

By the Committee on Financial Services and Representatives
Trovillion, Fasano, Dockery and Putnam

1 A bill to be entitled
2 An act relating to the tax on sales, use, and
3 other transactions; amending s. 212.05, F.S.;
4 exempting from the tax on the sale of coins or
5 currency any coin or currency which is legal
6 tender of the United States and which is sold,
7 exchanged, or traded; exempting from said tax
8 certain transactions in which the sales price
9 exceeds a specified amount; amending s. 212.08,
10 F.S.; exempting sales of gold, silver, or
11 platinum bullion when the sales price exceeds a
12 specified amount; providing for emergency
13 rules; providing effective dates.

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

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17 Section 1. Paragraph (k) of subsection (1) of section
18 212.05, Florida Statutes, 1998 Supplement, is amended to read:
19 212.05 Sales, storage, use tax.--It is hereby declared
20 to be the legislative intent that every person is exercising a
21 taxable privilege who engages in the business of selling
22 tangible personal property at retail in this state, including
23 the business of making mail order sales, or who rents or
24 furnishes any of the things or services taxable under this
25 chapter, or who stores for use or consumption in this state
26 any item or article of tangible personal property as defined
27 herein and who leases or rents such property within the state.

28 (1) For the exercise of such privilege, a tax is
29 levied on each taxable transaction or incident, which tax is
30 due and payable as follows:

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1 (k)1. Notwithstanding any other provision of this
2 chapter, there is hereby levied a tax on the sale, use,
3 consumption, or storage for use in this state of any coin or
4 currency, whether in circulation or not, when such coin or
5 currency:

6 a. Is not legal tender;

7 b. If legal tender, is sold, exchanged, or traded at a
8 rate in excess of its face value; or

9 c. Is sold, exchanged, or traded at a rate based on
10 its precious metal content.

11 2. Such tax shall be at a rate of 6 percent of the
12 price at which the coin or currency is sold, exchanged, or
13 traded, except that, with respect to a coin or currency which
14 is legal tender of the United States and which is sold,
15 exchanged, or traded, such tax shall not be levied ~~at a rate~~
16 ~~in excess of its face value, the tax shall be at a rate of 6~~
17 ~~percent of the difference between the price at which it is~~
18 ~~sold, exchanged, or traded and its face value.~~

19 3. There are exempt from this tax exchanges of coins
20 or currency which are in general circulation in, and legal
21 tender of, one nation for coins or currency which are in
22 general circulation in, and legal tender of, another nation
23 when exchanged solely for use as legal tender and at an
24 exchange rate based on the relative value of each as a medium
25 of exchange.

26 4. With respect to any transaction that involves the
27 sale of coins or currency taxable under this paragraph in
28 which the taxable amount represented by the sale of such coins
29 or currency exceeds \$500, the entire amount represented by the
30 sale of such coins or currency is exempt from the tax imposed
31 under this paragraph. The dealer must maintain proper

1 documentation, as prescribed by rule of the department, to
2 identify that portion of a transaction which involves the sale
3 of coins or currency and is exempt under this subparagraph.

4 Section 2. Paragraph (zz) is added to subsection (7)
5 of section 212.08, Florida Statutes, 1998 Supplement, to read:

6 212.08 Sales, rental, use, consumption, distribution,
7 and storage tax; specified exemptions.--The sale at retail,
8 the rental, the use, the consumption, the distribution, and
9 the storage to be used or consumed in this state of the
10 following are hereby specifically exempt from the tax imposed
11 by this chapter.

12 (7) MISCELLANEOUS EXEMPTIONS.--

13 (zz) Bullion.--The sale of gold, silver, or platinum
14 bullion, or any combination thereof, in a single transaction
15 is exempt if the sales price exceeds \$500. The dealer must
16 maintain proper documentation, as prescribed by rule of the
17 department, to identify that portion of a transaction which
18 involves the sale of gold, silver, or platinum bullion and is
19 exempt under this paragraph.

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21 Exemptions provided to any entity by this subsection shall not
22 inure to any transaction otherwise taxable under this chapter
23 when payment is made by a representative or employee of such
24 entity by any means, including, but not limited to, cash,
25 check, or credit card even when that representative or
26 employee is subsequently reimbursed by such entity.

27 Section 3. The executive director of the Department of
28 Revenue may adopt emergency rules under ss. 120.536(1) and
29 120.54(4), Florida Statutes, for the purpose of prescribing
30 the forms, documentation, and procedures necessary to
31 administer the exemptions provided under ss. 212.05(1)(k)2.

1 and 4. and 212.08(7)(zz), Florida Statutes. Notwithstanding
2 any other provision of law, such emergency rules shall remain
3 effective for 6 months after the date of adoption. This
4 section shall take effect upon this act becoming a law.

5 Section 4. Except as otherwise expressly provided
6 herein, this act shall take effect July 1, 1999.

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