

By Senator Geller

29-1926-98

See HB 4237

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 an exemption for works of art
5 purchased or imported for the purpose of
6 donation to an educational institution;
7 providing requirements with respect thereto;
8 providing an effective 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 (dd) of subsection (7) of section
13 212.08, Florida Statutes, 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 chapter.

20 (7) MISCELLANEOUS EXEMPTIONS.--

21 (dd) Works of art.--

22 1. Also exempt are works of art sold to or used by an
23 educational institution, as defined in sub-subparagraph
24 (o)2.d.

25 2. The exemption also applies to the sale to or use in
26 this state of any work of art by any person if it was
27 purchased or imported exclusively for the purpose of being
28 donated to any educational institution, or loaned to and made
29 available for display by any educational institution, provided
30 that the term of the loan agreement is for at least 10 years.

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1 3. The exemption provided by this paragraph for
2 donations is allowed only if the person who purchased the work
3 of art transfers title to the donated work of art to an
4 educational institution. Such transfer of title shall be
5 evidenced by an affidavit meeting requirements established by
6 rule to document entitlement to the exemption. Nothing in this
7 paragraph shall preclude a work of art donated to an
8 educational institution from remaining in the possession of
9 the donor or purchaser, as long as title to the work of art
10 lies with the educational institution.

11 ~~4.3.~~ A work of art is presumed to have been purchased
12 in or imported into this state exclusively for loan as
13 provided in subparagraph 2., if it is so loaned or placed in
14 storage in preparation for such a loan within 90 days after
15 purchase or importation, whichever is later; but a work of art
16 is not deemed to be placed in storage in preparation for loan
17 for purposes of this exemption if it is displayed at any place
18 other than an educational institution.

19 ~~5.4.~~ The exemptions provided by this paragraph are
20 allowed only if the person who purchased the work of art gives
21 to the vendor an affidavit meeting the requirements,
22 established by rule, to document entitlement to the exemption.
23 The person who purchased the work of art shall forward a copy
24 of such affidavit to the Department of Revenue at the time it
25 is issued to the vendor.

26 ~~6.5.~~ The exemption for loans provided by subparagraph
27 2. applies only for the period during which a work of art is
28 in the possession of the educational institution or is in
29 storage before transfer of possession to that institution; and
30 when it ceases to be so possessed or held, tax based upon the
31 sales price paid by the owner is payable, and the statute of

1 limitations provided in s. 95.091 shall begin to run at that
2 time. However, tax shall not become due if the work of art is
3 donated to an educational institution after the loan ceases.

4 7. Any educational institution to which a work of art
5 has been donated pursuant to this paragraph shall make
6 available to the department the title to the work of art and
7 any other relevant information. Any educational institution
8 which has received a work of art on loan pursuant to this
9 paragraph shall make available to the department information
10 relating to the work of art. Any educational institution that
11 transfers from its possession a work of art as defined by this
12 paragraph which has been loaned to it must notify the
13 Department of Revenue within 60 days after the transfer.

14 ~~8.6.~~ For purposes of the exemptions provided by this
15 paragraph, the term "work of art" includes pictorial
16 representations, sculpture, jewelry, antiques, stamp
17 collections and coin collections, and other tangible personal
18 property, the value of which is attributable predominantly to
19 its artistic, historical, political, cultural, or social
20 importance.

21 ~~9.7.~~ This paragraph is a remedial clarification of
22 legislative intent ~~and applies to all taxes that remain open~~
23 ~~to assessment or contest on July 1, 1992.~~

24 Section 2. This act shall take effect July 1, 1998.

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27 LEGISLATIVE SUMMARY

28 Provides a sales tax exemption for works of art purchased
29 or imported for the purpose of donation to an educational
30 institution, and provides requirements with respect
31 thereto.