

By Senator Laurent

17-1742-98

See CS/HB 747

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A bill to be entitled
An act relating to tax on sales, use, and other transactions; providing that no tax on certain purchases by, and revenues of, a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce; providing for refund of certain taxes paid; providing an effective date.

WHEREAS, the promotion of business within the State of Florida serves the interests of the citizens of Florida generally, and

WHEREAS, enhanced business activity within the State of Florida results in the generation of greater revenues to the state arising from sales within the state and the sales tax revenues generated thereby, and

WHEREAS, the current system of sales and use taxation of chambers of commerce has been fraught with lack of clarity as to application of law and rule to chambers of commerce as unique not-for-profit organizations, and

WHEREAS, the current system of sales and use taxation rules has been subject to arbitrary, capricious, and inconsistent interpretation, NOW, THEREFORE,

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

Section 1. (1) As used in this section, "chamber of commerce" means an organization whose operations and membership are defined without regard to any specific industry or industries, and which is qualified as a "chamber of commerce" under s. 501(c)(6) of the Internal Revenue Code of

1 1986, as amended, and which is organized as a not-for-profit
2 corporation.

3 (2) No tax imposed by chapter 212, Florida Statutes,
4 on the following transactions, and not actually paid or
5 collected by a chamber of commerce before December 31, 1994,
6 shall be due from that chamber of commerce:

7 (a) Purchases by a chamber of commerce for use in its
8 operations to foster business intended to occur within the
9 state.

10 (b) Revenues of a chamber of commerce derived from
11 activities of the chamber of commerce that are intended to
12 foster business within the state for its members and the
13 general business community, including dues and fees to
14 members, the conduct of events for admission, charges to
15 businesses for participation in trade shows and similar
16 events, circulation of printed materials, including newspapers
17 and newsletters regardless of the quantity of advertising
18 content and regardless of the frequency of distribution, and
19 business seminars and events to assist businesses with their
20 operations, with compliance with laws, or with activities
21 within their communities. Any revenues derived by a chamber
22 of commerce from resales by the chamber of commerce of
23 materials routinely and directly available to any person
24 without the participation of the chamber of commerce, and
25 which would occur without participation, addition, or
26 modification in any material way by the chamber of commerce,
27 are not qualified as an exempt transaction of the chamber of
28 commerce under this section.

29 (3) Any chamber of commerce that has paid taxes that
30 have been imposed by this chapter and that would be exempted
31 from such taxes according to paragraph (2)(a) shall be

1 entitled to a refund of the taxes paid. The claim for this
2 refund must be filed on or before July 1, 1999.

3 Section 2. This act shall take effect upon becoming a
4 law.

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7 LEGISLATIVE SUMMARY

8 Provides that sales taxes imposed on certain purchases
9 by, and revenues of, a chamber of commerce, and not
10 actually paid or collected before December 31, 1994, are
11 not due from that chamber of commerce. Provides that a
12 chamber of commerce is entitled to a refund if the
13 chamber of commerce paid such sales taxes and applies for
14 a refund before July 1, 1999.
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