and other  
3           transactions; amending s. 212.08, F.S.;  
4           providing that certain charitable institutions  
5           which received a temporary extension of their  
6           consumer's certificate of exemption shall be  
7           exempt from said tax; providing an effective  
8           date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Paragraph (o) of subsection (7) of section  
13   212.08, Florida Statutes, 1996 Supplement, is amended to read:

14           212.08 Sales, rental, use, consumption, distribution,  
15   and storage tax; specified exemptions.--The sale at retail,  
16   the rental, the use, the consumption, the distribution, and  
17   the storage to be used or consumed in this state of the  
18   following are hereby specifically exempt from the tax imposed  
19   by this part.

20           (7) MISCELLANEOUS EXEMPTIONS.--

21           (o) Religious, charitable, scientific, educational,  
22   and veterans' institutions and organizations.--

23           1. There are exempt from the tax imposed by this part  
24   transactions involving:

25           a. Sales or leases directly to churches or sales or  
26   leases of tangible personal property by churches;

27           b. Sales or leases to nonprofit religious, nonprofit  
28   charitable, nonprofit scientific, or nonprofit educational  
29   institutions when used in carrying on their customary  
30   nonprofit religious, nonprofit charitable, nonprofit  
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1 scientific, or nonprofit educational activities, including  
2 church cemeteries; and  
3 c. Sales or leases to the state headquarters of  
4 qualified veterans' organizations and the state headquarters  
5 of their auxiliaries when used in carrying on their customary  
6 veterans' organization activities. If a qualified veterans'  
7 organization or its auxiliary does not maintain a permanent  
8 state headquarters, then transactions involving sales or  
9 leases to such organization and used to maintain the office of  
10 the highest ranking state official are exempt from the tax  
11 imposed by this part.

12 2. The provisions of this section authorizing  
13 exemptions from tax shall be strictly defined, limited, and  
14 applied in each category as follows:

15 a. "Religious institutions" means churches,  
16 synagogues, and established physical places for worship at  
17 which nonprofit religious services and activities are  
18 regularly conducted and carried on. The term "religious  
19 institutions" includes nonprofit corporations the sole purpose  
20 of which is to provide free transportation services to church  
21 members, their families, and other church attendees. The term  
22 "religious institutions" also includes state, district, or  
23 other governing or administrative offices the function of  
24 which is to assist or regulate the customary activities of  
25 religious organizations or members. The term "religious  
26 institutions" also includes any nonprofit corporation which is  
27 qualified as nonprofit pursuant to s. 501(c)(3), United States  
28 Internal Revenue Code of 1986, as amended, which owns and  
29 operates a Florida television station, at least 90 percent of  
30 the programming of which station consists of programs of a  
31 religious nature, and the financial support for which,

1 exclusive of receipts for broadcasting from other nonprofit  
2 organizations, is predominantly from contributions from the  
3 general public. The term "religious institutions" also  
4 includes any nonprofit corporation which is qualified as  
5 nonprofit pursuant to s. 501(c)(3), United States Internal  
6 Revenue Code of 1986, as amended, which provides regular  
7 religious services to Florida state prisoners and which from  
8 its own established physical place of worship, operates a  
9 ministry providing worship and services of a charitable nature  
10 to the community on a weekly basis.

11           b. "Charitable institutions" means only nonprofit  
12 corporations qualified as nonprofit pursuant to s. 501(c)(3),  
13 United States Internal Revenue Code of 1954, as amended, and  
14 other nonprofit entities, the sole or primary function of  
15 which is to provide, or to raise funds for organizations which  
16 provide, one or more of the following services if a reasonable  
17 percentage of such service is provided free of charge, or at a  
18 substantially reduced cost, to persons, animals, or  
19 organizations that are unable to pay for such service:

20           (I) Medical aid for the relief of disease, injury, or  
21 disability;

22           (II) Regular provision of physical necessities such as  
23 food, clothing, or shelter;

24           (III) Services for the prevention of or rehabilitation  
25 of persons from alcoholism or drug abuse; the prevention of  
26 suicide; or the alleviation of mental, physical, or sensory  
27 health problems;

28           (IV) Social welfare services including adoption  
29 placement, child care, community care for the elderly, and  
30 other social welfare services which clearly and substantially  
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1 benefit a client population which is disadvantaged or suffers  
2 a hardship;

3 (V) Medical research for the relief of disease,  
4 injury, or disability;

5 (VI) Legal services; or

6 (VII) Food, shelter, or medical care for animals or  
7 adoption services, cruelty investigations, or education  
8 programs concerning animals;

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10 and the term includes groups providing volunteer staff to  
11 organizations designated as charitable institutions under this  
12 sub-subparagraph; nonprofit organizations the sole or primary  
13 purpose of which is to coordinate, network, or link other  
14 institutions designated as charitable institutions under this  
15 sub-subparagraph with those persons, animals, or organizations  
16 in need of their services; and nonprofit national, state,  
17 district, or other governing, coordinating, or administrative  
18 organizations the sole or primary purpose of which is to  
19 represent or regulate the customary activities of other  
20 institutions designated as charitable institutions under this  
21 sub-subparagraph. Notwithstanding any other requirement of  
22 this section, any blood bank that relies solely upon volunteer  
23 donations of blood and tissue, that is licensed under chapter  
24 483, and that qualifies as tax exempt under s. 501(c)(3) of  
25 the Internal Revenue Code constitutes a charitable institution  
26 and is exempt from the tax imposed by this part.

27 Notwithstanding any other requirement of this paragraph, a  
28 charitable institution which was facing revocation of its  
29 consumer's certificate of exemption during the 1996 Florida  
30 legislative session and which, through intervention of the  
31 department's taxpayer rights advocate, received a temporary

1 extension of its consumer's certificate of exemption to the  
2 end of the 1996 Florida legislative session, including, but  
3 not limited to, the Gasparilla Distance Classic Association,  
4 Inc., shall be exempt from the tax imposed by this chapter.

5 c. "Scientific organizations" means scientific  
6 organizations which hold current exemptions from federal  
7 income tax under s. 501(c)(3) of the Internal Revenue Code and  
8 also means organizations the purpose of which is to protect  
9 air and water quality or the purpose of which is to protect  
10 wildlife and which hold current exemptions from the federal  
11 income tax under s. 501(c)(3) of the Internal Revenue Code.

12 d. "Educational institutions" means state  
13 tax-supported or parochial, church and nonprofit private  
14 schools, colleges, or universities which conduct regular  
15 classes and courses of study required for accreditation by, or  
16 membership in, the Southern Association of Colleges and  
17 Schools, the Department of Education, the Florida Council of  
18 Independent Schools, or the Florida Association of Christian  
19 Colleges and Schools, Inc., or nonprofit private schools which  
20 conduct regular classes and courses of study accepted for  
21 continuing education credit by a Board of the Division of  
22 Medical Quality Assurance of the Department of Business and  
23 Professional Regulation or which conduct regular classes and  
24 courses of study accepted for continuing education credit by  
25 the American Medical Association. Nonprofit libraries, art  
26 galleries, and museums open to the public are defined as  
27 educational institutions and are eligible for exemption. The  
28 term "educational institutions" includes private nonprofit  
29 organizations the purpose of which is to raise funds for  
30 schools teaching grades kindergarten through high school,  
31 colleges, and universities. The term "educational

1 institutions" includes any nonprofit newspaper of free or paid  
2 circulation primarily on university or college campuses which  
3 holds a current exemption from federal income tax under s.  
4 501(c)(3) of the Internal Revenue Code, and any educational  
5 television or radio network or system established pursuant to  
6 s. 229.805 or s. 229.8051 and any nonprofit television or  
7 radio station which is a part of such network or system and  
8 which holds a current exemption from federal income tax under  
9 s. 501(c)(3) of the Internal Revenue Code. The term  
10 "educational institutions" also includes state, district, or  
11 other governing or administrative offices the function of  
12 which is to assist or regulate the customary activities of  
13 educational organizations or members. The term "educational  
14 institutions" also includes a nonprofit educational cable  
15 consortium which holds a current exemption from federal income  
16 tax under s. 501(c)(3) of the Internal Revenue Code of 1986,  
17 as amended, whose primary purpose is the delivery of  
18 educational and instructional cable television programming and  
19 whose members are composed exclusively of educational  
20 organizations which hold a valid consumer certificate of  
21 exemption and which are either an educational institution as  
22 defined in this sub-subparagraph, or qualified as a nonprofit  
23 organization pursuant to s. 501(c)(3) of the Internal Revenue  
24 Code of 1986, as amended.

25 e. "Veterans' organizations" means nationally  
26 chartered or recognized veterans' organizations, including,  
27 but not limited to, Florida chapters of the Paralyzed Veterans  
28 of America, Catholic War Veterans of the U.S.A., Jewish War  
29 Veterans of the U.S.A., and the Disabled American Veterans,  
30 Department of Florida, Inc., which hold current exemptions  
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1 from federal income tax under s. 501(c)(4) or (19) of the  
2 Internal Revenue Code.  
3 Section 2. This act shall take effect upon becoming a  
4 law.

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7 HOUSE SUMMARY

8 Provides that certain charitable institutions, including  
9 the Gasparilla Distance Classic Association, Inc., which  
10 received a temporary extension of their sales tax  
11 exemption certificate to the end of the 1996 legislative  
12 session, shall be exempt from said tax.  
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