

By Senator Bronson

18-475A-98

1                                   A bill to be entitled  
2           An act relating to sales and use tax  
3           exemptions; amending s. 212.08, F.S.; exempting  
4           certain flight training facilities from the  
5           sales and use tax; providing an effective date.

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

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9           Section 1. Paragraph (o) of subsection (7) of section  
10   212.08, Florida Statutes, is amended to read:

11           212.08 Sales, rental, use, consumption, distribution,  
12   and storage tax; specified exemptions.--The sale at retail,  
13   the rental, the use, the consumption, the distribution, and  
14   the storage to be used or consumed in this state of the  
15   following are hereby specifically exempt from the tax imposed  
16   by this chapter.

17           (7) MISCELLANEOUS EXEMPTIONS.--

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

20           1. There are exempt from the tax imposed by this  
21   chapter transactions involving:

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

24           b. Sales or leases to nonprofit religious, nonprofit  
25   charitable, nonprofit scientific, or nonprofit educational  
26   institutions when used in carrying on their customary  
27   nonprofit religious, nonprofit charitable, nonprofit  
28   scientific, or nonprofit educational activities, including  
29   church cemeteries; and

30           c. Sales or leases to the state headquarters of  
31   qualified veterans' organizations and the state headquarters

1 of their auxiliaries when used in carrying on their customary  
2 veterans' organization activities. If a qualified veterans'  
3 organization or its auxiliary does not maintain a permanent  
4 state headquarters, then transactions involving sales or  
5 leases to such organization and used to maintain the office of  
6 the highest ranking state official are exempt from the tax  
7 imposed by this chapter.

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

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

1 nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of  
2 1986, as amended, which provides regular religious services to  
3 Florida state prisoners and which from its own established  
4 physical place of worship, operates a ministry providing  
5 worship and services of a charitable nature to the community  
6 on a weekly basis.

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

16           (I) Medical aid for the relief of disease, injury, or  
17 disability;

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

20           (III) Services for the prevention of or rehabilitation  
21 of persons from alcoholism or drug abuse; the prevention of  
22 suicide; or the alleviation of mental, physical, or sensory  
23 health problems;

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

29           (V) Medical research for the relief of disease,  
30 injury, or disability;

31           (VI) Legal services; or

1 (VII) Food, shelter, or medical care for animals or  
2 adoption services, cruelty investigations, or education  
3 programs concerning animals;

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5 and the term includes groups providing volunteer staff to  
6 organizations designated as charitable institutions under this  
7 sub-subparagraph; nonprofit organizations the sole or primary  
8 purpose of which is to coordinate, network, or link other  
9 institutions designated as charitable institutions under this  
10 sub-subparagraph with those persons, animals, or organizations  
11 in need of their services; and nonprofit national, state,  
12 district, or other governing, coordinating, or administrative  
13 organizations the sole or primary purpose of which is to  
14 represent or regulate the customary activities of other  
15 institutions designated as charitable institutions under this  
16 sub-subparagraph. Notwithstanding any other requirement of  
17 this section, any blood bank that relies solely upon volunteer  
18 donations of blood and tissue, that is licensed under chapter  
19 483, and that qualifies as tax exempt under s. 501(c)(3) of  
20 the Internal Revenue Code constitutes a charitable institution  
21 and is exempt from the tax imposed by this chapter. Sales to a  
22 health system, qualified as nonprofit pursuant to s.  
23 501(c)(3), Internal Revenue Code of 1986, as amended, which  
24 filed an application for exemption with the department prior  
25 to April 5, 1997, and which application is subsequently  
26 approved, shall be exempt as to any unpaid taxes on purchases  
27 made from January 1, 1994, to June 1, 1997.

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

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

1 television or radio network or system established pursuant to  
2 s. 229.805 or s. 229.8051 and any nonprofit television or  
3 radio station which is a part of such network or system and  
4 which holds a current exemption from federal income tax under  
5 s. 501(c)(3) of the Internal Revenue Code. The term  
6 "educational institutions" also includes state, district, or  
7 other governing or administrative offices the function of  
8 which is to assist or regulate the customary activities of  
9 educational organizations or members. The term "educational  
10 institutions" also includes a nonprofit educational cable  
11 consortium which holds a current exemption from federal income  
12 tax under s. 501(c)(3) of the Internal Revenue Code of 1986,  
13 as amended, whose primary purpose is the delivery of  
14 educational and instructional cable television programming and  
15 whose members are composed exclusively of educational  
16 organizations which hold a valid consumer certificate of  
17 exemption and which are either an educational institution as  
18 defined in this sub-subparagraph, or qualified as a nonprofit  
19 organization pursuant to s. 501(c)(3) of the Internal Revenue  
20 Code of 1986, as amended. The term "educational institutions"  
21 also includes training facilities, schools, or businesses that  
22 train aircraft pilots and flight crews for approval,  
23 certification, or regulation by the Federal Aviation  
24 Administration or by comparable foreign regulatory  
25 authorities.

26 e. "Veterans' organizations" means nationally  
27 chartered or recognized veterans' organizations, including,  
28 but not limited to, Florida chapters of the Paralyzed Veterans  
29 of America, Catholic War Veterans of the U.S.A., Jewish War  
30 Veterans of the U.S.A., and the Disabled American Veterans,  
31 Department of Florida, Inc., which hold current exemptions

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 July 1, 1998.

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SENATE SUMMARY

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Includes certain facilities, schools, or businesses that  
train airline pilots and flight crews in the definition  
of the term "educational institutions" for purposes of  
the exemption from the sales and use tax.

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