

By Senator Clary

7-1548-99

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A bill to be entitled  
An act relating to sales and use taxes;  
amending s. 212.08, F.S.; extending a sales tax  
exemption to include state headquarters for  
veterans' organization auxiliaries and their  
individual posts or units; providing an  
effective date.

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

Section 1. Paragraph (o) of subsection (7) of section  
212.08, Florida Statutes, 1998 Supplement, is amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.--

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

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

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

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

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

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

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

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

24       b. "Charitable institutions" means only nonprofit  
25 corporations qualified as nonprofit pursuant to s. 501(c)(3),  
26 Internal Revenue Code of 1954, as amended, and other nonprofit  
27 entities, the sole or primary function of which is to provide,  
28 or to raise funds for organizations which provide, one or more  
29 of the following services if a reasonable percentage of such  
30 service is provided free of charge, or at a substantially  
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1 reduced cost, to persons, animals, or organizations that are  
2 unable to pay for such service:  
3 (I) Medical aid for the relief of disease, injury, or  
4 disability;  
5 (II) Regular provision of physical necessities such as  
6 food, clothing, or shelter;  
7 (III) Services for the prevention of or rehabilitation  
8 of persons from alcoholism or drug abuse; the prevention of  
9 suicide; or the alleviation of mental, physical, or sensory  
10 health problems;  
11 (IV) Social welfare services including adoption  
12 placement, child care, community care for the elderly, and  
13 other social welfare services which clearly and substantially  
14 benefit a client population which is disadvantaged or suffers  
15 a hardship;  
16 (V) Medical research for the relief of disease,  
17 injury, or disability;  
18 (VI) Legal services; or  
19 (VII) Food, shelter, or medical care for animals or  
20 adoption services, cruelty investigations, or education  
21 programs concerning animals;  
22  
23 and the term includes groups providing volunteer staff to  
24 organizations designated as charitable institutions under this  
25 sub-subparagraph; nonprofit organizations the sole or primary  
26 purpose of which is to coordinate, network, or link other  
27 institutions designated as charitable institutions under this  
28 sub-subparagraph with those persons, animals, or organizations  
29 in need of their services; and nonprofit national, state,  
30 district, or other governing, coordinating, or administrative  
31 organizations the sole or primary purpose of which is to

1 represent or regulate the customary activities of other  
2 institutions designated as charitable institutions under this  
3 sub-subparagraph. Notwithstanding any other requirement of  
4 this section, any blood bank that relies solely upon volunteer  
5 donations of blood and tissue, that is licensed under chapter  
6 483, and that qualifies as tax exempt under s. 501(c)(3) of  
7 the Internal Revenue Code constitutes a charitable institution  
8 and is exempt from the tax imposed by this chapter. Sales to a  
9 health system foundation, qualified as nonprofit pursuant to  
10 s. 501(c)(3), Internal Revenue Code of 1986, as amended, which  
11 filed an application for exemption with the department prior  
12 to November 15, 1997, and which application is subsequently  
13 approved, shall be exempt as to any unpaid taxes on purchases  
14 made from November 14, 1990, to December 31, 1997.

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

22 d. "Educational institutions" means state  
23 tax-supported or parochial, church and nonprofit private  
24 schools, colleges, or universities which conduct regular  
25 classes and courses of study required for accreditation by, or  
26 membership in, the Southern Association of Colleges and  
27 Schools, the Department of Education, the Florida Council of  
28 Independent Schools, or the Florida Association of Christian  
29 Colleges and Schools, Inc., or nonprofit private schools which  
30 conduct regular classes and courses of study accepted for  
31 continuing education credit by a board of the Division of

1 Medical Quality Assurance of the Department of Health or which  
2 conduct regular classes and courses of study accepted for  
3 continuing education credit by the American Medical  
4 Association. Nonprofit libraries, art galleries, performing  
5 arts centers that provide educational programs to school  
6 children, which programs involve performances or other  
7 educational activities at the performing arts center and serve  
8 a minimum of 50,000 school children a year, and museums open  
9 to the public are defined as educational institutions and are  
10 eligible for exemption. The term "educational institutions"  
11 includes private nonprofit organizations the purpose of which  
12 is to raise funds for schools teaching grades kindergarten  
13 through high school, colleges, and universities. The term  
14 "educational institutions" includes any nonprofit newspaper of  
15 free or paid circulation primarily on university or college  
16 campuses which holds a current exemption from federal income  
17 tax under s. 501(c)(3) of the Internal Revenue Code, and any  
18 educational television or radio network or system established  
19 pursuant to s. 229.805 or s. 229.8051 and any nonprofit  
20 television or radio station which is a part of such network or  
21 system and which holds a current exemption from federal income  
22 tax under s. 501(c)(3) of the Internal Revenue Code. The term  
23 "educational institutions" also includes state, district, or  
24 other governing or administrative offices the function of  
25 which is to assist or regulate the customary activities of  
26 educational organizations or members. The term "educational  
27 institutions" also includes a nonprofit educational cable  
28 consortium which holds a current exemption from federal income  
29 tax under s. 501(c)(3) of the Internal Revenue Code of 1986,  
30 as amended, whose primary purpose is the delivery of  
31 educational and instructional cable television programming and

1 whose members are composed exclusively of educational  
2 organizations which hold a valid consumer certificate of  
3 exemption and which are either an educational institution as  
4 defined in this sub-subparagraph, or qualified as a nonprofit  
5 organization pursuant to s. 501(c)(3) of the Internal Revenue  
6 Code of 1986, as amended.

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

15 Section 2. This act shall take effect July 1, 1999.

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18 SENATE SUMMARY

19 Extends an existing sales tax exemption to include state  
20 headquarters of veterans organizations' auxiliaries and  
their individual posts or units.

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