

1                   A bill to be entitled  
2           An act relating to the tax on sales, use, and  
3           other transactions; amending s. 212.08, F.S.;  
4           revising the definition of educational  
5           institutions for purposes of exemption;  
6           providing an exemption for the Gasparilla  
7           Distance Classic Association, Inc., in  
8           specified circumstances; providing an effective  
9           date.

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

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13           Section 1. Paragraph (o) of subsection (7) of section  
14 212.08, Florida Statutes, 1996 Supplement, is amended, and  
15 paragraph (nn) is added to said subsection, to read:

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

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(7) MISCELLANEOUS EXEMPTIONS.--

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

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

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

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b. Sales or leases to nonprofit religious, nonprofit  
30 charitable, nonprofit scientific, or nonprofit educational  
31 institutions when used in carrying on their customary

1 nonprofit religious, nonprofit charitable, nonprofit  
2 scientific, or nonprofit educational activities, including  
3 church cemeteries; and

4 c. Sales or leases to the state headquarters of  
5 qualified veterans' organizations and the state headquarters  
6 of their auxiliaries when used in carrying on their customary  
7 veterans' organization activities. If a qualified veterans'  
8 organization or its auxiliary does not maintain a permanent  
9 state headquarters, then transactions involving sales or  
10 leases to such organization and used to maintain the office of  
11 the highest ranking state official are exempt from the tax  
12 imposed by this part.

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

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

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

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

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

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

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

29 (IV) Social welfare services including adoption  
30 placement, child care, community care for the elderly, and  
31 other social welfare services which clearly and substantially

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;

9  
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 c. "Scientific organizations" means scientific  
28 organizations which hold current exemptions from federal  
29 income tax under s. 501(c)(3) of the Internal Revenue Code and  
30 also means organizations the purpose of which is to protect  
31 air and water quality or the purpose of which is to protect

1 wildlife and which hold current exemptions from the federal  
2 income tax under s. 501(c)(3) of the Internal Revenue Code.  
3 d. "Educational institutions" means state  
4 tax-supported or parochial, church and nonprofit private  
5 schools, colleges, or universities which conduct regular  
6 classes and courses of study required for accreditation by, or  
7 membership in, the Southern Association of Colleges and  
8 Schools, the Department of Education, the Florida Council of  
9 Independent Schools, or the Florida Association of Christian  
10 Colleges and Schools, Inc., or nonprofit private schools which  
11 conduct regular classes and courses of study accepted for  
12 continuing education credit by a Board of the Division of  
13 Medical Quality Assurance of the Department of Business and  
14 Professional Regulation or which conduct regular classes and  
15 courses of study accepted for continuing education credit by  
16 the American Medical Association. Nonprofit libraries, art  
17 galleries, performing arts centers that provide educational  
18 programs to school children, where such programs involve  
19 performances or other educational activities at the performing  
20 arts center and serve a minimum of 50,000 school children per  
21 year,and museums open to the public are defined as  
22 educational institutions and are eligible for exemption. The  
23 term "educational institutions" includes private nonprofit  
24 organizations the purpose of which is to raise funds for  
25 schools teaching grades kindergarten through high school,  
26 colleges, and universities. The term "educational  
27 institutions" includes any nonprofit newspaper of free or paid  
28 circulation primarily on university or college campuses which  
29 holds a current exemption from federal income tax under s.  
30 501(c)(3) of the Internal Revenue Code, and any educational  
31 television or radio network or system established pursuant to

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

20 e. "Veterans' organizations" means nationally  
21 chartered or recognized veterans' organizations, including,  
22 but not limited to, Florida chapters of the Paralyzed Veterans  
23 of America, Catholic War Veterans of the U.S.A., Jewish War  
24 Veterans of the U.S.A., and the Disabled American Veterans,  
25 Department of Florida, Inc., which hold current exemptions  
26 from federal income tax under s. 501(c)(4) or (19) of the  
27 Internal Revenue Code.

28 (nn) Also exempt from the tax imposed by this chapter  
29 are sales or leases to the Gasparilla Distance Classic  
30 Association, Inc., if that organization holds a current  
31 exemption from federal corporate income tax liability pursuant

1 to s. 501(c)(3) of the Internal Revenue Code of 1986, as  
2 amended.

3           Section 2. This act shall take effect July 1, 1997.  
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