

By Representative Starks

1 A bill to be entitled
2 An act relating to taxation; amending s.
3 212.08, F.S.; providing an exemption from the
4 tax on sales, use, and other transactions for
5 sales or leases to all organizations exempt
6 from federal income tax under s. 501(c)(3) of
7 the Internal Revenue Code; removing specific
8 exemptions for military museums, homes for the
9 aged, nursing homes, and hospices, religious,
10 charitable, and scientific institutions, state
11 theater contract organizations, Coast Guard
12 auxiliaries, athletic event sponsors, and the
13 Gasparilla Distance Classic Association, and
14 revising the exemptions for organizations
15 providing special benefits to minors, veterans'
16 organization headquarters, educational
17 institutions, works of art, and citizen support
18 organizations, to conform; amending s. 212.084,
19 F.S.; providing for application of provisions
20 relating to temporary exemption certificates to
21 newly organized organizations exempt under s.
22 501(c)(3); amending s. 196.195, F.S.; revising
23 application of provisions which specify that
24 certain nonprofit corporations which are exempt
25 from sales tax are nonprofit for purposes of
26 determining eligibility for the religious,
27 literary, scientific, or charitable ad valorem
28 tax exemption; amending s. 196.196, F.S.;
29 revising a criterion for use in determining
30 whether property is being used for a
31 charitable, religious, scientific, or literary

1 purpose, to conform; amending ss. 212.0821,
2 403.715, 414.029, 496.404, and 564.02, F.S.;
3 correcting references; providing an effective
4 date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsection (7) of section 212.08, Florida
9 Statutes, 1998 Supplement, is amended to read:

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

16 (7) MISCELLANEOUS EXEMPTIONS.--

17 (a) Artificial commemorative flowers.--Exempt from the
18 tax imposed by this chapter is the sale of artificial
19 commemorative flowers by bona fide nationally chartered
20 veterans' organizations.

21 (b) Boiler fuels.--When purchased for use as a
22 combustible fuel, purchases of natural gas, residual oil,
23 recycled oil, waste oil, solid waste material, coal, sulfur,
24 wood, wood residues or wood bark used in an industrial
25 manufacturing, processing, compounding, or production process
26 at a fixed location in this state are exempt from the taxes
27 imposed by this chapter; however, such exemption shall not be
28 allowed unless the purchaser signs a certificate stating that
29 the fuel to be exempted is for the exclusive use designated
30 herein. This exemption does not apply to the use of boiler
31 fuels that are not used in manufacturing, processing,

1 compounding, or producing items of tangible personal property
2 for sale, or to the use of boiler fuels used by any firm
3 subject to regulation by the Division of Hotels and
4 Restaurants of the Department of Business and Professional
5 Regulation.

6 (c) Crustacea bait.--Also exempt from the tax imposed
7 by this chapter is the purchase by commercial fishers of bait
8 intended solely for use in the entrapment of *Callinectes*
9 *sapidus* and *Menippe mercenaria*.

10 (d) Feeds.--Feeds for poultry, ostriches, and
11 livestock, including racehorses and dairy cows, are exempt.

12 (e) Film rentals.--Film rentals are exempt when an
13 admission is charged for viewing such film, and license fees
14 and direct charges for films, videotapes, and transcriptions
15 used by television or radio stations or networks are exempt.

16 (f) Flags.--Also exempt are sales of the flag of the
17 United States and the official state flag of Florida.

18 (g) Florida Retired Educators Association and its
19 local chapters.--Also exempt from payment of the tax imposed
20 by this chapter are purchases of office supplies, equipment,
21 and publications made by the Florida Retired Educators
22 Association and its local chapters.

23 (h) Guide dogs for the blind.--Also exempt are the
24 sale or rental of guide dogs for the blind, commonly referred
25 to as "seeing-eye dogs," and the sale of food or other items
26 for such guide dogs.

27 1. The department shall issue a consumer's certificate
28 of exemption to any blind person who holds an identification
29 card as provided for in s. 413.091 and who either owns or
30 rents, or contemplates the ownership or rental of, a guide dog
31 for the blind. The consumer's certificate of exemption shall

1 be issued without charge and shall be of such size as to be
2 capable of being carried in a wallet or billfold.

3 2. The department shall make such rules concerning
4 items exempt from tax under the provisions of this paragraph
5 as may be necessary to provide that any person authorized to
6 have a consumer's certificate of exemption need only present
7 such a certificate at the time of paying for exempt goods and
8 shall not be required to pay any tax thereon.

9 (i) Hospital meals and rooms.--Also exempt from
10 payment of the tax imposed by this chapter on rentals and
11 meals are patients and inmates of any hospital or other
12 physical plant or facility designed and operated primarily for
13 the care of persons who are ill, aged, infirm, mentally or
14 physically incapacitated, or otherwise dependent on special
15 care or attention. Residents of a home for the aged are exempt
16 from payment of taxes on meals provided through the facility.
17 A home for the aged is defined as a facility that is licensed
18 or certified in part or in whole under chapter 400 or chapter
19 651, or that is financed by a mortgage loan made or insured by
20 the United States Department of Housing and Urban Development
21 under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4),
22 s. 232, or s. 236 of the National Housing Act, or other such
23 similar facility designed and operated primarily for the care
24 of the aged.

25 (j) Household fuels.--Also exempt from payment of the
26 tax imposed by this chapter are sales of utilities to
27 residential households or owners of residential models in this
28 state by utility companies who pay the gross receipts tax
29 imposed under s. 203.01, and sales of fuel to residential
30 households or owners of residential models, including oil,
31 kerosene, liquefied petroleum gas, coal, wood, and other fuel

1 products used in the household or residential model for the
2 purposes of heating, cooking, lighting, and refrigeration,
3 regardless of whether such sales of utilities and fuels are
4 separately metered and billed direct to the residents or are
5 metered and billed to the landlord. If any part of the utility
6 or fuel is used for a nonexempt purpose, the entire sale is
7 taxable. The landlord shall provide a separate meter for
8 nonexempt utility or fuel consumption. For the purposes of
9 this paragraph, licensed family day care homes shall also be
10 exempt.

11 (k) Meals provided by certain nonprofit
12 organizations.--There is exempt from the tax imposed by this
13 chapter the sale of prepared meals by a nonprofit volunteer
14 organization to handicapped, elderly, or indigent persons when
15 such meals are delivered as a charitable function by the
16 organization to such persons at their places of residence.

17 ~~(l) Military museums.--Also exempt are sales to~~
18 ~~nonprofit corporations which hold current exemptions from~~
19 ~~federal corporate income tax pursuant to s. 501(c)(3),~~
20 ~~Internal Revenue Code of 1954, as amended, and whose primary~~
21 ~~purpose is to raise money for military museums.~~

22 ~~(m) Nonprofit corporations; homes for the aged,~~
23 ~~nursing homes, or hospices.--Nonprofit corporations which hold~~
24 ~~current exemptions from federal corporate income tax pursuant~~
25 ~~to s. 501(c)(3), Internal Revenue Code of 1954, as amended,~~
26 ~~and which either qualify as homes for the aged pursuant to s.~~
27 ~~196.1975(2) or are licensed as a nursing home or hospice under~~
28 ~~the provisions of chapter 400, are exempt from the tax imposed~~
29 ~~by this chapter.~~

30 (l)(n) Organizations providing special educational,
31 cultural, recreational, and social benefits to minors.--There

1 shall be exempt from the tax imposed by this chapter nonprofit
2 organizations which are incorporated pursuant to chapter 617
3 ~~or which hold a current exemption from federal corporate~~
4 ~~income tax pursuant to s. 501(c)(3) of the Internal Revenue~~
5 ~~Code~~ the primary purpose of which is providing activities that
6 contribute to the development of good character or good
7 sportsmanship, or to the educational or cultural development,
8 of minors. This exemption is extended only to that level of
9 the organization that has a salaried executive officer or an
10 elected nonsalaried executive officer.

11 ~~(m)(o) Churches Religious, charitable, scientific,~~
12 ~~educational, and veterans' institutions and organizations.--~~

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

15 ~~a. sales or leases directly to churches or sales or~~
16 ~~leases of tangible personal property by churches.~~

17 ~~b. Sales or leases to nonprofit religious, nonprofit~~
18 ~~charitable, nonprofit scientific, or nonprofit educational~~
19 ~~institutions when used in carrying on their customary~~
20 ~~nonprofit religious, nonprofit charitable, nonprofit~~
21 ~~scientific, or nonprofit educational activities, including~~
22 ~~church cemeteries; and~~

23 ~~(n)c. Veteran organization headquarters.--There are~~
24 ~~exempt from the tax imposed by this chapter transactions~~
25 ~~involving~~ sales or leases to the state headquarters of
26 qualified veterans' organizations and the state headquarters
27 of their auxiliaries when used in carrying on their customary
28 veterans' organization activities. If a qualified veterans'
29 organization or its auxiliary does not maintain a permanent
30 state headquarters, then transactions involving sales or
31 leases to such organization and used to maintain the office of

1 the highest ranking state official are exempt from the tax
2 imposed by this chapter. As used in this paragraph, "veterans'
3 organizations" means nationally chartered or recognized
4 veterans' organizations, including, but not limited to,
5 Florida chapters of the Paralyzed Veterans of America,
6 Catholic War Veterans of the U.S.A., Jewish War Veterans of
7 the U.S.A., and the Disabled American Veterans, Department of
8 Florida, Inc., which hold current exemptions from federal
9 income tax under s. 501(c)(4) or (19) of the Internal Revenue
10 Code.

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~~
31

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 ~~(o)d. Schools, colleges, and universities.--Also~~
23 ~~exempt from the tax imposed by this chapter are sales or~~
24 ~~leases to"Educational institutions" means state tax-supported~~
25 ~~or parochial, church and nonprofit private schools, colleges,~~
26 ~~or universities, which conduct regular classes and courses of~~
27 ~~study required for accreditation by, or membership in, the~~
28 ~~Southern Association of Colleges and Schools, the Department~~
29 ~~of Education, the Florida Council of Independent Schools, or~~
30 ~~the Florida Association of Christian Colleges and Schools,~~
31 ~~inc., or nonprofit private schools which conduct regular~~

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

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

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

17 (p) Section 501(c)(3) organizations.--Also exempt from
18 the tax imposed by this chapter are sales or leases to
19 organizations holding an exemption from federal income tax
20 under s. 501(c)(3) of the Internal Revenue Code, as amended.

21 (q)~~(p)~~ Resource recovery equipment.--Also exempt is
22 resource recovery equipment which is owned and operated by or
23 on behalf of any county or municipality, certified by the
24 Department of Environmental Protection under the provisions of
25 s. 403.715.

26 (r)~~(q)~~ School books and school lunches.--This
27 exemption applies to school books used in regularly prescribed
28 courses of study, and to school lunches served in public,
29 parochial, or nonprofit schools operated for and attended by
30 pupils of grades K through 12. Yearbooks, magazines,
31 newspapers, directories, bulletins, and similar publications

1 distributed by such educational institutions to their students
2 are also exempt. School books and food sold or served at
3 community colleges and other institutions of higher learning
4 are taxable.

5 ~~(r) State theater contract organizations.--Nonprofit~~
6 ~~organizations incorporated in accordance with chapter 617~~
7 ~~which have qualified under s. 501(c)(3) of the Internal~~
8 ~~Revenue Code of 1954, as amended, and which have been~~
9 ~~designated as state theater contract organizations as provided~~
10 ~~in s. 265.289 are exempt from the tax imposed by this chapter.~~

11 (s) Tasting beverages.--Vinous and alcoholic beverages
12 provided by distributors or vendors for the purpose of "wine
13 tasting" and "spirituous beverage tasting" as contemplated
14 under the provisions of ss. 564.06 and 565.12, respectively,
15 are exempt from the tax imposed by this chapter.

16 (t) Boats temporarily docked in state.--

17 1. Notwithstanding the provisions of chapters 327 and
18 328, pertaining to the registration of vessels, a boat upon
19 which the state sales or use tax has not been paid is exempt
20 from the use tax under this chapter if it enters and remains
21 in this state for a period not to exceed a total of 20 days in
22 any calendar year calculated from the date of first dockage or
23 slippage at a facility, registered with the department, that
24 rents dockage or slippage space in this state. If a boat
25 brought into this state for use under this paragraph is placed
26 in a facility, registered with the department, for repairs,
27 alterations, refitting, or modifications and such repairs,
28 alterations, refitting, or modifications are supported by
29 written documentation, the 20-day period shall be tolled
30 during the time the boat is physically in the care, custody,
31 and control of the repair facility, including the time spent

1 on sea trials conducted by the facility. The 20-day time
2 period may be tolled only once within a calendar year when a
3 boat is placed for the first time that year in the physical
4 care, custody, and control of a registered repair facility;
5 however, the owner may request and the department may grant an
6 additional tolling of the 20-day period for purposes of
7 repairs that arise from a written guarantee given by the
8 registered repair facility, which guarantee covers only those
9 repairs or modifications made during the first tolled period.
10 Within 72 hours after the date upon which the registered
11 repair facility took possession of the boat, the facility must
12 have in its possession, on forms prescribed by the department,
13 an affidavit which states that the boat is under its care,
14 custody, and control and that the owner does not use the boat
15 while in the facility. Upon completion of the repairs,
16 alterations, refitting, or modifications, the registered
17 repair facility must, within 72 hours after the date of
18 release, have in its possession a copy of the release form
19 which shows the date of release and any other information the
20 department requires. The repair facility shall maintain a log
21 that documents all alterations, additions, repairs, and sea
22 trials during the time the boat is under the care, custody,
23 and control of the facility. The affidavit shall be
24 maintained by the registered repair facility as part of its
25 records for as long as required by s. 213.35. When, within 6
26 months after the date of its purchase, a boat is brought into
27 this state under this paragraph, the 6-month period provided
28 in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.
29 2. During the period of repairs, alterations,
30 refitting, or modifications and during the 20-day period
31 referred to in subparagraph 1., the boat may be listed for

1 sale, contracted for sale, or sold exclusively by a broker or
2 dealer registered with the department without incurring a use
3 tax under this chapter; however, the sales tax levied under
4 this chapter applies to such sale.

5 3. The mere storage of a boat at a registered repair
6 facility does not qualify as a tax-exempt use in this state.

7 4. As used in this paragraph, "registered repair
8 facility" means:

9 a. A full-service facility that:

10 (I) Is located on a navigable body of water;

11 (II) Has haulout capability such as a dry dock, travel
12 lift, railway, or similar equipment to service craft under the
13 care, custody, and control of the facility;

14 (III) Has adequate piers and storage facilities to
15 provide safe berthing of vessels in its care, custody, and
16 control; and

17 (IV) Has necessary shops and equipment to provide
18 repair or warranty work on vessels under the care, custody,
19 and control of the facility;

20 b. A marina that:

21 (I) Is located on a navigable body of water;

22 (II) Has adequate piers and storage facilities to
23 provide safe berthing of vessels in its care, custody, and
24 control; and

25 (III) Has necessary shops and equipment to provide
26 repairs or warranty work on vessels; or

27 c. A shoreside facility that:

28 (I) Is located on a navigable body of water;

29 (II) Has adequate piers and storage facilities to
30 provide safe berthing of vessels in its care, custody, and
31 control; and

1 (III) Has necessary shops and equipment to provide
2 repairs or warranty work.

3 (u) Volunteer fire departments.--Also exempt are
4 firefighting and rescue service equipment and supplies
5 purchased by volunteer fire departments, duly chartered under
6 the Florida Statutes as corporations not for profit.

7 (v) Professional services.--

8 1. Also exempted are professional, insurance, or
9 personal service transactions that involve sales as
10 inconsequential elements for which no separate charges are
11 made.

12 2. The personal service transactions exempted pursuant
13 to subparagraph 1. do not exempt the sale of information
14 services involving the furnishing of printed, mimeographed, or
15 multigraphed matter, or matter duplicating written or printed
16 matter in any other manner, other than professional services
17 and services of employees, agents, or other persons acting in
18 a representative or fiduciary capacity or information services
19 furnished to newspapers and radio and television stations. As
20 used in this subparagraph, the term "information services"
21 includes the services of collecting, compiling, or analyzing
22 information of any kind or nature and furnishing reports
23 thereof to other persons.

24 3. This exemption does not apply to any service
25 warranty transaction taxable under s. 212.0506.

26 4. This exemption does not apply to any service
27 transaction taxable under s. 212.05(1)(k).

28 (w) Certain newspaper, magazine, and newsletter
29 subscriptions, shoppers, and community newspapers.--Likewise
30 exempt are newspaper, magazine, and newsletter subscriptions
31 in which the product is delivered to the customer by mail.

1 Also exempt are free, circulated publications that are
2 published on a regular basis, the content of which is
3 primarily advertising, and that are distributed through the
4 mail, home delivery, or newsstands. The exemption for
5 newspaper, magazine, and newsletter subscriptions which is
6 provided in this paragraph applies only to subscriptions
7 entered into after March 1, 1997.

8 (x) Sporting equipment brought into the
9 state.--Sporting equipment brought into Florida, for a period
10 of not more than 4 months in any calendar year, used by an
11 athletic team or an individual athlete in a sporting event is
12 exempt from the use tax if such equipment is removed from the
13 state within 7 days after the completion of the event.

14 (y) Charter fishing vessels.--The charge for
15 chartering any boat or vessel, with the crew furnished, solely
16 for the purpose of fishing is exempt from the tax imposed
17 under s. 212.04 or s. 212.05. This exemption does not apply
18 to any charge to enter or stay upon any "head-boat," party
19 boat, or other boat or vessel. Nothing in this paragraph
20 shall be construed to exempt any boat from sales or use tax
21 upon the purchase thereof except as provided in paragraph (t)
22 and s. 212.05.

23 (z) Vending machines sponsored by nonprofit or
24 charitable organizations.--Also exempt are food or drinks for
25 human consumption sold for 25 cents or less through a
26 coin-operated vending machine sponsored by a nonprofit
27 corporation qualified as nonprofit pursuant to s. 501(c)(3) or
28 (4) of the Internal Revenue Code of 1986, as amended.

29 (aa) Certain commercial vehicles.--Also exempt is the
30 sale, lease, or rental of a commercial motor vehicle as
31

1 defined in s. 207.002(2), when the following conditions are
2 met:

- 3 1. The sale, lease, or rental occurs between two
4 commonly owned and controlled corporations;
- 5 2. Such vehicle was titled and registered in this
6 state at the time of the sale, lease, or rental; and
- 7 3. Florida sales tax was paid on the acquisition of
8 such vehicle by the seller, lessor, or renter.

9 (bb) Community cemeteries.--Also exempt are purchases
10 by any nonprofit corporation that has qualified under s.
11 501(c)(13) of the Internal Revenue Code of 1986, as amended,
12 and is operated for the purpose of maintaining a cemetery that
13 was donated to the community by deed.

14 ~~(cc) Coast Guard auxiliaries.--A nonprofit~~
15 ~~organization that is affiliated with the Coast Guard, that is~~
16 ~~exempt from federal income tax pursuant to s. 501(a) and~~
17 ~~(c)(3) of the Internal Revenue Code of 1986, as amended, and~~
18 ~~the primary purpose of which is to promote safe boating and to~~
19 ~~conduct free public education classes in basic seamanship is~~
20 ~~exempt from the tax imposed by this chapter.~~

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

31

1 3. A work of art is presumed to have been purchased in
2 or imported into this state exclusively for loan as provided
3 in subparagraph 2., if it is so loaned or placed in storage in
4 preparation for such a loan within 90 days after purchase or
5 importation, whichever is later; but a work of art is not
6 deemed to be placed in storage for purposes of this exemption
7 if it is displayed at any place other than an educational
8 institution.

9 4. The exemptions provided by this paragraph are
10 allowed only if the person who purchased the work of art gives
11 to the vendor an affidavit meeting the requirements,
12 established by rule, to document entitlement to the exemption.
13 The person who purchased the work of art shall forward a copy
14 of such affidavit to the Department of Revenue at the time it
15 is issued to the vendor.

16 5. The exemption provided by subparagraph 2. applies
17 only for the period during which a work of art is in the
18 possession of the educational institution or is in storage
19 before transfer of possession to that institution; and when it
20 ceases to be so possessed or held, tax based upon the sales
21 price paid by the owner is payable, and the statute of
22 limitations provided in s. 95.091 shall begin to run at that
23 time. Any educational institution which has received a work
24 of art pursuant to this paragraph shall make available to the
25 department information relating to the work of art. Any
26 educational institution that transfers from its possession a
27 work of art as defined by this paragraph must notify the
28 Department of Revenue within 60 days after the transfer.

29 6. For purposes of the exemptions provided by this
30 paragraph:7

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

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

17 b. the term "Work of art" includes pictorial
18 representations, sculpture, jewelry, antiques, stamp
19 collections and coin collections, and other tangible personal
20 property, the value of which is attributable predominantly to
21 its artistic, historical, political, cultural, or social
22 importance.

23 7. This paragraph is a remedial clarification of
24 legislative intent and applies to all taxes that remain open
25 to assessment or contest on July 1, 1992.

26 (dd)(ee) Taxicab leases.--The lease of or license to
27 use a taxicab or taxicab-related equipment and services
28 provided by a taxicab company to an independent taxicab
29 operator are exempt, provided, however, the exemptions
30 provided under this paragraph only apply if sales or use tax

31

1 has been paid on the acquisition of the taxicab and its
2 related equipment.

3 (ee)~~(ff)~~ Aircraft repair and maintenance labor
4 charges.--There shall be exempt from the tax imposed by this
5 chapter all labor charges for the repair and maintenance of
6 aircraft of more than 15,000 pounds maximum certified takeoff
7 weight and rotary wing aircraft of more than 10,000 pounds
8 maximum certified takeoff weight. Except as otherwise provided
9 in this chapter, charges for parts and equipment furnished in
10 connection with such labor charges are taxable.

11 ~~(gg) Athletic event sponsors.--There shall be exempt~~
12 ~~from the tax imposed by this chapter sales or leases to those~~
13 ~~organizations which:~~

14 1.a. ~~Are incorporated pursuant to chapter 617; and~~

15 b. ~~Hold a current exemption from federal corporate~~
16 ~~income tax liability pursuant to s. 501(c)(3) of the Internal~~
17 ~~Revenue Code of 1986, as amended; and~~

18 2. ~~Sponsor golf tournaments sanctioned by the PGA~~
19 ~~Four, PGA of America, or the LPGA.~~

20 (ff)~~(hh)~~ Electric vehicles.--Effective July 1, 1995,
21 through June 30, 2000, the sale of an electric vehicle, as
22 defined in s. 320.01, is exempt from the tax imposed by this
23 chapter.

24 (gg)~~(ii)~~ Certain electricity or steam uses.--

25 1. Charges for electricity or steam used to operate
26 machinery and equipment at a fixed location in this state when
27 such machinery and equipment is used to manufacture, process,
28 compound, produce, or prepare for shipment items of tangible
29 personal property for sale, or to operate pollution control
30 equipment, recycling equipment, maintenance equipment, or
31 monitoring or control equipment used in such operations are

1 exempt to the extent provided in this paragraph. In order to
2 qualify for this exemption, 75 percent or more of the
3 electricity used at the fixed location must be used to operate
4 qualifying machinery or equipment. If less than 75 percent but
5 50 percent or more of the electricity is used at a fixed
6 location to operate qualifying machinery or equipment, then it
7 is presumed that 50 percent of the charge for electricity is
8 for nonexempt purposes.

9 2. This exemption applies only to industries
10 classified under SIC Industry Major Group Numbers 10, 12, 13,
11 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
12 35, 36, 37, 38, and 39. As used in this paragraph, "SIC" means
13 those classifications contained in the Standard Industrial
14 Classification Manual, 1987, as published by the Office of
15 Management and Budget, Executive Office of the President.

16 3. Possession by a seller of a written certification
17 by the purchaser, certifying the purchaser's entitlement to an
18 exemption permitted by this subsection, relieves the seller
19 from the responsibility of collecting the tax on the
20 nontaxable amounts, and the department shall look solely to
21 the purchaser for recovery of such tax if it determines that
22 the purchaser was not entitled to the exemption.

23 4. Such exemption shall be applied as follows:

24 a. Beginning July 1, 1996, 20 percent of the charges
25 for such electricity shall be exempt.

26 b. Beginning July 1, 1997, 40 percent of the charges
27 for such electricity shall be exempt.

28 c. Beginning July 1, 1998, 60 percent of the charges
29 for such electricity or steam shall be exempt.

30 d. Beginning July 1, 1999, 80 percent of the charges
31 for such electricity or steam shall be exempt.

1 e. Beginning July 1, 2000, 100 percent of the charges
2 for such electricity or steam shall be exempt.

3 5. Notwithstanding any other provision in this
4 paragraph to the contrary, in order to receive the exemption
5 provided in this paragraph a taxpayer must first register with
6 the WAGES Program Business Registry established by the local
7 WAGES coalition for the area in which the taxpayer is located.
8 Such registration establishes a commitment on the part of the
9 taxpayer to hire WAGES program participants to the maximum
10 extent possible consistent with the nature of their business.

11 6.a. In order to determine whether the exemption
12 provided in this paragraph from the tax on charges for
13 electricity or steam has an effect on retaining or attracting
14 companies to this state, the Office of Program Policy Analysis
15 and Governmental Accountability shall periodically monitor and
16 report on the industries receiving the exemption.

17 b. The first report shall be submitted no later than
18 January 1, 1997, and must be conducted in such a manner as to
19 specifically determine the number of companies within each SIC
20 Industry Major Group receiving the exemption as of September
21 1, 1996, and the number of individuals employed by companies
22 within each SIC Industry Major Group receiving the exemption
23 as of September 1, 1996.

24 c. The second report shall be submitted no later than
25 January 1, 2001, and must be comprehensive in scope, but, at a
26 minimum, must be conducted in such a manner as to specifically
27 determine the number of companies within each SIC Industry
28 Major Group receiving the exemption as of September 1, 2000,
29 the number of individuals employed by companies within each
30 SIC Industry Major Group receiving the exemption as of
31 September 1, 2000, whether the change, if any, in such number

1 of companies or employees is attributable to the exemption
2 provided in this paragraph, whether it would be sound public
3 policy to continue or discontinue the exemption, and the
4 consequences of doing so.

5 d. Both reports shall be submitted to the President of
6 the Senate, the Speaker of the House of Representatives, the
7 Senate Minority Leader, and the House Minority Leader.

8 (hh)~~(jj)~~ Fair associations.--Also exempt from the tax
9 imposed by this chapter is the sale, use, lease, rental, or
10 grant of a license to use, made directly to or by a fair
11 association, of real or tangible personal property; any charge
12 made by a fair association, or its agents, for parking,
13 admissions, or for temporary parking of vehicles used for
14 sleeping quarters; rentals, subleases, and sublicenses of real
15 or tangible personal property between the owner of the central
16 amusement attraction and any owner of an amusement ride, as
17 those terms are used in ss. 616.15(1)(b) and 616.242(3)(a),
18 for the furnishing of amusement rides at a public fair or
19 exposition; and other transactions of a fair association which
20 are incurred directly by the fair association in the
21 financing, construction, and operation of a fair, exposition,
22 or other event or facility that is authorized by s. 616.08. As
23 used in this paragraph, the terms "fair association" and
24 "public fair or exposition" have the same meaning as those
25 terms are defined in s. 616.001. This exemption does not apply
26 to the sale of tangible personal property made by a fair
27 association through an agent or independent contractor; sales
28 of admissions and tangible personal property by a
29 concessionaire, vendor, exhibitor, or licensee; or rentals and
30 subleases of tangible personal property or real property
31 between the owner of the central amusement attraction and a

1 concessionaire, vendor, exhibitor, or licensee, except for the
2 furnishing of amusement rides, which transactions are exempt.

3 (ii)~~(kk)~~ Citizen support organizations.--~~Beginning~~
4 ~~July 1, 1996,~~ Nonprofit organizations that are incorporated
5 under chapter 617 ~~or hold a current exemption from federal~~
6 ~~corporate income tax under s. 501(c)(3) of the Internal~~
7 ~~Revenue Code, as amended,~~ and that have been designated
8 citizen support organizations in support of state-funded
9 environmental programs or the management of state-owned lands
10 in accordance with s. 370.0205, or to support one or more
11 state parks in accordance with s. 258.015 are exempt from the
12 tax imposed by this chapter.

13 (jj)~~(ll)~~ Florida Folk Festival.--There shall be exempt
14 from the tax imposed by this chapter income of a revenue
15 nature received from admissions to the Florida Folk Festival
16 held pursuant to s. 267.16 at the Stephen Foster State Folk
17 Culture Center, a unit of the state park system.

18 (kk)~~(mm)~~ Solar energy systems.--Also exempt are solar
19 energy systems or any component thereof. The Florida Solar
20 Energy Center shall from time to time certify to the
21 department a list of equipment and requisite hardware
22 considered to be a solar energy system or a component thereof.
23 This exemption is repealed July 1, 2002.

24 (ll)~~(nn)~~ Nonprofit cooperative hospital
25 laundries.--Nonprofit organizations that are incorporated
26 under chapter 617 and which are treated, for federal income
27 tax purposes, as cooperatives under subchapter T of the
28 Internal Revenue Code, whose sole purpose is to offer laundry
29 supplies and services to their members, which members must all
30 be exempt from federal income tax pursuant to s. 501(c)(3) of
31

1 the Internal Revenue Code, are exempt from the tax imposed by
2 this chapter.

3 (mm)~~(oo)~~ Complimentary meals.--Also exempt from the
4 tax imposed by this chapter part are food or drinks that are
5 furnished as part of a packaged room rate by any person
6 offering for rent or lease any transient living accommodations
7 as described in s. 509.013(4)(a) which are licensed under part
8 I of chapter 509 and which are subject to the tax under s.
9 212.03, if a separate charge or specific amount for the food
10 or drinks is not shown. Such food or drinks are considered to
11 be sold at retail as part of the total charge for the
12 transient living accommodations. Moreover, the person offering
13 the accommodations is not considered to be the consumer of
14 items purchased in furnishing such food or drinks and may
15 purchase those items under conditions of a sale for resale.

16 (nn)~~(pp)~~ Nonprofit corporation conducting the
17 correctional work programs.--Products sold pursuant to s.
18 946.515 by the corporation organized pursuant to part II of
19 chapter 946 are exempt from the tax imposed by this chapter.
20 This exemption applies retroactively to July 1, 1983.

21 (oo)~~(qq)~~ Parent-teacher organizations, parent-teacher
22 associations, and schools having grades K through
23 12.--Parent-teacher organizations and associations qualified
24 as educational institutions as defined by sub-subparagraph
25 (cc)6.a. under paragraph (o) associated with schools having
26 grades K through 12, and schools having grades K through 12,
27 may pay tax to their suppliers on the cost price of school
28 materials and supplies purchased, rented, or leased for resale
29 or rental to students in grades K through 12, of items sold
30 for fundraising purposes, and of items sold through vending
31 machines located on the school premises, in lieu of collecting

1 the tax imposed by this chapter from the purchaser. This
2 paragraph also applies to food or beverages sold through
3 vending machines located in the student lunchroom or dining
4 room of a school having kindergarten through grade 12.

5 (pp)~~(rr)~~ Mobile home lot improvements.--Items
6 purchased by developers for use in making improvements to a
7 mobile home lot owned by the developer may be purchased
8 tax-exempt as a sale for resale if made pursuant to a contract
9 that requires the developer to sell a mobile home to a
10 purchaser, place the mobile home on the lot, and make the
11 improvements to the lot for a single lump-sum price. The
12 developer must collect and remit sales tax on the entire
13 lump-sum price.

14 (qq)~~(ss)~~ Veterans Administration.--When a veteran of
15 the armed forces purchases an aircraft, boat, mobile home,
16 motor vehicle, or other vehicle from a dealer pursuant to the
17 provisions of 38 U.S.C. s. 3902(a), or any successor provision
18 of the United States Code, the amount that is paid directly to
19 the dealer by the Veterans Administration is not taxable.
20 However, any portion of the purchase price which is paid
21 directly to the dealer by the veteran is taxable.

22 (rr)~~(tt)~~ Complimentary items.--There is exempt from
23 the tax imposed by this chapter:

24 1. Any food or drink, whether or not cooked or
25 prepared on the premises, provided without charge as a sample
26 or for the convenience of customers by a dealer that primarily
27 sells food product items at retail.

28 2. Any item given to a customer as part of a price
29 guarantee plan related to point-of-sale errors by a dealer
30 that primarily sells food products at retail.

31

1 The exemptions in this paragraph do not apply to businesses
2 with the primary activity of serving prepared meals or
3 alcoholic beverages for immediate consumption.

4 (ss)~~(uu)~~ Donated foods or beverages.--Any food or
5 beverage donated by a dealer that sells food products at
6 retail to a food bank or an organization that holds a current
7 exemption from federal corporate income tax pursuant to s.
8 501(c) of the Internal Revenue Code of 1986, as amended, is
9 exempt from the tax imposed by this chapter.

10 (tt)~~(vv)~~ Racing dogs.--The sale of a racing dog by its
11 owner is exempt if the owner is also the breeder of the
12 animal.

13 (uu)~~(ww)~~ Equipment used in aircraft repair and
14 maintenance.--There shall be exempt from the tax imposed by
15 this chapter replacement engines, parts, and equipment used in
16 the repair or maintenance of aircraft of more than 15,000
17 pounds maximum certified takeoff weight and rotary wing
18 aircraft of more than 10,300 pounds maximum certified takeoff
19 weight, when such parts or equipment are installed on such
20 aircraft that is being repaired or maintained in this state.

21 (vv)~~(xx)~~ Aircraft sales or leases.--The sale or lease
22 of an aircraft of more than 15,000 pounds maximum certified
23 takeoff weight for use by a common carrier is exempt from the
24 tax imposed by this chapter. As used in this paragraph,
25 "common carrier" means an airline operating under Federal
26 Aviation Administration regulations contained in Title 14,
27 chapter I, part 121 or part 129 of the Code of Federal
28 Regulations.

29 ~~(yy) Sales or leases to Gasparilla Distance Classic~~
30 ~~Association, Inc.--Also exempt from the tax imposed by this~~
31 ~~chapter are sales or leases to the Gasparilla Distance Classic~~

1 ~~Association, Inc., if that organization holds a current~~
2 ~~exemption from federal corporate income tax liability pursuant~~
3 ~~to s. 501(c)(3) of the Internal Revenue Code of 1986, as~~
4 ~~amended.~~

5
6 Exemptions provided to any entity by this subsection shall not
7 inure to any transaction otherwise taxable under this chapter
8 when payment is made by a representative or employee of such
9 entity by any means, including, but not limited to, cash,
10 check, or credit card even when that representative or
11 employee is subsequently reimbursed by such entity.

12 Section 2. Subsection (6) of section 212.084, Florida
13 Statutes, is amended to read:

14 212.084 Review of exemption certificates; reissuance;
15 specified expiration date; temporary exemption certificates.--

16 (6)(a) The Department of Revenue may issue temporary
17 exemption certificates to newly organized ~~charitable~~
18 organizations applying for exemption under s.
19 212.08(7)(p)~~(o)2.b~~ when a lack of historical information
20 prevents the applicant from qualifying immediately for an
21 exemption certificate. The department may require the
22 applicant to submit the information necessary to demonstrate
23 that the organization's proposed activities will qualify for
24 exemption under this chapter. The application must include an
25 estimate of the organization's expenditures that would be
26 taxable except for the temporary exemption certificate. If at
27 any time the amount of actual expenditures otherwise subject
28 to tax exceeds the anticipated amount, the applicant must file
29 with the department a supplemental application stating the
30 actual expenditures and the estimated expenditures for the
31 duration of the period covered by the temporary certificate.

1 (b) A recipient of a temporary certificate must
2 qualify for a permanent certificate before the temporary
3 certificate expires, or the recipient will be liable for the
4 taxes and interest on all purchases for which the temporary
5 exemption certificate was used. The executive director of the
6 department may require the applicant for a temporary exemption
7 certificate to file a cash or surety bond in an amount
8 sufficient to satisfy the department's estimate of taxes and
9 interest that would be due if the organization failed to
10 timely qualify for a regular exemption certificate.

11 (c) A temporary exemption certificate expires 12
12 months after the date of issuance and may be renewed once for
13 an additional 12 months. If at any time the department
14 determines that the organization will not meet the criteria in
15 s. 212.08(7)(p)(~~o~~)2.~~b~~. for the issuance of a regular exemption
16 certificate, the temporary exemption certificate must be
17 canceled, and the taxes and interest on all purchases for
18 which the temporary exemption certificate was used are due
19 within 30 days after the cancellation. The department may
20 adopt rules governing the application for, the issuance of,
21 and the form of the temporary exemption certificate and
22 providing for the collection of back taxes and interest.

23 Section 3. Subsection (4) of section 196.195, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 196.195 Determining profit or nonprofit status of
26 applicant.--

27 (4) Notwithstanding the provisions of subsections (2)
28 and (3), a corporation organized as nonprofit under chapter
29 617 which has a valid consumer certificate of exemption
30 pursuant to s. 212.08(7)(m), (n), (o), or (p) and which has a
31 valid exemption from federal income tax under s. 501(c)(3) of

1 the Internal Revenue Code is nonprofit. Proof provided by a
2 corporation of its status as described in this subsection
3 shall be sufficient to establish the organization's nonprofit
4 status, and any corporation providing such proof is not
5 required to provide any other information in order to
6 establish its nonprofit status.

7 Section 4. Paragraph (c) of subsection (1) of section
8 196.196, Florida Statutes, 1998 Supplement, is amended to
9 read:

10 196.196 Determining whether property is entitled to
11 charitable, religious, scientific, or literary exemption.--

12 (1) In the determination of whether an applicant is
13 actually using all or a portion of its property predominantly
14 for a charitable, religious, scientific, or literary purpose,
15 the following criteria shall be applied:

16 (c) The extent to which the property is used to
17 conduct activities which cause a corporation to qualify for a
18 consumer certificate of exemption under s. 212.08(7)(m), (n),
19 (o), or (p). Such activities shall be considered as part of
20 the exempt purposes of the applicant.

21 Section 5. Subsection (2) of section 212.0821, Florida
22 Statutes, is amended to read:

23 212.0821 Legislative intent that political
24 subdivisions and public libraries use their sales tax
25 exemption certificates for purchases on behalf of specified
26 groups.--It is the intent of the Legislature that the
27 political subdivisions of the state and the public libraries
28 utilize their sales tax exemption certificates to purchase,
29 with funds provided by the following groups, services,
30 equipment, supplies, and items necessary for the operation of
31

1 such groups, in addition to the normal exempt purchases that
2 political subdivisions and libraries are empowered to make:

3 (2) Counties and municipalities shall purchase
4 necessary goods and services requested by REACT groups,
5 neighborhood crime watch groups, and state or locally
6 recognized organizations solely engaged in youth activities
7 identical to those discussed in s. 212.08(7)(l)~~(n)~~.

8 Section 6. Section 403.715, Florida Statutes, is
9 amended to read:

10 403.715 Certification of resource recovery or
11 recycling equipment.--For purposes of implementing the tax
12 exemptions provided by s. 212.08(5)(e) and (7)(q)~~(p)~~, the
13 department shall establish a system for the examination and
14 certification of resource recovery or recycling equipment.
15 Application for certification of equipment shall be submitted
16 to the department on forms prescribed by it which include such
17 pertinent information as the department may require. The
18 department may require appropriate certification by a
19 certified public accountant or professional engineer that the
20 equipment for which these exemptions are being sought complies
21 with the exemption criteria set forth in s. 212.08(5)(e) and
22 (7)(q)~~(p)~~. Within 30 days after receipt of an application by
23 the department, a representative of the department may inspect
24 the equipment. Within 30 days after such inspection, the
25 department shall issue a written decision granting or denying
26 certification.

27 Section 7. Section 414.029, Florida Statutes, is
28 amended to read:

29 414.029 WAGES Program Business Registry.--Each local
30 WAGES coalition created pursuant to s. 414.028 must establish
31 a business registry for business firms committed to assist in

1 the effort of finding jobs for WAGES Program participants.
2 Registered businesses agree to work with the coalition and to
3 hire WAGES Program participants to the maximum extent possible
4 consistent with the nature of their business. Each quarter,
5 the coalition must publish a list of businesses registered as
6 a prerequisite for receiving a tax exemption provided under s.
7 212.08(5)(b) or (7)(gg)(~~ii~~) and the number of jobs each has
8 provided for program participants.

9 Section 8. Subsection (9) of section 496.404, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 496.404 Definitions.--As used in ss. 496.401-496.424:

12 (9) "Educational institutions" means those
13 institutions and organizations described in s.

14 212.08(7)(cc)6.(~~o~~)2.d.

15 Section 9. Paragraph (b) of subsection (3) of section
16 564.02, Florida Statutes, is amended to read:

17 564.02 License fees; vendors; manufacturers and
18 distributors.--

19 (3)

20 (b) A bona fide religious order, monastery, church, or
21 religious body that has a tax-exempt status ~~as a religious~~
22 ~~organization~~ as provided by s. 212.08(7)(m) or (p)(~~o~~) may be
23 licensed as a distributor under this subsection if its sales
24 and distribution are limited to wines sold solely for
25 religious or sacramental purposes to holders of valid permits
26 obtained under s. 564.03; and such religious order, monastery,
27 church, or religious body shall pay a state license tax of \$50
28 for each and every such distribution establishment to be
29 operated by the licensee.

30 Section 10. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

Provides a sales tax exemption for sales or leases to all organizations exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and removes and revises various specific exemptions to conform. Revises application of provisions which specify that certain nonprofit corporations which are exempt from sales tax are nonprofit for purposes of determining eligibility for the religious, literary, scientific, or charitable ad valorem tax exemption, and provisions which specify a criterion to be used in determining if property is being used for a charitable, religious, scientific, or literary purpose.