

By the Committee on Finance & Taxation and Representatives  
Starks and Fasano

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           including certain nonprofit corporations that

5           make and distribute recordings to blind or

6           visually impaired persons, and certain

7           nonprofit corporations that provide religious

8           services and administration or missionary

9           assistance for established places of worship,

10          within the definition of "religious

11          institutions" for tax exemption purposes;

12          providing an effective date.

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

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16           Section 1. Paragraph (o) of subsection (7) of section

17   212.08, Florida Statutes, is amended to read:

18           212.08 Sales, rental, use, consumption, distribution,

19   and storage tax; specified exemptions.--The sale at retail,

20   the rental, the use, the consumption, the distribution, and

21   the storage to be used or consumed in this state of the

22   following are hereby specifically exempt from the tax imposed

23   by this chapter.

24           (7) MISCELLANEOUS EXEMPTIONS.--

25           (o) Religious, charitable, scientific, educational,

26   and veterans' institutions and organizations.--

27           1. There are exempt from the tax imposed by this

28   chapter transactions involving:

29           a. Sales or leases directly to churches or sales or

30   leases of tangible personal property by churches;

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1           b. Sales or leases to nonprofit religious, nonprofit  
2 charitable, nonprofit scientific, or nonprofit educational  
3 institutions when used in carrying on their customary  
4 nonprofit religious, nonprofit charitable, nonprofit  
5 scientific, or nonprofit educational activities, including  
6 church cemeteries; and

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

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

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

1 Revenue Code of 1986, as amended, which owns and operates a  
2 Florida television station, at least 90 percent of the  
3 programming of which station consists of programs of a  
4 religious nature, and the financial support for which,  
5 exclusive of receipts for broadcasting from other nonprofit  
6 organizations, is predominantly from contributions from the  
7 general public. The term "religious institutions" also  
8 includes any nonprofit corporation which is qualified as  
9 nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of  
10 1986, as amended, which provides regular religious services to  
11 Florida state prisoners and which from its own established  
12 physical place of worship, operates a ministry providing  
13 worship and services of a charitable nature to the community  
14 on a weekly basis. The term "religious institutions" also  
15 includes any nonprofit corporation which is qualified as  
16 nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of  
17 1986, as amended, the primary activity of which is making and  
18 distributing audio recordings of religious scriptures and  
19 teachings to blind or visually impaired persons at no charge.  
20 The term "religious institutions" also includes any nonprofit  
21 corporation that is qualified as nonprofit pursuant to s.  
22 501(c)(3), Internal Revenue Code of 1986, as amended, the sole  
23 or primary function of which is to provide, upon invitation,  
24 nonprofit religious services, evangelistic services, religious  
25 education, administration assistance, or missionary assistance  
26 for a church, synagogue, or established physical place of  
27 worship at which nonprofit religious services and activities  
28 are regularly conducted.

29           b. "Charitable institutions" means only nonprofit  
30 corporations qualified as nonprofit pursuant to s. 501(c)(3),  
31 Internal Revenue Code of 1954, as amended, and other nonprofit

1 entities, the sole or primary function of which is to provide,  
2 or to raise funds for organizations which provide, one or more  
3 of the following services if a reasonable percentage of such  
4 service is provided free of charge, or at a substantially  
5 reduced cost, to persons, animals, or organizations that are  
6 unable to pay for such service:  
7       (I) Medical aid for the relief of disease, injury, or  
8 disability;  
9       (II) Regular provision of physical necessities such as  
10 food, clothing, or shelter;  
11       (III) Services for the prevention of or rehabilitation  
12 of persons from alcoholism or drug abuse; the prevention of  
13 suicide; or the alleviation of mental, physical, or sensory  
14 health problems;  
15       (IV) Social welfare services including adoption  
16 placement, child care, community care for the elderly, and  
17 other social welfare services which clearly and substantially  
18 benefit a client population which is disadvantaged or suffers  
19 a hardship;  
20       (V) Medical research for the relief of disease,  
21 injury, or disability;  
22       (VI) Legal services; or  
23       (VII) Food, shelter, or medical care for animals or  
24 adoption services, cruelty investigations, or education  
25 programs concerning animals;  
26  
27 and the term includes groups providing volunteer staff to  
28 organizations designated as charitable institutions under this  
29 sub-subparagraph; nonprofit organizations the sole or primary  
30 purpose of which is to coordinate, network, or link other  
31 institutions designated as charitable institutions under this

1 sub-subparagraph with those persons, animals, or organizations  
2 in need of their services; and nonprofit national, state,  
3 district, or other governing, coordinating, or administrative  
4 organizations the sole or primary purpose of which is to  
5 represent or regulate the customary activities of other  
6 institutions designated as charitable institutions under this  
7 sub-subparagraph. Notwithstanding any other requirement of  
8 this section, any blood bank that relies solely upon volunteer  
9 donations of blood and tissue, that is licensed under chapter  
10 483, and that qualifies as tax exempt under s. 501(c)(3) of  
11 the Internal Revenue Code constitutes a charitable institution  
12 and is exempt from the tax imposed by this chapter. Sales to a  
13 health system, qualified as nonprofit pursuant to s.  
14 501(c)(3), Internal Revenue Code of 1986, as amended, which  
15 filed an application for exemption with the department prior  
16 to April 5, 1997, and which application is subsequently  
17 approved, shall be exempt as to any unpaid taxes on purchases  
18 made from January 1, 1994, to June 1, 1997.

19 c. "Scientific organizations" means scientific  
20 organizations which hold current exemptions from federal  
21 income tax under s. 501(c)(3) of the Internal Revenue Code and  
22 also means organizations the purpose of which is to protect  
23 air and water quality or the purpose of which is to protect  
24 wildlife and which hold current exemptions from the federal  
25 income tax under s. 501(c)(3) of the Internal Revenue Code.

26 d. "Educational institutions" means state  
27 tax-supported or parochial, church and nonprofit private  
28 schools, colleges, or universities which conduct regular  
29 classes and courses of study required for accreditation by, or  
30 membership in, the Southern Association of Colleges and  
31 Schools, the Department of Education, the Florida Council of

1 Independent Schools, or the Florida Association of Christian  
2 Colleges and Schools, Inc., or nonprofit private schools which  
3 conduct regular classes and courses of study accepted for  
4 continuing education credit by a Board of the Division of  
5 Medical Quality Assurance of the Department of Business and  
6 Professional Regulation or which conduct regular classes and  
7 courses of study accepted for continuing education credit by  
8 the American Medical Association. Nonprofit libraries, art  
9 galleries, performing arts centers that provide educational  
10 programs to school children, which programs involve  
11 performances or other educational activities at the performing  
12 arts center and serve a minimum of 50,000 school children a  
13 year, and museums open to the public are defined as  
14 educational institutions and are eligible for exemption. The  
15 term "educational institutions" includes private nonprofit  
16 organizations the purpose of which is to raise funds for  
17 schools teaching grades kindergarten through high school,  
18 colleges, and universities. The term "educational  
19 institutions" includes any nonprofit newspaper of free or paid  
20 circulation primarily on university or college campuses which  
21 holds a current exemption from federal income tax under s.  
22 501(c)(3) of the Internal Revenue Code, and any educational  
23 television or radio network or system established pursuant to  
24 s. 229.805 or s. 229.8051 and any nonprofit television or  
25 radio station which is a part of such network or system and  
26 which holds a current exemption from federal income tax under  
27 s. 501(c)(3) of the Internal Revenue Code. The term  
28 "educational institutions" also includes state, district, or  
29 other governing or administrative offices the function of  
30 which is to assist or regulate the customary activities of  
31 educational organizations or members. The term "educational

1 institutions" also includes a nonprofit educational cable  
2 consortium which holds a current exemption from federal income  
3 tax under s. 501(c)(3) of the Internal Revenue Code of 1986,  
4 as amended, whose primary purpose is the delivery of  
5 educational and instructional cable television programming and  
6 whose members are composed exclusively of educational  
7 organizations which hold a valid consumer certificate of  
8 exemption and which are either an educational institution as  
9 defined in this sub-subparagraph, or qualified as a nonprofit  
10 organization pursuant to s. 501(c)(3) of the Internal Revenue  
11 Code of 1986, as amended.

12 e. "Veterans' organizations" means nationally  
13 chartered or recognized veterans' organizations, including,  
14 but not limited to, Florida chapters of the Paralyzed Veterans  
15 of America, Catholic War Veterans of the U.S.A., Jewish War  
16 Veterans of the U.S.A., and the Disabled American Veterans,  
17 Department of Florida, Inc., which hold current exemptions  
18 from federal income tax under s. 501(c)(4) or (19) of the  
19 Internal Revenue Code.

20 Section 2. This act shall take effect July 1 of the  
21 year in which enacted.

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