

By the Committee on Appropriations

309-1884D-02

1 A bill to be entitled
2 An act implementing the 2002-2003 General
3 Appropriations Act; providing legislative
4 intent; amending s. 240.35, F.S.; increasing
5 the percentage of funds from the financial aid
6 fee to be used for need-based financial aid;
7 revising provisions relating to an annual
8 report; amending s. 240.209, F.S.; prohibiting
9 State University System employees from
10 enrolling in tuition-free courses; providing
11 accounting requirements for the state
12 universities for the 2002-2003 fiscal year;
13 amending s. 216.292, F.S.; authorizing the
14 Department of Children and Family Services to
15 transfer funding between certain services;
16 amending s. 216.262, F.S.; providing for
17 additional positions to operate additional
18 prison bed capacity under certain
19 circumstances; authorizing the Correctional
20 Privatization Commission to make certain
21 expenditures to defray costs incurred by a
22 municipality or county as a result of opening
23 or operating a facility under the authority of
24 the commission or the Department of Juvenile
25 Justice; amending s. 25.402, F.S.; revising
26 uses of the County Article V Trust Fund;
27 amending s. 252.373, F.S.; providing for use of
28 the Emergency Management, Preparedness, and
29 Assistance Trust Fund; amending s. 163.3184,
30 F.S.; prescribing standards for the state land
31 planning agency to use when issuing notice of

1 intent; amending s. 375.041, F.S.; providing
2 for use of moneys in the Land Acquisition Trust
3 Fund; amending s. 403.709, F.S.; providing for
4 use of moneys in the Solid Waste Management
5 Trust Fund; amending s. 403.7095, F.S. ;
6 prescribing conditions on solid waste
7 management and recycling grants; providing for
8 extension of time for repayment of specified
9 loans; amending s. 287.161, F.S.; requiring the
10 Department of Management Services to charge all
11 persons receiving transportation from the
12 executive aircraft pool a specified rate;
13 amending s. 110.1239, F.S.; providing
14 requirements for the funding of the state group
15 health insurance program; amending s.
16 110.12315, F.S.; providing copayment
17 requirements for the state employees'
18 prescription drug program; amending s. 212.02,
19 F.S.; redefining the term "livestock" to
20 exclude ostriches and racehorses; repealing s.
21 212.031(9), F.S., relating to a tax exemption
22 for the rental or lease of a high school or
23 college stadium skybox; amending s. 212.04,
24 F.S.; eliminating the tax exemption provided
25 for tickets sold for certain nonprofit theater,
26 opera, or ballet productions; amending s.
27 212.05, F.S.; providing that charges for
28 services provided by tanning salons, dance
29 studios, dance schools, and dance halls are
30 taxable under chapter 212, F.S.; providing that
31 charges for broadcasting rights and programming

1 syndication services, promotion-based
2 advertising, computer programming, systems
3 design, data processing, and other
4 computer-related services are taxable under
5 chapter 212, F.S.; providing that charges for
6 the services of professional sports club
7 operators and promoters and management
8 services, management consulting services, and
9 public relations services are taxable under
10 chapter 212, F.S.; providing that charges for
11 certain services that are performed in this
12 state but used outside this state are exempt
13 from taxation; providing that charges for
14 certain services that are performed outside
15 this state but used in this state are subject
16 to taxation; amending s. 212.07, F.S.;
17 eliminating a tax exemption provided on the
18 markup on horses sold at claiming races;
19 amending s. 212.08, F.S.; eliminating the tax
20 exemption on the sale of feed for racehorses
21 and ostriches, alcoholic beverages used by
22 businesses for tasting, charges for chartering
23 a fishing vessel, and the sale of racing dogs
24 by breeders; providing for future repeal or
25 expiration of various provisions; providing
26 effect of veto of specific appropriation or
27 proviso to which implementing language refers;
28 incorporating by reference specified
29 performance measures and standards directly
30 linked to the appropriations made in the
31 2002-2003 General Appropriations Act, as

1 required by the Government Performance and
2 Accountability Act of 1994; limiting
3 expenditures for noncommercial sustained
4 announcements and public-service announcements;
5 providing effective dates.

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

8
9 Section 1. It is the intent of the Legislature that
10 the implementing and administering provisions of this act
11 apply to the General Appropriations Act for fiscal year
12 2002-2003.

13 Section 2. In order to implement Specific
14 Appropriation 161 of the 2002-2003 General Appropriations Act,
15 subsection (11) of section 240.35, Florida Statutes, is
16 amended to read:

17 240.35 Student fees.--Unless otherwise provided, the
18 provisions of this section apply only to fees charged for
19 college credit instruction leading to an associate in arts
20 degree, an associate in applied science degree, or an
21 associate in science degree and noncollege credit
22 college-preparatory courses defined in s. 239.105.

23 (11)(a) Each community college is authorized to
24 establish a separate fee for financial aid purposes in an
25 additional amount up to, but not to exceed, 5 percent of the
26 total student tuition or matriculation fees collected. Each
27 community college may collect up to an additional 2 percent if
28 the amount generated by the total financial aid fee is less
29 than \$250,000. If the amount generated is less than \$250,000,
30 a community college that charges tuition and matriculation
31 fees at least equal to the average fees established by rule

1 may transfer from the general current fund to the scholarship
2 fund an amount equal to the difference between \$250,000 and
3 the amount generated by the total financial aid fee
4 assessment. No other transfer from the general current fund to
5 the loan, endowment, or scholarship fund, by whatever name
6 known, is authorized.

7 (b) All funds collected under this program shall be
8 placed in the loan and endowment fund or scholarship fund of
9 the college, by whatever name known. Such funds shall be
10 disbursed to students as quickly as possible. An amount not
11 greater than 40 percent of the fees collected in a fiscal year
12 may be carried forward unexpended to the following fiscal
13 year. However, funds collected prior to July 1, 1989, and
14 placed in an endowment fund may not be considered part of the
15 balance of funds carried forward unexpended to the following
16 fiscal year.

17 (c) Up to 25 percent or \$300,000, whichever is
18 greater, of the financial aid fees collected may be used to
19 assist students who demonstrate academic merit; who
20 participate in athletics, public service, cultural arts, and
21 other extracurricular programs as determined by the
22 institution; or who are identified as members of a targeted
23 gender or ethnic minority population. The financial aid fee
24 revenues allocated for athletic scholarships and fee
25 exemptions provided pursuant to subsection (17) for athletes
26 shall be distributed equitably as required by s.
27 228.2001(3)(d). A minimum of 75 ~~50~~ percent of the balance of
28 these funds for new awards shall be used to provide financial
29 aid based on absolute need, and the remainder of the funds
30 shall be used for academic merit purposes and other purposes
31 approved by the district boards of trustees. Such other

1 purposes shall include the payment of child care fees for
2 students with financial need. The State Board of Community
3 Colleges shall develop criteria for making financial aid
4 awards. Each college shall report annually to the Department
5 of Education on the revenue collected pursuant to this
6 paragraph, the amount carried forward,the criteria used to
7 make awards, the amount and number of awards for each
8 criterion, and a delineation of the distribution of such
9 awards. The report shall include an assessment by category of
10 the financial need of every student who receives an award,
11 regardless of the purpose for which the award is received.
12 Awards which are based on financial need shall be distributed
13 in accordance with a nationally recognized system of need
14 analysis approved by the State Board of Community Colleges. An
15 award for academic merit shall require a minimum overall grade
16 point average of 3.0 on a 4.0 scale or the equivalent for both
17 initial receipt of the award and renewal of the award.

18 (d) These funds may not be used for direct or indirect
19 administrative purposes or salaries.

20 Section 3. Effective July 1, 2003, subsection (11) of
21 section 240.35, Florida Statutes, as amended by this act, is
22 amended to read:

23 240.35 Student fees.--Unless otherwise provided, the
24 provisions of this section apply only to fees charged for
25 college credit instruction leading to an associate in arts
26 degree, an associate in applied science degree, or an
27 associate in science degree and noncollege credit
28 college-preparatory courses defined in s. 239.105.

29 (11)(a) Each community college is authorized to
30 establish a separate fee for financial aid purposes in an
31 additional amount up to, but not to exceed, 5 percent of the

1 total student tuition or matriculation fees collected. Each
2 community college may collect up to an additional 2 percent if
3 the amount generated by the total financial aid fee is less
4 than \$250,000. If the amount generated is less than \$250,000,
5 a community college that charges tuition and matriculation
6 fees at least equal to the average fees established by rule
7 may transfer from the general current fund to the scholarship
8 fund an amount equal to the difference between \$250,000 and
9 the amount generated by the total financial aid fee
10 assessment. No other transfer from the general current fund to
11 the loan, endowment, or scholarship fund, by whatever name
12 known, is authorized.

13 (b) All funds collected under this program shall be
14 placed in the loan and endowment fund or scholarship fund of
15 the college, by whatever name known. Such funds shall be
16 disbursed to students as quickly as possible. An amount not
17 greater than 40 percent of the fees collected in a fiscal year
18 may be carried forward unexpended to the following fiscal
19 year. However, funds collected prior to July 1, 1989, and
20 placed in an endowment fund may not be considered part of the
21 balance of funds carried forward unexpended to the following
22 fiscal year.

23 (c) Up to 25 percent or \$300,000, whichever is
24 greater, of the financial aid fees collected may be used to
25 assist students who demonstrate academic merit; who
26 participate in athletics, public service, cultural arts, and
27 other extracurricular programs as determined by the
28 institution; or who are identified as members of a targeted
29 gender or ethnic minority population. The financial aid fee
30 revenues allocated for athletic scholarships and fee
31 exemptions provided pursuant to subsection (17) for athletes

1 shall be distributed equitably as required by s.
2 228.2001(3)(d). A minimum of 50 ~~75~~ percent of the balance of
3 these funds ~~for new awards~~ shall be used to provide financial
4 aid based on absolute need, and the remainder of the funds
5 shall be used for academic merit purposes and other purposes
6 approved by the district boards of trustees. Such other
7 purposes shall include the payment of child care fees for
8 students with financial need. The State Board of Community
9 Colleges shall develop criteria for making financial aid
10 awards. Each college shall report annually to the Department
11 of Education on ~~the revenue collected pursuant to this~~
12 ~~paragraph, the amount carried forward,~~ the criteria used to
13 make awards, the amount and number of awards for each
14 criterion, and a delineation of the distribution of such
15 awards. ~~The report shall include an assessment by category of~~
16 ~~the financial need of every student who receives an award,~~
17 ~~regardless of the purpose for which the award is received.~~
18 Awards which are based on financial need shall be distributed
19 in accordance with a nationally recognized system of need
20 analysis approved by the State Board of Community Colleges. An
21 award for academic merit shall require a minimum overall grade
22 point average of 3.0 on a 4.0 scale or the equivalent for both
23 initial receipt of the award and renewal of the award.

24 (d) These funds may not be used for direct or indirect
25 administrative purposes or salaries.

26 Section 4. In order to implement Specific
27 Appropriation 166A of the 2002-2003 General Appropriations
28 Act, subsection (6) of section 240.209, Florida Statutes, is
29 amended to read:

30 240.209 Board of Regents; powers and duties.--
31

1 (6)(a) The Board of Regents is authorized to permit
2 full-time State University System employees who meet academic
3 requirements to enroll for up to 6 credit hours of
4 tuition-free courses per term on a space-available basis.

5 (b) For the 2002-2003 ~~2001-2002~~ fiscal year only and
6 notwithstanding the provisions of paragraph (a), the Board of
7 Regents is not authorized to permit State University System
8 employees to enroll for tuition-free courses. This paragraph
9 expires July 1, 2003 ~~2002~~.

10 Section 5. In order to implement Specific
11 Appropriations 166A-181 of the 2002-2003 General
12 Appropriations Act:

13 (1) Universities in the State University System shall
14 utilize the state accounting system (FLAIR) for fiscal year
15 2002-2003 but are not required to provide funds to the
16 Department of Banking and Finance for its utilization.

17 (2) Notwithstanding the provisions of sections
18 216.181, 216.292, and 240.2094, Florida Statutes, and pursuant
19 to section 216.351, Florida Statutes, funds appropriated or
20 reappropriated to the state universities in the 2002-2003
21 General Appropriations Act, or any other act passed by the
22 2002 Legislature containing appropriations, shall be
23 distributed to each university according to the 2002-2003
24 fiscal year operating budget approved by the university board
25 of trustees. Each university board of trustees shall have
26 authority to amend the operating budget as circumstances
27 warrant. The operating budget may utilize traditional
28 appropriation categories or it may consolidate the
29 appropriations into a special category appropriation account.
30 The Comptroller or Chief Financial Officer, upon the request
31 of the university board of trustees, shall record by journal

1 transfer the distribution of the appropriated funds and
2 releases according to the approved operating budget to the
3 appropriation accounts established for disbursement purposes
4 for each university within the state accounting system
5 (FLAIR).

6 (3) Notwithstanding the provisions of sections
7 216.181, 216.292, 240.241, and 240.277, Florida Statutes, and
8 pursuant to section 216.351, Florida Statutes, each university
9 board of trustees shall include in an approved operating
10 budget the revenue in trust funds supported by student and
11 other fees as well as the trust funds within the Contract,
12 Grants, and Donations, Auxiliary Enterprises, and Sponsored
13 Research budget entities. The university board of trustees
14 shall have the authority to amend the operating budget as
15 circumstances warrant. The operating budget may utilize
16 traditional appropriation categories or it may consolidate the
17 trust fund spending authority into a special category
18 appropriation account. The Comptroller or Chief Financial
19 Officer, upon the request of the university board of trustees,
20 shall record the distribution of the trust fund spending
21 authority and releases according to the approved operating
22 budget to the appropriation accounts established for
23 disbursement purposes for each university within the state
24 accounting system (FLAIR).

25 (4) This section expires July 1, 2003.

26 Section 6. In order to implement Specific
27 Appropriations 303-338 of the 2002-2003 General Appropriations
28 Act, subsection (12) of section 216.292, Florida Statutes, is
29 amended to read:

30 216.292 Appropriations nontransferable; exceptions.--
31

1 (12) For the 2002-2003 ~~2001-2002~~ fiscal year only and
2 notwithstanding the other provisions of this section, the
3 Department of Children and Family Services may transfer funds
4 within the family safety program identified in the General
5 Appropriations Act from identical funding sources between the
6 following appropriation categories without limitation as long
7 as such a transfer does not result in an increase to the total
8 recurring general revenue or trust fund cost of the agency in
9 the subsequent fiscal year: adoption services and subsidy;
10 family foster care; and emergency shelter care. Such transfers
11 must be consistent with legislative policy and intent and must
12 not adversely affect achievement of approved performance
13 outcomes or outputs in the family safety program. Notice of
14 proposed transfers under this authority must be provided to
15 the Executive Office of the Governor and the chairs of the
16 legislative appropriations committees at least 5 working days
17 before their implementation. This subsection expires July 1,
18 2003 ~~2002~~.

19 Section 7. In order to implement Specific
20 Appropriations 691-806 and 843-857 of the 2002-2003 General
21 Appropriations Act, subsection (4) of section 216.262, Florida
22 Statutes, is amended to read:

23 216.262 Authorized positions.--

24 (4) Notwithstanding the provisions of this chapter on
25 increasing the number of authorized positions, and for the
26 2002-2003 ~~2001-2002~~ fiscal year only, ⁺

27 ~~(a)~~ if the actual inmate population of the Department
28 of Corrections exceeds by 2 percent for 2 consecutive months
29 or more the inmate population projected by the most recent
30 Criminal Justice Estimating Conference ~~on February 16, 2001,~~
31 the Executive Office of the Governor may request positions in

1 excess of the number authorized by the Legislature and
2 sufficient funding from the Working Capital Fund to operate
3 the additional prison bed capacity necessary to accommodate
4 the actual inmate population. This subsection expires July 1,
5 2003.

6 ~~(b) If, by October 1, 2001, a contract with a private~~
7 ~~vendor or vendors for the delivery of health care services at~~
8 ~~institutions located in Department of Corrections Region IV~~
9 ~~has not been executed, up to 97 positions in excess of the~~
10 ~~number authorized and appropriate salary rate may be approved,~~
11 ~~provided that sufficient funds are available to pay salaries~~
12 ~~and benefits. If a contract for the provision of health care~~
13 ~~services in the Department of Corrections Region IV is~~
14 ~~subsequently executed, the Executive Office of the Governor~~
15 ~~shall place these positions and associated salary rate into~~
16 ~~reserve.~~

17 ~~(c) In order to implement a Close Management~~
18 ~~Consolidation Plan in the Department of Corrections, positions~~
19 ~~in excess of the number authorized and appropriate salary rate~~
20 ~~may be approved provided that the Secretary of Corrections~~
21 ~~certifies that there are no vacant positions that may be used~~
22 ~~for this purpose.~~

23
24 ~~Such requests are subject to the budget amendment and~~
25 ~~consultation provisions of this chapter. This subsection~~
26 ~~expires July 1, 2002.~~

27 Section 8. In order to implement proviso language
28 following Specific Appropriation 1178 of the 2002-2003 General
29 Appropriations Act, the Correctional Privatization Commission
30 may expend appropriated funds to assist in defraying the costs
31 of impacts which are incurred by a municipality or county and

1 associated with opening or operating a facility under the
2 authority of the Correctional Privatization Commission or a
3 facility under the authority of the Department of Juvenile
4 Justice which is located within that municipality or county.
5 The amount that is to be paid under this section for any
6 facility may not exceed 1 percent of the facility construction
7 cost, less building impact fees imposed by the municipality or
8 by the county if the facility is located in the unincorporated
9 portion of the county. This section expires July 1, 2003.

10 Section 9. In order to implement Specific
11 Appropriations 889-1070, 3165, and 3201-3222 of the 2002-2003
12 General Appropriations Act, section 25.402, Florida Statutes,
13 is amended to read:

14 25.402 County Article V Trust Fund.--

15 (1)(a) The trust fund moneys in the County Article V
16 Trust Fund, administered by the Supreme Court, may be used to
17 compensate counties for the costs they incur under Article V
18 of the State Constitution in operating the state courts
19 system, including the costs they incur in providing and
20 maintaining court facilities.

21 (b) The Supreme Court shall adopt an allocation and
22 disbursement plan for the operation of the trust fund and the
23 expenditure of moneys deposited in the trust fund. The Supreme
24 Court shall include the plan in its legislative budget
25 request. A committee of 15 people shall develop and recommend
26 the allocation and disbursement plan to the Supreme Court. The
27 committee shall be composed of:

28 1. Six persons appointed by the Florida Association of
29 Counties, as follows:

30 a. Two persons residing in counties with populations
31 fewer than 90,000.

1 b. Two persons residing in counties with populations
2 greater than 89,999, but fewer than 700,000.

3 c. Two persons residing in counties with populations
4 greater than 699,999.

5 2. Six persons appointed by the Chief Justice of the
6 Supreme Court, as follows:

7 a. Two persons residing in counties with populations
8 fewer than 90,000.

9 b. Two persons residing in counties with populations
10 greater than 89,999, but fewer than 700,000.

11 c. Two persons residing in counties with populations
12 greater than 699,999.

13 3. Three persons appointed by the Florida Association
14 of Court Clerks and Comptrollers, as follows:

15 a. One person residing in a county with a population
16 fewer than 90,000.

17 b. One person residing in a county with a population
18 greater than 89,999, but fewer than 700,000.

19 c. One person residing in a county with a population
20 greater than 699,999.

21

22 The allocation and disbursement plan shall include provisions
23 to compensate counties with fewer than 90,000 residents for
24 court facility needs.

25 (c) Amendments to the approved operating budget for
26 expenditures from the County Article V Trust Fund must be
27 approved in accordance with the provisions of s. 216.181. The
28 total amount disbursed from the County Article V Trust Fund
29 may not exceed the amount authorized by the General
30 Appropriations Act.

31

1 (d) Effective July 1, 2001, moneys generated from
2 civil penalties distributed under s. 318.21(2) and ~~s.~~
3 ~~318.21(2)(h)~~ shall be deposited in the trust fund may be used
4 for the following purposes:

5 1. Funds paid to counties with populations fewer than
6 90,000 shall be grants-in-aid to be used, in priority order,
7 for: operating expenditures of the offices of the state
8 attorneys and public defenders as appropriated by the
9 Legislature in accordance with Specific Appropriation 2978B;
10 consulting or architectural studies related to the improvement
11 of courthouse facilities; improving court facilities to ensure
12 compliance with the Americans with Disabilities Act and other
13 federal or state requirements; other renovations in court
14 facilities; improvements in court security; and expert witness
15 fees in criminal cases, court reporting and transcribing costs
16 in criminal cases, and costs associated with the appointment
17 of special public defenders.

18 2. Funds paid to counties with populations exceeding
19 89,999 shall be grants-in-aid to be used, in priority order,
20 for operating expenditures of the offices of the state
21 attorneys and public defenders as appropriated by the
22 Legislature in accordance with Specific Appropriation 2978B,
23 costs paid by the county for expert witness fees in criminal
24 cases, court reporting and transcribing costs in criminal
25 cases, and costs associated with the appointment of special
26 public defenders.

27 3. Funds may be appropriated for the operation of the
28 trial courts.

29 (2) This section expires June 30, 2003 ~~2002~~.

30 Section 10. In order to implement Specific
31 Appropriations 1505-1569A of the 2002-2003 General

1 Appropriations Act, subsection (1) of section 252.373, Florida
2 Statutes, is amended to read:

3 252.373 Allocation of funds; rules.--

4 (1)(a) Funds appropriated from the Emergency
5 Management, Preparedness, and Assistance Trust Fund shall be
6 allocated by the Department of Community Affairs as follows:

7 1. Sixty percent to implement and administer state and
8 local emergency management programs, including training, of
9 which 20 percent shall be used by the division and 80 percent
10 shall be allocated to local emergency management agencies and
11 programs. Of this 80 percent, at least 80 percent shall be
12 allocated to counties.

13 2. Twenty percent to provide for state relief
14 assistance for nonfederally declared disasters, including but
15 not limited to grants and below-interest-rate loans to
16 businesses for uninsured losses resulting from a disaster.

17 3. Twenty percent for grants and loans to state or
18 regional agencies, local governments, and private
19 organizations to implement projects that will further state
20 and local emergency management objectives. These projects
21 must include, but need not be limited to, projects that will
22 promote public education on disaster preparedness and recovery
23 issues, enhance coordination of relief efforts of statewide
24 private sector organizations, and improve the training and
25 operations capabilities of agencies assigned lead or support
26 responsibilities in the state comprehensive emergency
27 management plan, including the State Fire Marshal's Office for
28 coordinating the Florida fire services. The division shall
29 establish criteria and procedures for competitive allocation
30 of these funds by rule. No more than 5 percent of any award
31 made pursuant to this subparagraph may be used for

1 administrative expenses. This competitive criteria must give
2 priority consideration to hurricane evacuation shelter
3 retrofit projects.

4 (b) Notwithstanding the provisions of paragraph (a),
5 and for the 2002-2003 ~~2001-2002~~ fiscal year only, the use up
6 ~~to \$2.2 million of the unencumbered balance~~ of the Emergency
7 Management, Preparedness, and Assistance Trust Fund shall be
8 as provided in the General Appropriations Act ~~utilized to~~
9 ~~improve, and increase the number of, disaster shelters within~~
10 ~~the state and improve local disaster preparedness.~~ This
11 paragraph expires on July 1, 2003 ~~2002~~.

12 Section 11. In order to implement Specific
13 Appropriation 1498 of the 2002-2003 General Appropriations
14 Act, subsection (8) of section 163.3184, Florida Statutes, is
15 amended to read:

16 163.3184 Process for adoption of comprehensive plan or
17 plan amendment.--

18 (8) NOTICE OF INTENT.--

19 (a) Except as provided in s. 163.3187(3), the state
20 land planning agency, upon receipt of a local government's
21 adopted comprehensive plan or plan amendment, shall have 45
22 days for review and to determine if the plan or plan amendment
23 is in compliance with this act, unless the amendment is the
24 result of a compliance agreement entered into under subsection
25 (16), in which case the time period for review and
26 determination shall be 30 days. If review was not conducted
27 under subsection (6), the agency's determination must be based
28 upon the plan amendment as adopted. If review was conducted
29 under subsection (6), the agency's determination of compliance
30 must be based only upon one or both of the following:

31

1 1. The state land planning agency's written comments
2 to the local government pursuant to subsection (6); or

3 2. Any changes made by the local government to the
4 comprehensive plan or plan amendment as adopted.

5 (b)1. During the time period provided for in this
6 subsection, the state land planning agency shall issue,
7 through a senior administrator or the secretary, as specified
8 in the agency's procedural rules, a notice of intent to find
9 that the plan or plan amendment is in compliance or not in
10 compliance. A notice of intent shall be issued by publication
11 in the manner provided by this paragraph and by mailing a copy
12 to the local government and to persons who request notice.
13 The required advertisement shall be no less than 2 columns
14 wide by 10 inches long, and the headline in the advertisement
15 shall be in a type no smaller than 12 point. The advertisement
16 shall not be placed in that portion of the newspaper where
17 legal notices and classified advertisements appear. The
18 advertisement shall be published in a newspaper which meets
19 the size and circulation requirements set forth in paragraph
20 (15)(c) and which has been designated in writing by the
21 affected local government at the time of transmittal of the
22 amendment. Publication by the state land planning agency of a
23 notice of intent in the newspaper designated by the local
24 government shall be prima facie evidence of compliance with
25 the publication requirements of this section.

26 2. For fiscal year 2002-2003 ~~2001-2002~~ only, the
27 provisions of this subparagraph shall supersede the provisions
28 of subparagraph 1. During the time period provided for in this
29 subsection, the state land planning agency shall issue,
30 through a senior administrator or the secretary, as specified
31 in the agency's procedural rules, a notice of intent to find

1 that the plan or plan amendment is in compliance or not in
2 compliance. A notice of intent shall be issued by publication
3 in the manner provided by this paragraph and by mailing a copy
4 to the local government. The advertisement shall be placed in
5 that portion of the newspaper where legal notices appear. The
6 advertisement shall be published in a newspaper that meets the
7 size and circulation requirements set forth in paragraph
8 (15)(c) and that has been designated in writing by the
9 affected local government at the time of transmittal of the
10 amendment. Publication by the state land planning agency of a
11 notice of intent in the newspaper designated by the local
12 government shall be prima facie evidence of compliance with
13 the publication requirements of this section. The state land
14 planning agency shall post a copy of the notice of intent on
15 the agency's Internet site. The agency shall, no later than
16 the date the notice of intent is transmitted to the newspaper,
17 send by regular mail a courtesy informational statement to
18 persons who provide their names and addresses to the local
19 government at the transmittal hearing or at the adoption
20 hearing where the local government has provided the names and
21 addresses of such persons to the department at the time of
22 transmittal of the adopted amendment. The informational
23 statements shall include the name of the newspaper in which
24 the notice of intent will appear, the approximate date of
25 publication, the ordinance number of the plan or plan
26 amendment, and a statement that affected persons have 21 days
27 after the actual date of publication of the notice to file a
28 petition. This subparagraph expires July 1, 2003 ~~2002~~.

29 Section 12. In order to implement Specific
30 Appropriation 1760A of the 2002-2003 General Appropriations
31

1 Act, subsection (6) is added to section 375.041, Florida
2 Statutes, to read:

3 375.041 Land Acquisition Trust Fund.--
4 (6) For the 2002-2003 fiscal year only, the use of
5 funds allocated to the Land Acquisition Trust Fund shall be as
6 provided in the General Appropriations Act. This subsection
7 expires July 1, 2003.

8 Section 13. In order to implement Specific
9 Appropriations 1760A and 1768A of the 2002-2003 General
10 Appropriations Act, subsection (7) is added to section
11 403.709, Florida Statutes, to read:

12 403.709 Solid Waste Management Trust Fund; use of
13 waste tire fee moneys; waste tire site management.--
14 (7) For the 2002-2003 fiscal year only, the use of
15 funds allocated to the Solid Waste Management Trust Fund shall
16 be as provided in the General Appropriations Act. This
17 subsection expires July 1, 2003.

18 Section 14. In order to implement Specific
19 Appropriation 1819 of the 2002-2003 General Appropriations
20 Act, subsection (8) of section 403.7095, Florida Statutes, is
21 amended to read:

22 403.7095 Solid waste management grant program.--
23 (8) Notwithstanding the provisions of this section,
24 for fiscal year 2002-2003 ~~2001-2002~~ only, the department shall
25 provide solid waste management and recycling grants only to
26 counties with populations under 100,000. Such grants must be
27 at least 80 percent of the level of funding they received in
28 fiscal year 2000-2001. This subsection expires July 1, 2003
29 ~~2002~~.

30
31

1 Section 15. In order to implement Specific
2 Appropriation 2095 of the 2002-2003 General Appropriations
3 Act:

4 (1) Notwithstanding section 332.007, Florida Statutes,
5 any airport with direct intercontinental passenger service,
6 located in a county with a population of under 400,000 as of
7 the effective date of this act, which has a loan from the
8 Department of Transportation due in August of 2002, will have
9 such loan extended until September 18, 2008.

10 (2) Notwithstanding section 332.007, Florida Statutes,
11 any airport with direct intercontinental passenger service,
12 located in a county with a population of under 400,000 as of
13 the effective date of this act, which has loans from the
14 Department of Transportation due in March 2008, July 2009, and
15 September 2009, will have such loans consolidated and repaid
16 in full by September 18, 2009.

17 Section 16. In order to implement Specific
18 Appropriations 2776-2780 of the 2002-2003 General
19 Appropriations Act, subsection (4) of section 287.161, Florida
20 Statutes, is amended to read:

21 287.161 Executive aircraft pool; assignment of
22 aircraft; charge for transportation.--

23 (4) Notwithstanding the requirements of subsections
24 (2) and (3) and for the 2002-2003 ~~2001-2002~~ fiscal year only,
25 the Department of Management Services shall charge all persons
26 receiving transportation from the executive aircraft pool a
27 rate not less than the mileage allowance fixed by the
28 Legislature for the use of privately owned vehicles. Fees
29 collected for persons traveling by aircraft in the executive
30 aircraft pool shall be deposited into the Bureau of Aircraft
31 Trust Fund and shall be expended for costs incurred to operate

1 the aircraft management activities of the department. It is
2 the intent of the Legislature that the executive aircraft pool
3 be operated on a full cost recovery basis, less available
4 funds. This subsection expires July 1, 2003 ~~2002~~.

5 Section 17. In order to implement section 8 of the
6 2002-2003 General Appropriations Act, section 110.1239,
7 Florida Statutes, is amended to read:

8 110.1239 State group health insurance program
9 funding.--For the 2002-2003 ~~2001-2002~~ fiscal year only, it is
10 the intent of the Legislature that the state group health
11 insurance program be managed, administered, operated, and
12 funded in such a manner as to maximize the protection of state
13 employee health insurance benefits. Inherent in this intent is
14 the recognition that the health insurance liabilities
15 attributable to the benefits offered state employees should be
16 fairly, orderly, and equitably funded. Accordingly:

17 (1) The division shall determine the level of premiums
18 necessary to fully fund the state group health insurance
19 program for the next fiscal year. Such determination shall be
20 made after each revenue estimating conference on health
21 insurance as provided in s. 216.136(1), but not later than
22 December 1 and April 1 of each fiscal year.

23 (2) The Governor, in the Governor's recommended
24 budget, shall provide premium rates necessary for full funding
25 of the state group health insurance program, and the
26 Legislature shall provide in the General Appropriations Act
27 for a premium level necessary for full funding of the state
28 group health insurance program.

29 (3) For purposes of funding, any additional
30 appropriation amounts allocated to the state group health
31

1 insurance program by the Legislature shall be considered as a
2 state contribution and thus an increase in the state premiums.

3 (4) This section expires July 1, 2003 ~~2002~~.

4 Section 18. In order to implement section 8 of the
5 2002-2003 General Appropriations Act, subsection (7) of
6 section 110.12315, Florida Statutes, is amended to read:

7 110.12315 Prescription drug program.--The state
8 employees' prescription drug program is established. This
9 program shall be administered by the Department of Management
10 Services, according to the terms and conditions of the plan as
11 established by the relevant provisions of the annual General
12 Appropriations Act and implementing legislation, subject to
13 the following conditions:

14 (7) Notwithstanding the provisions of subsections (1)
15 and (2), under the state employees' prescription drug program
16 copayments must be made as follows:

17 (a) Effective January 1, 2001:

- 18 1. For generic drug with card.....\$7.
19 2. For preferred brand name drug with card.....\$20.
20 3. For nonpreferred brand name drug with card.....\$35.
21 4. For generic mail order drug.....\$10.50.
22 5. For preferred brand name mail order drug.....\$30.
23 6. For nonpreferred brand name drug.....\$52.50.

24 (b) The Department of Management Services shall create
25 a preferred brand name drug list to be used in the
26 administration of the state employees' prescription drug
27 program.

28
29 This subsection expires July 1, 2003 ~~2002~~.

30
31

1 Section 19. In order to implement section 2 of the
2 2002-2003 General Appropriations Act, subsection (29) of
3 section 212.02, Florida Statutes, is amended to read:

4 212.02 Definitions.--The following terms and phrases
5 when used in this chapter have the meanings ascribed to them
6 in this section, except where the context clearly indicates a
7 different meaning:

8 (29) "Livestock" includes all animals of the equine,
9 bovine, or swine class, including goats, sheep, mules, horses,
10 hogs, cattle, ~~ostriches~~, and other grazing animals raised for
11 commercial purposes. The term "livestock" shall also include
12 fish raised for commercial purposes. For purposes of this
13 subsection, racehorses are not considered livestock.

14 Section 20. Effective July 1, 2003, subsection (29) of
15 section 212.02, Florida Statutes, as amended by this act, is
16 amended to read:

17 212.02 Definitions.--The following terms and phrases
18 when used in this chapter have the meanings ascribed to them
19 in this section, except where the context clearly indicates a
20 different meaning:

21 (29) "Livestock" includes all animals of the equine,
22 bovine, or swine class, including goats, sheep, mules, horses,
23 hogs, cattle, ostriches, and other grazing animals raised for
24 commercial purposes. The term "livestock" shall also include
25 fish raised for commercial purposes. ~~For purposes of this~~
26 ~~subsection, racehorses are not considered livestock.~~

27 Section 21. In order to implement section 2 of the
28 2002-2003 General Appropriations Act, subsection (9) of
29 section 212.031, Florida Statutes, as amended by sections 26
30 and 27 of chapter 2001-140, Laws of Florida, is repealed.

31

1 Section 22. Effective July 1, 2003, present subsection
2 (9) of section 212.031, Florida Statutes, as amended by this
3 act, is redesignated as subsection (10), and a new subsection
4 (9) is added to that section, to read:

5 212.031 Lease or rental of or license in real
6 property.--

7 (9) The rental, lease, sublease, or license for the
8 use of a skybox, luxury box, or other box seats for use during
9 a high school or college football game is exempt from the tax
10 imposed by this section when the charge for such rental,
11 lease, sublease, or license is imposed by a nonprofit
12 sponsoring organization which is qualified as nonprofit
13 pursuant to s. 501(c)(3) of the Internal Revenue Code.

14 Section 23. In order to implement section 2 of the
15 2002-2003 General Appropriations Act, paragraph (a) of
16 subsection (2) of section 212.04, Florida Statutes, is amended
17 to read:

18 212.04 Admissions tax; rate, procedure, enforcement.--

19 (2)

20 (a)1. No tax shall be levied on admissions to athletic
21 or other events sponsored by elementary schools, junior high
22 schools, middle schools, high schools, community colleges,
23 public or private colleges and universities, deaf and blind
24 schools, facilities of the youth services programs of the
25 Department of Children and Family Services, and state
26 correctional institutions when only student, faculty, or
27 inmate talent is used. However, this exemption shall not apply
28 to admission to athletic events sponsored by an institution
29 within the State University System, and the proceeds of the
30 tax collected on such admissions shall be retained and used by
31

1 each institution to support women's athletics as provided in
2 s. 240.533(3)(c).

3 2.a. No tax shall be levied on dues, membership fees,
4 and admission charges imposed by not-for-profit sponsoring
5 organizations. To receive this exemption, the sponsoring
6 organization must qualify as a not-for-profit entity under the
7 provisions of s. 501(c)(3) of the Internal Revenue Code of
8 1954, as amended.

9 b. No tax shall be levied on admission charges to an
10 event sponsored by a governmental entity, sports authority, or
11 sports commission when held in a convention hall, exhibition
12 hall, auditorium, stadium, theater, arena, civic center,
13 performing arts center, or publicly owned recreational
14 facility and when 100 percent of the risk of success or
15 failure lies with the sponsor of the event and 100 percent of
16 the funds at risk for the event belong to the sponsor, and
17 student or faculty talent is not exclusively used. As used in
18 this sub-subparagraph, the terms "sports authority" and
19 "sports commission" mean a nonprofit organization that is
20 exempt from federal income tax under s. 501(c)(3) of the
21 Internal Revenue Code and that contracts with a county or
22 municipal government for the purpose of promoting and
23 attracting sports-tourism events to the community with which
24 it contracts.

25 3. No tax shall be levied on an admission paid by a
26 student, or on the student's behalf, to any required place of
27 sport or recreation if the student's participation in the
28 sport or recreational activity is required as a part of a
29 program or activity sponsored by, and under the jurisdiction
30 of, the student's educational institution, provided his or her
31 attendance is as a participant and not as a spectator.

1 4. No tax shall be levied on admissions to the
2 National Football League championship game, on admissions to
3 any semifinal game or championship game of a national
4 collegiate tournament, or on admissions to a Major League
5 Baseball all-star game.

6 5. A participation fee or sponsorship fee imposed by a
7 governmental entity as described in s. 212.08(6) for an
8 athletic or recreational program is exempt when the
9 governmental entity by itself, or in conjunction with an
10 organization exempt under s. 501(c)(3) of the Internal Revenue
11 Code of 1954, as amended, sponsors, administers, plans,
12 supervises, directs, and controls the athletic or recreational
13 program.

14 ~~6. Also exempt from the tax imposed by this section to~~
15 ~~the extent provided in this subparagraph are admissions to~~
16 ~~live theater, live opera, or live ballet productions in this~~
17 ~~state which are sponsored by an organization that has received~~
18 ~~a determination from the Internal Revenue Service that the~~
19 ~~organization is exempt from federal income tax under s.~~
20 ~~501(c)(3) of the Internal Revenue Code of 1954, as amended, if~~
21 ~~the organization actively participates in planning and~~
22 ~~conducting the event, is responsible for the safety and~~
23 ~~success of the event, is organized for the purpose of~~
24 ~~sponsoring live theater, live opera, or live ballet~~
25 ~~productions in this state, has more than 10,000 subscribing~~
26 ~~members and has among the stated purposes in its charter the~~
27 ~~promotion of arts education in the communities which it~~
28 ~~serves, and will receive at least 20 percent of the net~~
29 ~~profits, if any, of the events which the organization sponsors~~
30 ~~and will bear the risk of at least 20 percent of the losses,~~
31 ~~if any, from the events which it sponsors if the organization~~

1 ~~employs other persons as agents to provide services in~~
2 ~~connection with a sponsored event. Prior to March 1 of each~~
3 ~~year, such organization may apply to the department for a~~
4 ~~certificate of exemption for admissions to such events~~
5 ~~sponsored in this state by the organization during the~~
6 ~~immediately following state fiscal year. The application shall~~
7 ~~state the total dollar amount of admissions receipts collected~~
8 ~~by the organization or its agents from such events in this~~
9 ~~state sponsored by the organization or its agents in the year~~
10 ~~immediately preceding the year in which the organization~~
11 ~~applies for the exemption. Such organization shall receive the~~
12 ~~exemption only to the extent of \$1.5 million multiplied by the~~
13 ~~ratio that such receipts bear to the total of such receipts of~~
14 ~~all organizations applying for the exemption in such year;~~
15 ~~however, in no event shall such exemption granted to any~~
16 ~~organization exceed 6 percent of such admissions receipts~~
17 ~~collected by the organization or its agents in the year~~
18 ~~immediately preceding the year in which the organization~~
19 ~~applies for the exemption. Each organization receiving the~~
20 ~~exemption shall report each month to the department the total~~
21 ~~admissions receipts collected from such events sponsored by~~
22 ~~the organization during the preceding month and shall remit to~~
23 ~~the department an amount equal to 6 percent of such receipts~~
24 ~~reduced by any amount remaining under the exemption. Tickets~~
25 ~~for such events sold by such organizations shall not reflect~~
26 ~~the tax otherwise imposed under this section.~~

27 6.7. Also exempt from the tax imposed by this section
28 are entry fees for participation in freshwater fishing
29 tournaments.

30 7.8. Also exempt from the tax imposed by this section
31 are participation or entry fees charged to participants in a

1 game, race, or other sport or recreational event if spectators
2 are charged a taxable admission to such event.

3 ~~8.9.~~ No tax shall be levied on admissions to any
4 postseason collegiate football game sanctioned by the National
5 Collegiate Athletic Association.

6 Section 24. Effective July 1, 2003, paragraph (a) of
7 subsection (2) of section 212.04, Florida Statutes, as amended
8 by section 4 of chapter 2000-345, Laws of Florida, and as
9 amended by this act, is amended to read:

10 212.04 Admissions tax; rate, procedure, enforcement.--

11 (2)(a)1. No tax shall be levied on admissions to
12 athletic or other events sponsored by elementary schools,
13 junior high schools, middle schools, high schools, community
14 colleges, public or private colleges and universities, deaf
15 and blind schools, facilities of the youth services programs
16 of the Department of Children and Family Services, and state
17 correctional institutions when only student, faculty, or
18 inmate talent is used. However, this exemption shall not apply
19 to admission to athletic events sponsored by an institution
20 within the State University System, and the proceeds of the
21 tax collected on such admissions shall be retained and used by
22 each institution to support women's athletics as provided in
23 s. 240.533(3)(c).

24 2. No tax shall be levied on dues, membership fees,
25 and admission charges imposed by not-for-profit sponsoring
26 organizations. To receive this exemption, the sponsoring
27 organization must qualify as a not-for-profit entity under the
28 provisions of s. 501(c)(3) of the Internal Revenue Code of
29 1954, as amended.

30 3. No tax shall be levied on an admission paid by a
31 student, or on the student's behalf, to any required place of

1 sport or recreation if the student's participation in the
2 sport or recreational activity is required as a part of a
3 program or activity sponsored by, and under the jurisdiction
4 of, the student's educational institution, provided his or her
5 attendance is as a participant and not as a spectator.

6 4. No tax shall be levied on admissions to the
7 National Football League championship game, on admissions to
8 any semifinal game or championship game of a national
9 collegiate tournament, or on admissions to a Major League
10 Baseball all-star game.

11 5. A participation fee or sponsorship fee imposed by a
12 governmental entity as described in s. 212.08(6) for an
13 athletic or recreational program is exempt when the
14 governmental entity by itself, or in conjunction with an
15 organization exempt under s. 501(c)(3) of the Internal Revenue
16 Code of 1954, as amended, sponsors, administers, plans,
17 supervises, directs, and controls the athletic or recreational
18 program.

19 6. Also exempt from the tax imposed by this section to
20 the extent provided in this subparagraph are admissions to
21 live theater, live opera, or live ballet productions in this
22 state which are sponsored by an organization that has received
23 a determination from the Internal Revenue Service that the
24 organization is exempt from federal income tax under s.
25 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
26 the organization actively participates in planning and
27 conducting the event, is responsible for the safety and
28 success of the event, is organized for the purpose of
29 sponsoring live theater, live opera, or live ballet
30 productions in this state, has more than 10,000 subscribing
31 members and has among the stated purposes in its charter the

1 promotion of arts education in the communities which it
2 serves, and will receive at least 20 percent of the net
3 profits, if any, of the events which the organization sponsors
4 and will bear the risk of at least 20 percent of the losses,
5 if any, from the events which it sponsors if the organization
6 employs other persons as agents to provide services in
7 connection with a sponsored event. Prior to March 1 of each
8 year, such organization may apply to the department for a
9 certificate of exemption for admissions to such events
10 sponsored in this state by the organization during the
11 immediately following state fiscal year. The application shall
12 state the total dollar amount of admissions receipts collected
13 by the organization or its agents from such events in this
14 state sponsored by the organization or its agents in the year
15 immediately preceding the year in which the organization
16 applies for the exemption. Such organization shall receive the
17 exemption only to the extent of \$1.5 million multiplied by the
18 ratio that such receipts bear to the total of such receipts of
19 all organizations applying for the exemption in such year;
20 however, in no event shall such exemption granted to any
21 organization exceed 6 percent of such admissions receipts
22 collected by the organization or its agents in the year
23 immediately preceding the year in which the organization
24 applies for the exemption. Each organization receiving the
25 exemption shall report each month to the department the total
26 admissions receipts collected from such events sponsored by
27 the organization during the preceding month and shall remit to
28 the department an amount equal to 6 percent of such receipts
29 reduced by any amount remaining under the exemption. Tickets
30 for such events sold by such organizations shall not reflect
31 the tax otherwise imposed under this section.

1 ~~7.6.~~ Also exempt from the tax imposed by this section
2 are entry fees for participation in freshwater fishing
3 tournaments.

4 ~~8.7.~~ Also exempt from the tax imposed by this section
5 are participation or entry fees charged to participants in a
6 game, race, or other sport or recreational event if spectators
7 are charged a taxable admission to such event.

8 ~~9.8.~~ No tax shall be levied on admissions to any
9 postseason collegiate football game sanctioned by the National
10 Collegiate Athletic Association.

11 Section 25. In order to implement section 2 of the
12 2002-2003 General Appropriations Act, paragraph (j) of
13 subsection (1) of section 212.05, Florida Statutes, is amended
14 to read:

15 212.05 Sales, storage, use tax.--It is hereby declared
16 to be the legislative intent that every person is exercising a
17 taxable privilege who engages in the business of selling
18 tangible personal property at retail in this state, including
19 the business of making mail order sales, or who rents or
20 furnishes any of the things or services taxable under this
21 chapter, or who stores for use or consumption in this state
22 any item or article of tangible personal property as defined
23 herein and who leases or rents such property within the state.

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

27 (j)1. At the rate of 6 percent on charges for all:

28 a. Detective, burglar protection, and other protection
29 services (SIC Industry Numbers 7381 and 7382). Any law
30 enforcement officer, as defined in s. 943.10, who is
31 performing approved duties as determined by his or her local

1 law enforcement agency in his or her capacity as a law
2 enforcement officer, and who is subject to the direct and
3 immediate command of his or her law enforcement agency, and in
4 the law enforcement officer's uniform as authorized by his or
5 her law enforcement agency, is performing law enforcement and
6 public safety services and is not performing detective,
7 burglar protection, or other protective services, if the law
8 enforcement officer is performing his or her approved duties
9 in a geographical area in which the law enforcement officer
10 has arrest jurisdiction. Such law enforcement and public
11 safety services are not subject to tax irrespective of whether
12 the duty is characterized as "extra duty," "off-duty," or
13 "secondary employment," and irrespective of whether the
14 officer is paid directly or through the officer's agency by an
15 outside source. The term "law enforcement officer" includes
16 full-time or part-time law enforcement officers, and any
17 auxiliary law enforcement officer, when such auxiliary law
18 enforcement officer is working under the direct supervision of
19 a full-time or part-time law enforcement officer.

20 b. Nonresidential cleaning and nonresidential pest
21 control services (SIC Industry Group Number 734).

22 c. Tanning salon services, as described in SIC
23 Industry Group Number 7299.

24 d. Services provided by dance studios, dance schools,
25 and dance halls (SIC Industry Group Number 7911).

26 e. Radio and television broadcasting rights and music
27 license fees, as described in SIC Industry Group Number 6794.

28 f. Promotion-based advertising, such as coupon
29 promotions and event-based promotions.

30 g. Computer-programming services, systems-design
31 services, data-processing services, and other computer-related

1 services (SIC Industry Group Numbers 7371, 7373, 7374, and
2 7379).

3 h. Professional sports clubs operators and promoters
4 services (SIC Industry Group Number 794).

5 i. Management Services, management-consulting
6 services, and public-relations services (SIC Industry Group
7 Number 874).

8 2. As used in this paragraph, "SIC" means those
9 classifications contained in the Standard Industrial
10 Classification Manual, 1987, as published by the Office of
11 Management and Budget, Executive Office of the President.

12 3. Charges for a service taxable under this paragraph
13 which is ~~detective, burglar protection, and other protection~~
14 ~~security services~~ performed in this state but used outside
15 this state are exempt from taxation. Charges for a service
16 taxable under this paragraph which is ~~detective, burglar~~
17 ~~protection, and other protection security services~~ performed
18 outside this state and used in this state are subject to tax.

19 4. If a transaction involves both the sale or use of a
20 service taxable under this paragraph and the sale or use of a
21 service or any other item not taxable under this chapter, the
22 consideration paid must be separately identified and stated
23 with respect to the taxable and exempt portions of the
24 transaction or the entire transaction shall be presumed
25 taxable. The burden shall be on the seller of the service or
26 the purchaser of the service, whichever applicable, to
27 overcome this presumption by providing documentary evidence as
28 to which portion of the transaction is exempt from tax. The
29 department is authorized to adjust the amount of consideration
30 identified as the taxable and exempt portions of the
31 transaction; however, a determination that the taxable and

1 exempt portions are inaccurately stated and that the
2 adjustment is applicable must be supported by substantial
3 competent evidence.

4 5. Each seller of services subject to sales tax
5 pursuant to this paragraph shall maintain a monthly log
6 showing each transaction for which sales tax was not collected
7 because the services meet the requirements of subparagraph 3.
8 for out-of-state use. The log must identify the purchaser's
9 name, location and mailing address, and federal employer
10 identification number, if a business, or the social security
11 number, if an individual, the service sold, the price of the
12 service, the date of sale, the reason for the exemption, and
13 the sales invoice number. The monthly log shall be maintained
14 pursuant to the same requirements and subject to the same
15 penalties imposed for the keeping of similar records pursuant
16 to this chapter.

17 Section 26. Effective July 1, 2003, paragraph (j) of
18 subsection (1) of section 212.05, Florida Statutes, as amended
19 by this act, is amended to read:

20 212.05 Sales, storage, use tax.--It is hereby declared
21 to be the legislative intent that every person is exercising a
22 taxable privilege who engages in the business of selling
23 tangible personal property at retail in this state, including
24 the business of making mail order sales, or who rents or
25 furnishes any of the things or services taxable under this
26 chapter, or who stores for use or consumption in this state
27 any item or article of tangible personal property as defined
28 herein and who leases or rents such property within the state.

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

- 1 (j)1. At the rate of 6 percent on charges for all:
- 2 a. Detective, burglar protection, and other protection
- 3 services (SIC Industry Numbers 7381 and 7382). Any law
- 4 enforcement officer, as defined in s. 943.10, who is
- 5 performing approved duties as determined by his or her local
- 6 law enforcement agency in his or her capacity as a law
- 7 enforcement officer, and who is subject to the direct and
- 8 immediate command of his or her law enforcement agency, and in
- 9 the law enforcement officer's uniform as authorized by his or
- 10 her law enforcement agency, is performing law enforcement and
- 11 public safety services and is not performing detective,
- 12 burglar protection, or other protective services, if the law
- 13 enforcement officer is performing his or her approved duties
- 14 in a geographical area in which the law enforcement officer
- 15 has arrest jurisdiction. Such law enforcement and public
- 16 safety services are not subject to tax irrespective of whether
- 17 the duty is characterized as "extra duty," "off-duty," or
- 18 "secondary employment," and irrespective of whether the
- 19 officer is paid directly or through the officer's agency by an
- 20 outside source. The term "law enforcement officer" includes
- 21 full-time or part-time law enforcement officers, and any
- 22 auxiliary law enforcement officer, when such auxiliary law
- 23 enforcement officer is working under the direct supervision of
- 24 a full-time or part-time law enforcement officer.
- 25 b. Nonresidential cleaning and nonresidential pest
- 26 control services (SIC Industry Group Number 734).
- 27 ~~c. Tanning salon services, as described in SIC~~
- 28 ~~Industry Group Number 7299.~~
- 29 ~~d. Services provided by dance studios, dance schools,~~
- 30 ~~and dance halls (SIC Industry Group Number 7911).~~
- 31

1 ~~e. Radio and television broadcasting rights and music~~
2 ~~license fees, as described in SIC Industry Group Number 6794.~~

3 ~~f. Promotion-based advertising, such as coupon~~
4 ~~promotions and event-based promotions.~~

5 ~~g. Computer programming services, systems-design~~
6 ~~services, data-processing services, and other computer-related~~
7 ~~services (SIC Industry Group Numbers 7371, 7373, 7374, and~~
8 ~~7379).~~

9 ~~h. Professional sports clubs operators and promoters~~
10 ~~services (SIC Industry Group Number 794).~~

11 ~~i. Management Services, management consulting~~
12 ~~services, and public relations services (SIC Industry Group~~
13 ~~Number 874).~~

14 2. As used in this paragraph, "SIC" means those
15 classifications contained in the Standard Industrial
16 Classification Manual, 1987, as published by the Office of
17 Management and Budget, Executive Office of the President.

18 3. Charges for detective, burglar protection, and
19 other protection security services ~~a service taxable under~~
20 ~~this paragraph which is~~ performed in this state but used
21 outside this state are exempt from taxation. Charges for
22 detective, burglar protection, and other protection security
23 services ~~a service taxable under this paragraph which is~~
24 performed outside this state and used in this state are
25 subject to tax.

26 4. If a transaction involves both the sale or use of a
27 service taxable under this paragraph and the sale or use of a
28 service or any other item not taxable under this chapter, the
29 consideration paid must be separately identified and stated
30 with respect to the taxable and exempt portions of the
31 transaction or the entire transaction shall be presumed

1 taxable. The burden shall be on the seller of the service or
2 the purchaser of the service, whichever applicable, to
3 overcome this presumption by providing documentary evidence as
4 to which portion of the transaction is exempt from tax. The
5 department is authorized to adjust the amount of consideration
6 identified as the taxable and exempt portions of the
7 transaction; however, a determination that the taxable and
8 exempt portions are inaccurately stated and that the
9 adjustment is applicable must be supported by substantial
10 competent evidence.

11 5. Each seller of services subject to sales tax
12 pursuant to this paragraph shall maintain a monthly log
13 showing each transaction for which sales tax was not collected
14 because the services meet the requirements of subparagraph 3.
15 for out-of-state use. The log must identify the purchaser's
16 name, location and mailing address, and federal employer
17 identification number, if a business, or the social security
18 number, if an individual, the service sold, the price of the
19 service, the date of sale, the reason for the exemption, and
20 the sales invoice number. The monthly log shall be maintained
21 pursuant to the same requirements and subject to the same
22 penalties imposed for the keeping of similar records pursuant
23 to this chapter.

24 Section 27. In order to implement section 2 of the
25 2002-2003 General Appropriations Act, paragraph (b) of
26 subsection (5) of section 212.07, Florida Statutes, is amended
27 to read:

28 212.07 Sales, storage, use tax; tax added to purchase
29 price; dealer not to absorb; liability of purchasers who
30 cannot prove payment of the tax; penalties; general
31 exemptions.--

1 (5)

2 (b) Sales of race horses at claiming races are
3 ~~taxable; however, if sufficient information is provided by~~
4 ~~race track officials to properly administer the tax, sales tax~~
5 ~~is due only on the maximum single amount for which a horse is~~
6 ~~sold at all races at which it is claimed during an entire~~
7 ~~racing season.~~

8 Section 28. Effective July 1, 2003, paragraph (b) of
9 subsection (5) of section 212.07, Florida Statutes, as amended
10 by this act, is amended to read:

11 212.07 Sales, storage, use tax; tax added to purchase
12 price; dealer not to absorb; liability of purchasers who
13 cannot prove payment of the tax; penalties; general
14 exemptions.--

15 (5)

16 (b) Sales of race horses at claiming races are
17 taxable; however, if sufficient information is provided by
18 race track officials to properly administer the tax, sales tax
19 is due only on the maximum single amount for which a horse is
20 sold at all races at which it is claimed during an entire
21 racing season.

22 Section 29. In order to implement section 2 of the
23 2002-2003 General Appropriations Act, subsection (7) of
24 section 212.08, Florida Statutes, is amended to read:

25 212.08 Sales, rental, use, consumption, distribution,
26 and storage tax; specified exemptions.--The sale at retail,
27 the rental, the use, the consumption, the distribution, and
28 the storage to be used or consumed in this state of the
29 following are hereby specifically exempt from the tax imposed
30 by this chapter.

31 (7) MISCELLANEOUS EXEMPTIONS.--

1 (a) Artificial commemorative flowers.--Exempt from the
2 tax imposed by this chapter is the sale of artificial
3 commemorative flowers by bona fide nationally chartered
4 veterans' organizations.

5 (b) Boiler fuels.--When purchased for use as a
6 combustible fuel, purchases of natural gas, residual oil,
7 recycled oil, waste oil, solid waste material, coal, sulfur,
8 wood, wood residues or wood bark used in an industrial
9 manufacturing, processing, compounding, or production process
10 at a fixed location in this state are exempt from the taxes
11 imposed by this chapter; however, such exemption shall not be
12 allowed unless the purchaser signs a certificate stating that
13 the fuel to be exempted is for the exclusive use designated
14 herein. This exemption does not apply to the use of boiler
15 fuels that are not used in manufacturing, processing,
16 compounding, or producing items of tangible personal property
17 for sale, or to the use of boiler fuels used by any firm
18 subject to regulation by the Division of Hotels and
19 Restaurants of the Department of Business and Professional
20 Regulation.

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

25 (d) Feeds.--Feeds for poultry, ~~ostriches,~~ and
26 livestock, including ~~racehorses and~~ dairy cows, are exempt.

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

31

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

3 (g) Florida Retired Educators Association and its
4 local chapters.--Also exempt from payment of the tax imposed
5 by this chapter are purchases of office supplies, equipment,
6 and publications made by the Florida Retired Educators
7 Association and its local chapters.

8 (h) Guide dogs for the blind.--Also exempt are the
9 sale or rental of guide dogs for the blind, commonly referred
10 to as "seeing-eye dogs," and the sale of food or other items
11 for such guide dogs.

12 1. The department shall issue a consumer's certificate
13 of exemption to any blind person who holds an identification
14 card as provided for in s. 413.091 and who either owns or
15 rents, or contemplates the ownership or rental of, a guide dog
16 for the blind. The consumer's certificate of exemption shall
17 be issued without charge and shall be of such size as to be
18 capable of being carried in a wallet or billfold.

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

25 (i) Hospital meals and rooms.--Also exempt from
26 payment of the tax imposed by this chapter on rentals and
27 meals are patients and inmates of any hospital or other
28 physical plant or facility designed and operated primarily for
29 the care of persons who are ill, aged, infirm, mentally or
30 physically incapacitated, or otherwise dependent on special
31 care or attention. Residents of a home for the aged are exempt

1 from payment of taxes on meals provided through the facility.
2 A home for the aged is defined as a facility that is licensed
3 or certified in part or in whole under chapter 400 or chapter
4 651, or that is financed by a mortgage loan made or insured by
5 the United States Department of Housing and Urban Development
6 under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4),
7 s. 232, or s. 236 of the National Housing Act, or other such
8 similar facility designed and operated primarily for the care
9 of the aged.

10 (j) Household fuels.--Also exempt from payment of the
11 tax imposed by this chapter are sales of utilities to
12 residential households or owners of residential models in this
13 state by utility companies who pay the gross receipts tax
14 imposed under s. 203.01, and sales of fuel to residential
15 households or owners of residential models, including oil,
16 kerosene, liquefied petroleum gas, coal, wood, and other fuel
17 products used in the household or residential model for the
18 purposes of heating, cooking, lighting, and refrigeration,
19 regardless of whether such sales of utilities and fuels are
20 separately metered and billed direct to the residents or are
21 metered and billed to the landlord. If any part of the utility
22 or fuel is used for a nonexempt purpose, the entire sale is
23 taxable. The landlord shall provide a separate meter for
24 nonexempt utility or fuel consumption. For the purposes of
25 this paragraph, licensed family day care homes shall also be
26 exempt.

27 (k) Meals provided by certain nonprofit
28 organizations.--There is exempt from the tax imposed by this
29 chapter the sale of prepared meals by a nonprofit volunteer
30 organization to handicapped, elderly, or indigent persons when
31

1 such meals are delivered as a charitable function by the
2 organization to such persons at their places of residence.

3 (l) Organizations providing special educational,
4 cultural, recreational, and social benefits to minors.--Also
5 exempt from the tax imposed by this chapter are sales or
6 leases to and sales of donated property by nonprofit
7 organizations which are incorporated pursuant to chapter 617
8 the primary purpose of which is providing activities that
9 contribute to the development of good character or good
10 sportsmanship, or to the educational or cultural development,
11 of minors. This exemption is extended only to that level of
12 the organization that has a salaried executive officer or an
13 elected nonsalaried executive officer. For the purpose of this
14 paragraph, the term "donated property" means any property
15 transferred to such nonprofit organization for less than 50
16 percent of its fair market value.

17 (m) Religious institutions.--

18 1. There are exempt from the tax imposed by this
19 chapter transactions involving sales or leases directly to
20 religious institutions when used in carrying on their
21 customary nonprofit religious activities or sales or leases of
22 tangible personal property by religious institutions having an
23 established physical place for worship at which nonprofit
24 religious services and activities are regularly conducted and
25 carried on.

26 2. As used in this paragraph, the term "religious
27 institutions" means churches, synagogues, and established
28 physical places for worship at which nonprofit religious
29 services and activities are regularly conducted and carried
30 on. The term "religious institutions" includes nonprofit
31 corporations the sole purpose of which is to provide free

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

30 (n) Veterans' organizations.--

31

1 1. There are exempt from the tax imposed by this
2 chapter transactions involving sales or leases to qualified
3 veterans' organizations and their auxiliaries when used in
4 carrying on their customary veterans' organization activities.

5 2. As used in this paragraph, the term "veterans'
6 organizations" means nationally chartered or recognized
7 veterans' organizations, including, but not limited to,
8 Florida chapters of the Paralyzed Veterans of America,
9 Catholic War Veterans of the U.S.A., Jewish War Veterans of
10 the U.S.A., and the Disabled American Veterans, Department of
11 Florida, Inc., which hold current exemptions from federal
12 income tax under s. 501(c)(4) or (19) of the Internal Revenue
13 Code of 1986, as amended.

14 (o) Schools, colleges, and universities.--Also exempt
15 from the tax imposed by this chapter are sales or leases to
16 state tax-supported schools, colleges, or universities.

17 (p) Section 501(c)(3) organizations.--Also exempt from
18 the tax imposed by this chapter are sales or leases to
19 organizations determined by the Internal Revenue Service to be
20 currently exempt from federal income tax pursuant to s.
21 501(c)(3) of the Internal Revenue Code of 1986, as amended,
22 when such leases or purchases are used in carrying on their
23 customary nonprofit activities.

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

29 (r) School books and school lunches.--This exemption
30 applies to school books used in regularly prescribed courses
31 of study, and to school lunches served in public, parochial,

1 or nonprofit schools operated for and attended by pupils of
2 grades K through 12. Yearbooks, magazines, newspapers,
3 directories, bulletins, and similar publications distributed
4 by such educational institutions to their students are also
5 exempt. School books and food sold or served at community
6 colleges and other institutions of higher learning are
7 taxable.

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

13 (s)~~(t)~~ Boats temporarily docked in state.--

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

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

26 2. During the period of repairs, alterations,
27 refitting, or modifications and during the 20-day period
28 referred to in subparagraph 1., the boat may be listed for
29 sale, contracted for sale, or sold exclusively by a broker or
30 dealer registered with the department without incurring a use
31

1 tax under this chapter; however, the sales tax levied under
2 this chapter applies to such sale.

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

5 4. As used in this paragraph, "registered repair
6 facility" means:

7 a. A full-service facility that:

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

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

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

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

18 b. A marina that:

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

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

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

25 c. A shoreside facility that:

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

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

30 (III) Has necessary shops and equipment to provide
31 repairs or warranty work.

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

5 (u)~~(v)~~ Professional services.--

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

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

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

24 4. This exemption does not apply to any service
25 transaction taxable under s. 212.05(1)(j).

26 (v)~~(w)~~ Certain newspaper, magazine, and newsletter
27 subscriptions, shoppers, and community newspapers.--Likewise
28 exempt are newspaper, magazine, and newsletter subscriptions
29 in which the product is delivered to the customer by mail.
30 Also exempt are free, circulated publications that are
31 published on a regular basis, the content of which is

1 primarily advertising, and that are distributed through the
2 mail, home delivery, or newsstands. The exemption for
3 newspaper, magazine, and newsletter subscriptions which is
4 provided in this paragraph applies only to subscriptions
5 entered into after March 1, 1997.

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

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

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

27 (y)~~(aa)~~ Certain commercial vehicles.--Also exempt is
28 the sale, lease, or rental of a commercial motor vehicle as
29 defined in s. 207.002(2), when the following conditions are
30 met:

31

1 1. The sale, lease, or rental occurs between two
2 commonly owned and controlled corporations;

3 2. Such vehicle was titled and registered in this
4 state at the time of the sale, lease, or rental; and

5 3. Florida sales tax was paid on the acquisition of
6 such vehicle by the seller, lessor, or renter.

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

12 (aa)~~(cc)~~ Works of art.--

13 1. Also exempt are works of art sold to or used by an
14 educational institution.

15 2. This exemption also applies to the sale to or use
16 in this state of any work of art by any person if it was
17 purchased or imported exclusively for the purpose of being
18 donated to any educational institution, or loaned to and made
19 available for display by any educational institution, provided
20 that the term of the loan agreement is for at least 10 years.

21 3. The exemption provided by this paragraph for
22 donations is allowed only if the person who purchased the work
23 of art transfers title to the donated work of art to an
24 educational institution. Such transfer of title shall be
25 evidenced by an affidavit meeting requirements established by
26 rule to document entitlement to the exemption. Nothing in this
27 paragraph shall preclude a work of art donated to an
28 educational institution from remaining in the possession of
29 the donor or purchaser, as long as title to the work of art
30 lies with the educational institution.

31

1 4. 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 in preparation for loan for
7 purposes of this exemption if it is displayed at any place
8 other than an educational institution.

9 5. 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 6. The exemption for loans provided by subparagraph 2.
17 applies only for the period during which a work of art is in
18 the 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. However, tax shall not become due if the work of art is
24 donated to an educational institution after the loan ceases.

25 7. Any educational institution to which a work of art
26 has been donated pursuant to this paragraph shall make
27 available to the department the title to the work of art and
28 any other relevant information. Any educational institution
29 which has received a work of art on loan pursuant to this
30 paragraph shall make available to the department information
31 relating to the work of art. Any educational institution that

1 transfers from its possession a work of art as defined by this
2 paragraph which has been loaned to it must notify the
3 Department of Revenue within 60 days after the transfer.

4 8. For purposes of the exemptions provided by this
5 paragraph, the term:

6 a. "Educational institutions" includes state
7 tax-supported, parochial, church, and nonprofit private
8 schools, colleges, or universities that conduct regular
9 classes and courses of study required for accreditation by or
10 membership in the Southern Association of Colleges and
11 Schools, the Florida Council of Independent Schools, or the
12 Florida Association of Christian Colleges and Schools, Inc.;
13 nonprofit private schools that conduct regular classes and
14 courses of study accepted for continuing education credit by a
15 board of the Division of Medical Quality Assurance of the
16 Department of Health; or nonprofit libraries, art galleries,
17 performing arts centers that provide educational programs to
18 school children, which programs involve performances or other
19 educational activities at the performing arts center and serve
20 a minimum of 50,000 school children a year, and museums open
21 to the public.

22 b. "Work of art" includes pictorial representations,
23 sculpture, jewelry, antiques, stamp collections and coin
24 collections, and other tangible personal property, the value
25 of which is attributable predominantly to its artistic,
26 historical, political, cultural, or social importance.

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

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

3 (cc)~~(ee)~~ 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 (dd)~~(ff)~~ Certain electricity or steam uses.--

12 1. Subject to the provisions of subparagraph 4.,
13 charges for electricity or steam used to operate machinery and
14 equipment at a fixed location in this state when such
15 machinery and equipment is used to manufacture, process,
16 compound, produce, or prepare for shipment items of tangible
17 personal property for sale, or to operate pollution control
18 equipment, recycling equipment, maintenance equipment, or
19 monitoring or control equipment used in such operations are
20 exempt to the extent provided in this paragraph. If 75 percent
21 or more of the electricity or steam used at the fixed location
22 is used to operate qualifying machinery or equipment, 100
23 percent of the charges for electricity or steam used at the
24 fixed location are exempt. If less than 75 percent but 50
25 percent or more of the electricity or steam used at the fixed
26 location is used to operate qualifying machinery or equipment,
27 50 percent of the charges for electricity or steam used at the
28 fixed location are exempt. If less than 50 percent of the
29 electricity or steam used at the fixed location is used to
30 operate qualifying machinery or equipment, none of the charges
31

1 for electricity or steam used at the fixed location are
2 exempt.

3 2. This exemption applies only to industries
4 classified under SIC Industry Major Group Numbers 10, 12, 13,
5 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
6 35, 36, 37, 38, and 39 and Industry Group Number 212. As used
7 in this paragraph, "SIC" means those classifications contained
8 in the Standard Industrial Classification Manual, 1987, as
9 published by the Office of Management and Budget, Executive
10 Office of the President.

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

18 4. Such exemption shall be applied as follows:
19 beginning July 1, 2000, 100 percent of the charges for such
20 electricity or steam shall be exempt.

21 5. Notwithstanding any other provision in this
22 paragraph to the contrary, in order to receive the exemption
23 provided in this paragraph a taxpayer must first register with
24 the WAGES Program Business Registry established by the local
25 WAGES coalition for the area in which the taxpayer is located.
26 Such registration establishes a commitment on the part of the
27 taxpayer to hire WAGES program participants to the maximum
28 extent possible consistent with the nature of their business.

29 ~~(ee)(gg)~~ Fair associations.--Also exempt from the tax
30 imposed by this chapter is the sale, use, lease, rental, or
31 grant of a license to use, made directly to or by a fair

1 association, of real or tangible personal property; any charge
2 made by a fair association, or its agents, for parking,
3 admissions, or for temporary parking of vehicles used for
4 sleeping quarters; rentals, subleases, and sublicenses of real
5 or tangible personal property between the owner of the central
6 amusement attraction and any owner of an amusement ride, as
7 those terms are used in ss. 616.15(1)(b) and 616.242(3)(a),
8 for the furnishing of amusement rides at a public fair or
9 exposition; and other transactions of a fair association which
10 are incurred directly by the fair association in the
11 financing, construction, and operation of a fair, exposition,
12 or other event or facility that is authorized by s. 616.08. As
13 used in this paragraph, the terms "fair association" and
14 "public fair or exposition" have the same meaning as those
15 terms are defined in s. 616.001. This exemption does not apply
16 to the sale of tangible personal property made by a fair
17 association through an agent or independent contractor; sales
18 of admissions and tangible personal property by a
19 concessionaire, vendor, exhibitor, or licensee; or rentals and
20 subleases of tangible personal property or real property
21 between the owner of the central amusement attraction and a
22 concessionaire, vendor, exhibitor, or licensee, except for the
23 furnishing of amusement rides, which transactions are exempt.

24 (ff)~~(hh)~~ Citizen support organizations.--Also exempt
25 from the tax imposed by this chapter are sales or leases to
26 nonprofit organizations that are incorporated under chapter
27 617 and that have been designated citizen support
28 organizations in support of state-funded environmental
29 programs or the management of state-owned lands in accordance
30 with s. 20.2551, or to support one or more state parks in
31 accordance with s. 258.015.

1 (gg)~~(ii)~~ Florida Folk Festival.--There shall be exempt
2 from the tax imposed by this chapter income of a revenue
3 nature received from admissions to the Florida Folk Festival
4 held pursuant to s. 267.16 at the Stephen Foster State Folk
5 Culture Center, a unit of the state park system.

6 (hh)~~(jj)~~ Solar energy systems.--Also exempt are solar
7 energy systems or any component thereof. The Florida Solar
8 Energy Center shall from time to time certify to the
9 department a list of equipment and requisite hardware
10 considered to be a solar energy system or a component thereof.
11 This exemption is repealed July 1, 2005.

12 (ii)~~(kk)~~ Nonprofit cooperative hospital
13 laundries.--Also exempt from the tax imposed by this chapter
14 are sales or leases to nonprofit organizations that are
15 incorporated under chapter 617 and which are treated, for
16 federal income tax purposes, as cooperatives under subchapter
17 T of the Internal Revenue Code, whose sole purpose is to offer
18 laundry supplies and services to their members, which members
19 must all be exempt from federal income tax pursuant to s.
20 501(c)(3) of the Internal Revenue Code.

21 (jj)~~(ll)~~ Complimentary meals.--Also exempt from the
22 tax imposed by this chapter are food or drinks that are
23 furnished as part of a packaged room rate by any person
24 offering for rent or lease any transient living accommodations
25 as described in s. 509.013(4)(a) which are licensed under part
26 I of chapter 509 and which are subject to the tax under s.
27 212.03, if a separate charge or specific amount for the food
28 or drinks is not shown. Such food or drinks are considered to
29 be sold at retail as part of the total charge for the
30 transient living accommodations. Moreover, the person offering
31 the accommodations is not considered to be the consumer of

1 items purchased in furnishing such food or drinks and may
2 purchase those items under conditions of a sale for resale.

3 (kk)~~(mm)~~ Nonprofit corporation conducting the
4 correctional work programs.--Products sold pursuant to s.
5 946.515 by the corporation organized pursuant to part II of
6 chapter 946 are exempt from the tax imposed by this chapter.
7 This exemption applies retroactively to July 1, 1983.

8 (ll)~~(mm)~~ Parent-teacher organizations, parent-teacher
9 associations, and schools having grades K through
10 12.--Parent-teacher organizations and associations qualified
11 as educational institutions as defined by sub-subparagraph
12 (aa)8.a.~~(cc)8.a.~~ associated with schools having grades K
13 through 12, and schools having grades K through 12, may pay
14 tax to their suppliers on the cost price of school materials
15 and supplies purchased, rented, or leased for resale or rental
16 to students in grades K through 12, of items sold for
17 fundraising purposes, and of items sold through vending
18 machines located on the school premises, in lieu of collecting
19 the tax imposed by this chapter from the purchaser. This
20 paragraph also applies to food or beverages sold through
21 vending machines located in the student lunchroom or dining
22 room of a school having kindergarten through grade 12.

23 (mm)~~(oo)~~ Mobile home lot improvements.--Items
24 purchased by developers for use in making improvements to a
25 mobile home lot owned by the developer may be purchased
26 tax-exempt as a sale for resale if made pursuant to a contract
27 that requires the developer to sell a mobile home to a
28 purchaser, place the mobile home on the lot, and make the
29 improvements to the lot for a single lump-sum price. The
30 developer must collect and remit sales tax on the entire
31 lump-sum price.

1 (nn)~~(pp)~~ Veterans Administration.--When a veteran of
2 the armed forces purchases an aircraft, boat, mobile home,
3 motor vehicle, or other vehicle from a dealer pursuant to the
4 provisions of 38 U.S.C. s. 3902(a), or any successor provision
5 of the United States Code, the amount that is paid directly to
6 the dealer by the Veterans Administration is not taxable.
7 However, any portion of the purchase price which is paid
8 directly to the dealer by the veteran is taxable.

9 (oo)~~(qq)~~ Complimentary items.--There is exempt from
10 the tax imposed by this chapter:

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

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

18
19 The exemptions in this paragraph do not apply to businesses
20 with the primary activity of serving prepared meals or
21 alcoholic beverages for immediate consumption.

22 (pp)~~(rr)~~ Donated foods or beverages.--Any food or
23 beverage donated by a dealer that sells food products at
24 retail to a food bank or an organization that holds a current
25 exemption from federal corporate income tax pursuant to s.
26 501(c) of the Internal Revenue Code of 1986, as amended, is
27 exempt from the tax imposed by this chapter.

28 ~~(ss) Racing dogs.--The sale of a racing dog by its~~
29 ~~owner is exempt if the owner is also the breeder of the~~
30 ~~animal.~~

1 (qq)~~(tt)~~ Equipment used in aircraft repair and
2 maintenance.--There shall be exempt from the tax imposed by
3 this chapter replacement engines, parts, and equipment used in
4 the repair or maintenance of aircraft of more than 15,000
5 pounds maximum certified takeoff weight and rotary wing
6 aircraft of more than 10,300 pounds maximum certified takeoff
7 weight, when such parts or equipment are installed on such
8 aircraft that is being repaired or maintained in this state.

9 (rr)~~(uu)~~ Aircraft sales or leases.--The sale or lease
10 of an aircraft of more than 15,000 pounds maximum certified
11 takeoff weight for use by a common carrier is exempt from the
12 tax imposed by this chapter. As used in this paragraph,
13 "common carrier" means an airline operating under Federal
14 Aviation Administration regulations contained in Title 14,
15 chapter I, part 121 or part 129 of the Code of Federal
16 Regulations.

17 (ss)~~(vv)~~ Nonprofit water systems.--Sales or leases to
18 a not-for-profit corporation which holds a current exemption
19 from federal income tax under s. 501(c)(4) or (12) of the
20 Internal Revenue Code, as amended, are exempt from the tax
21 imposed by this chapter if the sole or primary function of the
22 corporation is to construct, maintain, or operate a water
23 system in this state.

24 (tt)~~(ww)~~ Library cooperatives.--Sales or leases to
25 library cooperatives certified under s. 257.41(2) are exempt
26 from the tax imposed by this chapter.

27 (uu)~~(xx)~~ Advertising agencies.--

28 1. As used in this paragraph, the term "advertising
29 agency" means any firm that is primarily engaged in the
30 business of providing advertising materials and services to
31 its clients.

1 2. The sale of advertising services by an advertising
2 agency to a client is exempt from the tax imposed by this
3 chapter. Also exempt from the tax imposed by this chapter are
4 items of tangible personal property such as photographic
5 negatives and positives, videos, films, galleys, mechanicals,
6 veloxes, illustrations, digital audiotapes, analog tapes,
7 printed advertisement copies, compact discs for the purpose of
8 recording, digital equipment, and artwork and the services
9 used to produce those items if the items are:

10 a. Sold to an advertising agency that is acting as an
11 agent for its clients pursuant to contract, and are created
12 for the performance of advertising services for the clients;

13 b. Produced, fabricated, manufactured, or otherwise
14 created by an advertising agency for its clients, and are used
15 in the performance of advertising services for the clients; or

16 c. Sold by an advertising agency to its clients in the
17 performance of advertising services for the clients, whether
18 or not the charges for these items are marked up or separately
19 stated.

20
21 The exemption provided by this subparagraph does not apply
22 when tangible personal property such as film, paper, and
23 videotapes is purchased to create items such as photographic
24 negatives and positives, videos, films, galleys, mechanicals,
25 veloxes, illustrations, and artwork that are sold to an
26 advertising agency or produced in-house by an advertising
27 agency on behalf of its clients.

28 3. The items exempted from tax under subparagraph 2.
29 and the creative services used by an advertising agency to
30 design the advertising for promotional goods such as displays,
31 display containers, exhibits, newspaper inserts, brochures,

1 catalogues, direct mail letters or flats, shirts, hats, pens,
2 pencils, key chains, or other printed goods or materials are
3 not subject to tax. However, when such promotional goods are
4 produced or reproduced for distribution, tax applies to the
5 sales price charged to the client for such promotional goods.

6 4. For items purchased by an advertising agency and
7 exempt from tax under this paragraph, possession of an
8 exemption certificate from the advertising agency certifying
9 the agency's entitlement to exemption relieves the vendor of
10 the responsibility of collecting the tax on the sale of such
11 items to the advertising agency, and the department shall look
12 solely to the advertising agency for recovery of tax if it
13 determines that the advertising agency was not entitled to the
14 exemption.

15 5. The exemptions provided by this paragraph apply
16 retroactively, except that all taxes that have been collected
17 must be remitted, and taxes that have been remitted before
18 July 1, 1999, on transactions that are subject to exemption
19 under this paragraph are not subject to refund.

20 6. The department may adopt rules that interpret or
21 define the provisions of these exemptions and provide examples
22 regarding the application of these exemptions.

23 ~~(vv)(yy)~~ Bullion.--The sale of gold, silver, or
24 platinum bullion, or any combination thereof, in a single
25 transaction is exempt if the sales price exceeds \$500. The
26 dealer must maintain proper documentation, as prescribed by
27 rule of the department, to identify that portion of a
28 transaction which involves the sale of gold, silver, or
29 platinum bullion and is exempt under this paragraph.

30 ~~(ww)(zz)~~ Certain repair and labor charges.--

31

1 1. Subject to the provisions of subparagraphs 2. and
2 3., there is exempt from the tax imposed by this chapter all
3 labor charges for the repair of, and parts and materials used
4 in the repair of and incorporated into, industrial machinery
5 and equipment which is used for the manufacture, processing,
6 compounding, production, or preparation for shipping of items
7 of tangible personal property at a fixed location within this
8 state.

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 and Industry Group Number 212. As used
13 in this subparagraph, "SIC" means those classifications
14 contained in the Standard Industrial Classification Manual,
15 1987, as published by the Office of Management and Budget,
16 Executive Office of the President.

17 3. This exemption shall be applied as follows:

18 a. Beginning July 1, 2000, 50 percent of such charges
19 for repair parts and labor shall be exempt.

20 b. Beginning July 1, 2001, 75 percent of such charges
21 for repair parts and labor shall be exempt.

22 c. Beginning July 1, 2002, 100 percent of such charges
23 for repair parts and labor shall be exempt.

24 ~~(xx)(aaa)~~ Film and other printing supplies.--Also
25 exempt are the following materials purchased, produced, or
26 created by businesses classified under SIC Industry Numbers
27 275, 276, 277, 278, or 279 for use in producing graphic matter
28 for sale: film, photographic paper, dyes used for embossing
29 and engraving, artwork, typography, lithographic plates, and
30 negatives. As used in this paragraph, "SIC" means those
31 classifications contained in the Standard Industrial

1 Classification Manual, 1987, as published by the Office of
2 Management and Budget, Executive Office of the President.
3 (yy)~~(bbb)~~ People-mover systems.--People-mover systems,
4 and parts thereof, which are purchased or manufactured by
5 contractors employed either directly by or as agents for the
6 United States Government, the state, a county, a municipality,
7 a political subdivision of the state, or the public operator
8 of a public-use airport as defined by s. 332.004(14) are
9 exempt from the tax imposed by this chapter when the systems
10 or parts go into or become part of publicly owned facilities.
11 In the case of contractors who manufacture and install such
12 systems and parts, this exemption extends to the purchase of
13 component parts and all other manufacturing and fabrication
14 costs. The department may provide a form to be used by
15 contractors to provide to suppliers of people-mover systems or
16 parts to certify the contractors' eligibility for the
17 exemption provided under this paragraph. As used in this
18 paragraph, "people-mover systems" includes wheeled passenger
19 vehicles and related control and power distribution systems
20 that are part of a transportation system for use by the
21 general public, regardless of whether such vehicles are
22 operator-controlled or driverless, self-propelled or propelled
23 by external power and control systems, or conducted on roads,
24 rails, guidebeams, or other permanent structures that are an
25 integral part of such transportation system. "Related control
26 and power distribution systems" includes any electrical or
27 electronic control or signaling equipment, but does not
28 include the embedded wiring, conduits, or cabling used to
29 transmit electrical or electronic signals among such control
30 equipment, power distribution equipment, signaling equipment,
31 and wheeled vehicles.

1 (zz)~~(ccc)~~ Organizations providing crime prevention,
2 drunk driving prevention, or juvenile delinquency prevention
3 services.--Sales or leases to any nonprofit organization that
4 provides crime prevention services, drunk driving prevention
5 services, or juvenile delinquency prevention services that
6 benefit society as a whole are exempt from the tax imposed by
7 this chapter, if the organization holds a current exemption
8 from federal income tax under s. 501(c)(3) of the Internal
9 Revenue Code and the organization has as its sole or primary
10 purpose the provision of services that contribute to the
11 prevention of hardships caused by crime, drunk driving, or
12 juvenile delinquency.

13 (aaa)~~(ddd)~~ Florida Fire and Emergency Services
14 Foundation.--Sales or leases to the Florida Fire and Emergency
15 Services Foundation are exempt from the tax imposed by this
16 chapter.

17 (bbb)~~(eee)~~ Railroad roadway materials.--Also exempt
18 from the tax imposed by this chapter are railroad roadway
19 materials used in the construction, repair, or maintenance of
20 railways. Railroad roadway materials shall include rails,
21 ties, ballasts, communication equipment, signal equipment,
22 power transmission equipment, and any other track materials.

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

30
31

1 Section 30. Effective July 1, 2003, subsection (7) of
2 section 212.08, Florida Statutes, as amended by this act, is
3 amended to read:

4 212.08 Sales, rental, use, consumption, distribution,
5 and storage tax; specified exemptions.--The sale at retail,
6 the rental, the use, the consumption, the distribution, and
7 the storage to be used or consumed in this state of the
8 following are hereby specifically exempt from the tax imposed
9 by this chapter.

10 (7) MISCELLANEOUS EXEMPTIONS.--

11 (a) Artificial commemorative flowers.--Exempt from the
12 tax imposed by this chapter is the sale of artificial
13 commemorative flowers by bona fide nationally chartered
14 veterans' organizations.

15 (b) Boiler fuels.--When purchased for use as a
16 combustible fuel, purchases of natural gas, residual oil,
17 recycled oil, waste oil, solid waste material, coal, sulfur,
18 wood, wood residues or wood bark used in an industrial
19 manufacturing, processing, compounding, or production process
20 at a fixed location in this state are exempt from the taxes
21 imposed by this chapter; however, such exemption shall not be
22 allowed unless the purchaser signs a certificate stating that
23 the fuel to be exempted is for the exclusive use designated
24 herein. This exemption does not apply to the use of boiler
25 fuels that are not used in manufacturing, processing,
26 compounding, or producing items of tangible personal property
27 for sale, or to the use of boiler fuels used by any firm
28 subject to regulation by the Division of Hotels and
29 Restaurants of the Department of Business and Professional
30 Regulation.

31

1 (c) Crustacea bait.--Also exempt from the tax imposed
2 by this chapter is the purchase by commercial fishers of bait
3 intended solely for use in the entrapment of Callinectes
4 sapidus and Menippe mercenaria.

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

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

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

13 (g) Florida Retired Educators Association and its
14 local chapters.--Also exempt from payment of the tax imposed
15 by this chapter are purchases of office supplies, equipment,
16 and publications made by the Florida Retired Educators
17 Association and its local chapters.

18 (h) Guide dogs for the blind.--Also exempt are the
19 sale or rental of guide dogs for the blind, commonly referred
20 to as "seeing-eye dogs," and the sale of food or other items
21 for such guide dogs.

22 1. The department shall issue a consumer's certificate
23 of exemption to any blind person who holds an identification
24 card as provided for in s. 413.091 and who either owns or
25 rents, or contemplates the ownership or rental of, a guide dog
26 for the blind. The consumer's certificate of exemption shall
27 be issued without charge and shall be of such size as to be
28 capable of being carried in a wallet or billfold.

29 2. The department shall make such rules concerning
30 items exempt from tax under the provisions of this paragraph
31 as may be necessary to provide that any person authorized to

1 have a consumer's certificate of exemption need only present
2 such a certificate at the time of paying for exempt goods and
3 shall not be required to pay any tax thereon.

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

20 (j) Household fuels.--Also exempt from payment of the
21 tax imposed by this chapter are sales of utilities to
22 residential households or owners of residential models in this
23 state by utility companies who pay the gross receipts tax
24 imposed under s. 203.01, and sales of fuel to residential
25 households or owners of residential models, including oil,
26 kerosene, liquefied petroleum gas, coal, wood, and other fuel
27 products used in the household or residential model for the
28 purposes of heating, cooking, lighting, and refrigeration,
29 regardless of whether such sales of utilities and fuels are
30 separately metered and billed direct to the residents or are
31 metered and billed to the landlord. If any part of the utility

1 or fuel is used for a nonexempt purpose, the entire sale is
2 taxable. The landlord shall provide a separate meter for
3 nonexempt utility or fuel consumption. For the purposes of
4 this paragraph, licensed family day care homes shall also be
5 exempt.

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

12 (l) Organizations providing special educational,
13 cultural, recreational, and social benefits to minors.--Also
14 exempt from the tax imposed by this chapter are sales or
15 leases to and sales of donated property by nonprofit
16 organizations which are incorporated pursuant to chapter 617
17 the primary purpose of which is providing activities that
18 contribute to the development of good character or good
19 sportsmanship, or to the educational or cultural development,
20 of minors. This exemption is extended only to that level of
21 the organization that has a salaried executive officer or an
22 elected nonsalaried executive officer. For the purpose of this
23 paragraph, the term "donated property" means any property
24 transferred to such nonprofit organization for less than 50
25 percent of its fair market value.

26 (m) Religious institutions.--

27 1. There are exempt from the tax imposed by this
28 chapter transactions involving sales or leases directly to
29 religious institutions when used in carrying on their
30 customary nonprofit religious activities or sales or leases of
31 tangible personal property by religious institutions having an

1 established physical place for worship at which nonprofit
2 religious services and activities are regularly conducted and
3 carried on.

4 2. As used in this paragraph, the term "religious
5 institutions" means churches, synagogues, and established
6 physical places for worship at which nonprofit religious
7 services and activities are regularly conducted and carried
8 on. The term "religious institutions" includes nonprofit
9 corporations the sole purpose of which is to provide free
10 transportation services to church members, their families, and
11 other church attendees. The term "religious institutions" also
12 includes nonprofit state, nonprofit district, or other
13 nonprofit governing or administrative offices the function of
14 which is to assist or regulate the customary activities of
15 religious institutions. The term "religious institutions" also
16 includes any nonprofit corporation that is qualified as
17 nonprofit under s. 501(c)(3) of the Internal Revenue Code of
18 1986, as amended, and that owns and operates a Florida
19 television station, at least 90 percent of the programming of
20 which station consists of programs of a religious nature and
21 the financial support for which, exclusive of receipts for
22 broadcasting from other nonprofit organizations, is
23 predominantly from contributions from the general public. The
24 term "religious institutions" also includes any nonprofit
25 corporation that is qualified as nonprofit under s. 501(c)(3)
26 of the Internal Revenue Code of 1986, as amended, the primary
27 activity of which is making and distributing audio recordings
28 of religious scriptures and teachings to blind or visually
29 impaired persons at no charge. The term "religious
30 institutions" also includes any nonprofit corporation that is
31 qualified as nonprofit under s. 501(c)(3) of the Internal

1 Revenue Code of 1986, as amended, the sole or primary function
2 of which is to provide, upon invitation, nonprofit religious
3 services, evangelistic services, religious education,
4 administrative assistance, or missionary assistance for a
5 church, synagogue, or established physical place of worship at
6 which nonprofit religious services and activities are
7 regularly conducted.

8 (n) Veterans' organizations.--

9 1. There are exempt from the tax imposed by this
10 chapter transactions involving sales or leases to qualified
11 veterans' organizations and their auxiliaries when used in
12 carrying on their customary veterans' organization activities.

13 2. As used in this paragraph, the term "veterans'
14 organizations" means nationally chartered or recognized
15 veterans' organizations, including, but not limited to,
16 Florida chapters of the Paralyzed Veterans of America,
17 Catholic War Veterans of the U.S.A., Jewish War Veterans of
18 the U.S.A., and the Disabled American Veterans, Department of
19 Florida, Inc., which hold current exemptions from federal
20 income tax under s. 501(c)(4) or (19) of the Internal Revenue
21 Code of 1986, as amended.

22 (o) Schools, colleges, and universities.--Also exempt
23 from the tax imposed by this chapter are sales or leases to
24 state tax-supported schools, colleges, or universities.

25 (p) Section 501(c)(3) organizations.--Also exempt from
26 the tax imposed by this chapter are sales or leases to
27 organizations determined by the Internal Revenue Service to be
28 currently exempt from federal income tax pursuant to s.
29 501(c)(3) of the Internal Revenue Code of 1986, as amended,
30 when such leases or purchases are used in carrying on their
31 customary nonprofit activities.

1 (q) Resource recovery equipment.--Also exempt is
2 resource recovery equipment which is owned and operated by or
3 on behalf of any county or municipality, certified by the
4 Department of Environmental Protection under the provisions of
5 s. 403.715.

6 (r) School books and school lunches.--This exemption
7 applies to school books used in regularly prescribed courses
8 of study, and to school lunches served in public, parochial,
9 or nonprofit schools operated for and attended by pupils of
10 grades K through 12. Yearbooks, magazines, newspapers,
11 directories, bulletins, and similar publications distributed
12 by such educational institutions to their students are also
13 exempt. School books and food sold or served at community
14 colleges and other institutions of higher learning are
15 taxable.

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

21 ~~(t)~~(s) Boats temporarily docked in state.--

22 1. Notwithstanding the provisions of chapter 328,
23 pertaining to the registration of vessels, a boat upon which
24 the state sales or use tax has not been paid is exempt from
25 the use tax under this chapter if it enters and remains in
26 this state for a period not to exceed a total of 20 days in
27 any calendar year calculated from the date of first dockage or
28 slippage at a facility, registered with the department, that
29 rents dockage or slippage space in this state. If a boat
30 brought into this state for use under this paragraph is placed
31 in a facility, registered with the department, for repairs,

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

1 | this state under this paragraph, the 6-month period provided
2 | in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.

3 | 2. During the period of repairs, alterations,
4 | refitting, or modifications and during the 20-day period
5 | referred to in subparagraph 1., the boat may be listed for
6 | sale, contracted for sale, or sold exclusively by a broker or
7 | dealer registered with the department without incurring a use
8 | tax under this chapter; however, the sales tax levied under
9 | this chapter applies to such sale.

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

12 | 4. As used in this paragraph, "registered repair
13 | facility" means:

14 | a. A full-service facility that:

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

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

19 | (III) Has adequate piers and storage facilities to
20 | provide safe berthing of vessels in its care, custody, and
21 | control; and

22 | (IV) Has necessary shops and equipment to provide
23 | repair or warranty work on vessels under the care, custody,
24 | and control of the facility;

25 | b. A marina that:

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

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

30 | (III) Has necessary shops and equipment to provide
31 | repairs or warranty work on vessels; or

1 c. A shoreside facility that:

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

3 (II) Has adequate piers and storage facilities to
4 provide safe berthing of vessels in its care, custody, and
5 control; and

6 (III) Has necessary shops and equipment to provide
7 repairs or warranty work.

8 (u)~~(t)~~ Volunteer fire departments.--Also exempt are
9 firefighting and rescue service equipment and supplies
10 purchased by volunteer fire departments, duly chartered under
11 the Florida Statutes as corporations not for profit.

12 (v)~~(u)~~ Professional services.--

13 1. Also exempted are professional, insurance, or
14 personal service transactions that involve sales as
15 inconsequential elements for which no separate charges are
16 made.

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

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

31

1 4. This exemption does not apply to any service
2 transaction taxable under s. 212.05(1)(j).

3 (w)~~(v)~~ Certain newspaper, magazine, and newsletter
4 subscriptions, shoppers, and community newspapers.--Likewise
5 exempt are newspaper, magazine, and newsletter subscriptions
6 in which the product is delivered to the customer by mail.
7 Also exempt are free, circulated publications that are
8 published on a regular basis, the content of which is
9 primarily advertising, and that are distributed through the
10 mail, home delivery, or newsstands. The exemption for
11 newspaper, magazine, and newsletter subscriptions which is
12 provided in this paragraph applies only to subscriptions
13 entered into after March 1, 1997.

14 (x)~~(w)~~ Sporting equipment brought into the
15 state.--Sporting equipment brought into Florida, for a period
16 of not more than 4 months in any calendar year, used by an
17 athletic team or an individual athlete in a sporting event is
18 exempt from the use tax if such equipment is removed from the
19 state within 7 days after the completion of the event.

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

29 (z)~~(x)~~ Vending machines sponsored by nonprofit or
30 charitable organizations.--Also exempt are food or drinks for
31 human consumption sold for 25 cents or less through a

1 coin-operated vending machine sponsored by a nonprofit
2 corporation qualified as nonprofit pursuant to s. 501(c)(3) or
3 (4) of the Internal Revenue Code of 1986, as amended.

4 (aa)~~(y)~~ Certain commercial vehicles.--Also exempt is
5 the sale, lease, or rental of a commercial motor vehicle as
6 defined in s. 207.002(2), when the following conditions are
7 met:

8 1. The sale, lease, or rental occurs between two
9 commonly owned and controlled corporations;

10 2. Such vehicle was titled and registered in this
11 state at the time of the sale, lease, or rental; and

12 3. Florida sales tax was paid on the acquisition of
13 such vehicle by the seller, lessor, or renter.

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

19 (cc)~~(aa)~~ Works of art.--

20 1. Also exempt are works of art sold to or used by an
21 educational institution.

22 2. This exemption also applies to the sale to or use
23 in this state of any work of art by any person if it was
24 purchased or imported exclusively for the purpose of being
25 donated to any educational institution, or loaned to and made
26 available for display by any educational institution, provided
27 that the term of the loan agreement is for at least 10 years.

28 3. The exemption provided by this paragraph for
29 donations is allowed only if the person who purchased the work
30 of art transfers title to the donated work of art to an
31 educational institution. Such transfer of title shall be

1 evidenced by an affidavit meeting requirements established by
2 rule to document entitlement to the exemption. Nothing in this
3 paragraph shall preclude a work of art donated to an
4 educational institution from remaining in the possession of
5 the donor or purchaser, as long as title to the work of art
6 lies with the educational institution.

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

15 5. The exemptions provided by this paragraph are
16 allowed only if the person who purchased the work of art gives
17 to the vendor an affidavit meeting the requirements,
18 established by rule, to document entitlement to the exemption.
19 The person who purchased the work of art shall forward a copy
20 of such affidavit to the Department of Revenue at the time it
21 is issued to the vendor.

22 6. The exemption for loans provided by subparagraph 2.
23 applies only for the period during which a work of art is in
24 the possession of the educational institution or is in storage
25 before transfer of possession to that institution; and when it
26 ceases to be so possessed or held, tax based upon the sales
27 price paid by the owner is payable, and the statute of
28 limitations provided in s. 95.091 shall begin to run at that
29 time. However, tax shall not become due if the work of art is
30 donated to an educational institution after the loan ceases.

31

1 7. Any educational institution to which a work of art
2 has been donated pursuant to this paragraph shall make
3 available to the department the title to the work of art and
4 any other relevant information. Any educational institution
5 which has received a work of art on loan pursuant to this
6 paragraph shall make available to the department information
7 relating to the work of art. Any educational institution that
8 transfers from its possession a work of art as defined by this
9 paragraph which has been loaned to it must notify the
10 Department of Revenue within 60 days after the transfer.

11 8. For purposes of the exemptions provided by this
12 paragraph, the term:

13 a. "Educational institutions" includes state
14 tax-supported, parochial, church, and nonprofit private
15 schools, colleges, or universities that conduct regular
16 classes and courses of study required for accreditation by or
17 membership in the Southern Association of Colleges and
18 Schools, the Florida Council of Independent Schools, or the
19 Florida Association of Christian Colleges and Schools, Inc.;
20 nonprofit private schools that conduct regular classes and
21 courses of study accepted for continuing education credit by a
22 board of the Division of Medical Quality Assurance of the
23 Department of Health; or nonprofit libraries, art galleries,
24 performing arts centers that provide educational programs to
25 school children, which programs involve performances or other
26 educational activities at the performing arts center and serve
27 a minimum of 50,000 school children a year, and museums open
28 to the public.

29 b. "Work of art" includes pictorial representations,
30 sculpture, jewelry, antiques, stamp collections and coin
31 collections, and other tangible personal property, the value

1 of which is attributable predominantly to its artistic,
2 historical, political, cultural, or social importance.

3 (dd)~~(bb)~~ Taxicab leases.--The lease of or license to
4 use a taxicab or taxicab-related equipment and services
5 provided by a taxicab company to an independent taxicab
6 operator are exempt, provided, however, the exemptions
7 provided under this paragraph only apply if sales or use tax
8 has been paid on the acquisition of the taxicab and its
9 related equipment.

10 (ee)~~(cc)~~ Aircraft repair and maintenance labor
11 charges.--There shall be exempt from the tax imposed by this
12 chapter all labor charges for the repair and maintenance of
13 aircraft of more than 15,000 pounds maximum certified takeoff
14 weight and rotary wing aircraft of more than 10,000 pounds
15 maximum certified takeoff weight. Except as otherwise provided
16 in this chapter, charges for parts and equipment furnished in
17 connection with such labor charges are taxable.

18 (ff)~~(dd)~~ Certain electricity or steam uses.--

19 1. Subject to the provisions of subparagraph 4.,
20 charges for electricity or steam used to operate machinery and
21 equipment at a fixed location in this state when such
22 machinery and equipment is used to manufacture, process,
23 compound, produce, or prepare for shipment items of tangible
24 personal property for sale, or to operate pollution control
25 equipment, recycling equipment, maintenance equipment, or
26 monitoring or control equipment used in such operations are
27 exempt to the extent provided in this paragraph. If 75 percent
28 or more of the electricity or steam used at the fixed location
29 is used to operate qualifying machinery or equipment, 100
30 percent of the charges for electricity or steam used at the
31 fixed location are exempt. If less than 75 percent but 50

1 percent or more of the electricity or steam used at the fixed
2 location is used to operate qualifying machinery or equipment,
3 50 percent of the charges for electricity or steam used at the
4 fixed location are exempt. If less than 50 percent of the
5 electricity or steam used at the fixed location is used to
6 operate qualifying machinery or equipment, none of the charges
7 for electricity or steam used at the fixed location are
8 exempt.

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 and Industry Group Number 212. As used
13 in this paragraph, "SIC" means those classifications contained
14 in the Standard Industrial Classification Manual, 1987, as
15 published by the Office of Management and Budget, Executive
16 Office of the President.

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

24 4. Such exemption shall be applied as follows:
25 beginning July 1, 2000, 100 percent of the charges for such
26 electricity or steam shall be exempt.

27 5. Notwithstanding any other provision in this
28 paragraph to the contrary, in order to receive the exemption
29 provided in this paragraph a taxpayer must first register with
30 the WAGES Program Business Registry established by the local
31 WAGES coalition for the area in which the taxpayer is located.

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

1 nonprofit organizations that are incorporated under chapter
2 617 and that have been designated citizen support
3 organizations in support of state-funded environmental
4 programs or the management of state-owned lands in accordance
5 with s. 20.2551, or to support one or more state parks in
6 accordance with s. 258.015.

7 (ii)~~(gg)~~ Florida Folk Festival.--There shall be exempt
8 from the tax imposed by this chapter income of a revenue
9 nature received from admissions to the Florida Folk Festival
10 held pursuant to s. 267.16 at the Stephen Foster State Folk
11 Culture Center, a unit of the state park system.

12 (jj)~~(hh)~~ Solar energy systems.--Also exempt are solar
13 energy systems or any component thereof. The Florida Solar
14 Energy Center shall from time to time certify to the
15 department a list of equipment and requisite hardware
16 considered to be a solar energy system or a component thereof.
17 This exemption is repealed July 1, 2005.

18 (kk)~~(ii)~~ Nonprofit cooperative hospital
19 laundries.--Also exempt from the tax imposed by this chapter
20 are sales or leases to nonprofit organizations that are
21 incorporated under chapter 617 and which are treated, for
22 federal income tax purposes, as cooperatives under subchapter
23 T of the Internal Revenue Code, whose sole purpose is to offer
24 laundry supplies and services to their members, which members
25 must all be exempt from federal income tax pursuant to s.
26 501(c)(3) of the Internal Revenue Code.

27 (ll)~~(jj)~~ Complimentary meals.--Also exempt from the
28 tax imposed by this chapter are food or drinks that are
29 furnished as part of a packaged room rate by any person
30 offering for rent or lease any transient living accommodations
31 as described in s. 509.013(4)(a) which are licensed under part

1 I of chapter 509 and which are subject to the tax under s.
2 212.03, if a separate charge or specific amount for the food
3 or drinks is not shown. Such food or drinks are considered to
4 be sold at retail as part of the total charge for the
5 transient living accommodations. Moreover, the person offering
6 the accommodations is not considered to be the consumer of
7 items purchased in furnishing such food or drinks and may
8 purchase those items under conditions of a sale for resale.

9 (mm)~~(kk)~~ Nonprofit corporation conducting the
10 correctional work programs.--Products sold pursuant to s.
11 946.515 by the corporation organized pursuant to part II of
12 chapter 946 are exempt from the tax imposed by this chapter.
13 This exemption applies retroactively to July 1, 1983.

14 (nn)~~(ll)~~ Parent-teacher organizations, parent-teacher
15 associations, and schools having grades K through
16 12.--Parent-teacher organizations and associations qualified
17 as educational institutions as defined by sub-subparagraph
18 (cc)8.a.~~(aa)8.a.~~ associated with schools having grades K
19 through 12, and schools having grades K through 12, may pay
20 tax to their suppliers on the cost price of school materials
21 and supplies purchased, rented, or leased for resale or rental
22 to students in grades K through 12, of items sold for
23 fundraising purposes, and of items sold through vending
24 machines located on the school premises, in lieu of collecting
25 the tax imposed by this chapter from the purchaser. This
26 paragraph also applies to food or beverages sold through
27 vending machines located in the student lunchroom or dining
28 room of a school having kindergarten through grade 12.

29 (oo)~~(mm)~~ Mobile home lot improvements.--Items
30 purchased by developers for use in making improvements to a
31 mobile home lot owned by the developer may be purchased

1 tax-exempt as a sale for resale if made pursuant to a contract
2 that requires the developer to sell a mobile home to a
3 purchaser, place the mobile home on the lot, and make the
4 improvements to the lot for a single lump-sum price. The
5 developer must collect and remit sales tax on the entire
6 lump-sum price.

7 (pp)~~(mm)~~ Veterans Administration.--When a veteran of
8 the armed forces purchases an aircraft, boat, mobile home,
9 motor vehicle, or other vehicle from a dealer pursuant to the
10 provisions of 38 U.S.C. s. 3902(a), or any successor provision
11 of the United States Code, the amount that is paid directly to
12 the dealer by the Veterans Administration is not taxable.
13 However, any portion of the purchase price which is paid
14 directly to the dealer by the veteran is taxable.

15 (qq)~~(oo)~~ Complimentary items.--There is exempt from
16 the tax imposed by this chapter:

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

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

24
25 The exemptions in this paragraph do not apply to businesses
26 with the primary activity of serving prepared meals or
27 alcoholic beverages for immediate consumption.

28 (rr)~~(pp)~~ Donated foods or beverages.--Any food or
29 beverage donated by a dealer that sells food products at
30 retail to a food bank or an organization that holds a current
31 exemption from federal corporate income tax pursuant to s.

1 501(c) of the Internal Revenue Code of 1986, as amended, is
2 exempt from the tax imposed by this chapter.

3 (ss) Racing dogs.--The sale of a racing dog by its
4 owner is exempt if the owner is also the breeder of the
5 animal.

6 (tt)(qq) Equipment used in aircraft repair and
7 maintenance.--There shall be exempt from the tax imposed by
8 this chapter replacement engines, parts, and equipment used in
9 the repair or maintenance of aircraft of more than 15,000
10 pounds maximum certified takeoff weight and rotary wing
11 aircraft of more than 10,300 pounds maximum certified takeoff
12 weight, when such parts or equipment are installed on such
13 aircraft that is being repaired or maintained in this state.

14 (uu)(rr) Aircraft sales or leases.--The sale or lease
15 of an aircraft of more than 15,000 pounds maximum certified
16 takeoff weight for use by a common carrier is exempt from the
17 tax imposed by this chapter. As used in this paragraph,
18 "common carrier" means an airline operating under Federal
19 Aviation Administration regulations contained in Title 14,
20 chapter I, part 121 or part 129 of the Code of Federal
21 Regulations.

22 (vv)(ss) Nonprofit water systems.--Sales or leases to
23 a not-for-profit corporation which holds a current exemption
24 from federal income tax under s. 501(c)(4) or (12) of the
25 Internal Revenue Code, as amended, are exempt from the tax
26 imposed by this chapter if the sole or primary function of the
27 corporation is to construct, maintain, or operate a water
28 system in this state.

29 (ww)(tt) Library cooperatives.--Sales or leases to
30 library cooperatives certified under s. 257.41(2) are exempt
31 from the tax imposed by this chapter.

1 (xx)~~(uu)~~ Advertising agencies.--

2 1. As used in this paragraph, the term "advertising
3 agency" means any firm that is primarily engaged in the
4 business of providing advertising materials and services to
5 its clients.

6 2. The sale of advertising services by an advertising
7 agency to a client is exempt from the tax imposed by this
8 chapter. Also exempt from the tax imposed by this chapter are
9 items of tangible personal property such as photographic
10 negatives and positives, videos, films, galleys, mechanicals,
11 veloxes, illustrations, digital audiotapes, analog tapes,
12 printed advertisement copies, compact discs for the purpose of
13 recording, digital equipment, and artwork and the services
14 used to produce those items if the items are:

15 a. Sold to an advertising agency that is acting as an
16 agent for its clients pursuant to contract, and are created
17 for the performance of advertising services for the clients;

18 b. Produced, fabricated, manufactured, or otherwise
19 created by an advertising agency for its clients, and are used
20 in the performance of advertising services for the clients; or

21 c. Sold by an advertising agency to its clients in the
22 performance of advertising services for the clients, whether
23 or not the charges for these items are marked up or separately
24 stated.

25

26 The exemption provided by this subparagraph does not apply
27 when tangible personal property such as film, paper, and
28 videotapes is purchased to create items such as photographic
29 negatives and positives, videos, films, galleys, mechanicals,
30 veloxes, illustrations, and artwork that are sold to an

31

1 advertising agency or produced in-house by an advertising
2 agency on behalf of its clients.

3 3. The items exempted from tax under subparagraph 2.
4 and the creative services used by an advertising agency to
5 design the advertising for promotional goods such as displays,
6 display containers, exhibits, newspaper inserts, brochures,
7 catalogues, direct mail letters or flats, shirts, hats, pens,
8 pencils, key chains, or other printed goods or materials are
9 not subject to tax. However, when such promotional goods are
10 produced or reproduced for distribution, tax applies to the
11 sales price charged to the client for such promotional goods.

12 4. For items purchased by an advertising agency and
13 exempt from tax under this paragraph, possession of an
14 exemption certificate from the advertising agency certifying
15 the agency's entitlement to exemption relieves the vendor of
16 the responsibility of collecting the tax on the sale of such
17 items to the advertising agency, and the department shall look
18 solely to the advertising agency for recovery of tax if it
19 determines that the advertising agency was not entitled to the
20 exemption.

21 5. The exemptions provided by this paragraph apply
22 retroactively, except that all taxes that have been collected
23 must be remitted, and taxes that have been remitted before
24 July 1, 1999, on transactions that are subject to exemption
25 under this paragraph are not subject to refund.

26 6. The department may adopt rules that interpret or
27 define the provisions of these exemptions and provide examples
28 regarding the application of these exemptions.

29 (yy)~~(vv)~~ Bullion.--The sale of gold, silver, or
30 platinum bullion, or any combination thereof, in a single
31 transaction is exempt if the sales price exceeds \$500. The

1 dealer must maintain proper documentation, as prescribed by
2 rule of the department, to identify that portion of a
3 transaction which involves the sale of gold, silver, or
4 platinum bullion and is exempt under this paragraph.

5 (zz)~~(ww)~~ Certain repair and labor charges.--

6 1. Subject to the provisions of subparagraphs 2. and
7 3., there is exempt from the tax imposed by this chapter all
8 labor charges for the repair of, and parts and materials used
9 in the repair of and incorporated into, industrial machinery
10 and equipment which is used for the manufacture, processing,
11 compounding, production, or preparation for shipping of items
12 of tangible personal property at a fixed location within this
13 state.

14 2. This exemption applies only to industries
15 classified under SIC Industry Major Group Numbers 10, 12, 13,
16 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
17 35, 36, 37, 38, and 39 and Industry Group Number 212. As used
18 in this subparagraph, "SIC" means those classifications
19 contained in the Standard Industrial Classification Manual,
20 1987, as published by the Office of Management and Budget,
21 Executive Office of the President.

22 3. This exemption shall be applied as follows:

23 a. Beginning July 1, 2000, 50 percent of such charges
24 for repair parts and labor shall be exempt.

25 b. Beginning July 1, 2001, 75 percent of such charges
26 for repair parts and labor shall be exempt.

27 c. Beginning July 1, 2002, 100 percent of such charges
28 for repair parts and labor shall be exempt.

29 (aaa)~~(xx)~~ Film and other printing supplies.--Also
30 exempt are the following materials purchased, produced, or
31 created by businesses classified under SIC Industry Numbers

1 275, 276, 277, 278, or 279 for use in producing graphic matter
2 for sale: film, photographic paper, dyes used for embossing
3 and engraving, artwork, typography, lithographic plates, and
4 negatives. As used in this paragraph, "SIC" means those
5 classifications contained in the Standard Industrial
6 Classification Manual, 1987, as published by the Office of
7 Management and Budget, Executive Office of the President.
8 (bbb)~~(yy)~~ People-mover systems.--People-mover systems,
9 and parts thereof, which are purchased or manufactured by
10 contractors employed either directly by or as agents for the
11 United States Government, the state, a county, a municipality,
12 a political subdivision of the state, or the public operator
13 of a public-use airport as defined by s. 332.004(14) are
14 exempt from the tax imposed by this chapter when the systems
15 or parts go into or become part of publicly owned facilities.
16 In the case of contractors who manufacture and install such
17 systems and parts, this exemption extends to the purchase of
18 component parts and all other manufacturing and fabrication
19 costs. The department may provide a form to be used by
20 contractors to provide to suppliers of people-mover systems or
21 parts to certify the contractors' eligibility for the
22 exemption provided under this paragraph. As used in this
23 paragraph, "people-mover systems" includes wheeled passenger
24 vehicles and related control and power distribution systems
25 that are part of a transportation system for use by the
26 general public, regardless of whether such vehicles are
27 operator-controlled or driverless, self-propelled or propelled
28 by external power and control systems, or conducted on roads,
29 rails, guidebeams, or other permanent structures that are an
30 integral part of such transportation system. "Related control
31 and power distribution systems" includes any electrical or

1 | electronic control or signaling equipment, but does not
2 | include the embedded wiring, conduits, or cabling used to
3 | transmit electrical or electronic signals among such control
4 | equipment, power distribution equipment, signaling equipment,
5 | and wheeled vehicles.

6 | (ccc)~~(zz)~~ Organizations providing crime prevention,
7 | drunk driving prevention, or juvenile delinquency prevention
8 | services.--Sales or leases to any nonprofit organization that
9 | provides crime prevention services, drunk driving prevention
10 | services, or juvenile delinquency prevention services that
11 | benefit society as a whole are exempt from the tax imposed by
12 | this chapter, if the organization holds a current exemption
13 | from federal income tax under s. 501(c)(3) of the Internal
14 | Revenue Code and the organization has as its sole or primary
15 | purpose the provision of services that contribute to the
16 | prevention of hardships caused by crime, drunk driving, or
17 | juvenile delinquency.

18 | (ddd)~~(aaa)~~ Florida Fire and Emergency Services
19 | Foundation.--Sales or leases to the Florida Fire and Emergency
20 | Services Foundation are exempt from the tax imposed by this
21 | chapter.

22 | (eee)~~(bbb)~~ Railroad roadway materials.--Also exempt
23 | from the tax imposed by this chapter are railroad roadway
24 | materials used in the construction, repair, or maintenance of
25 | railways. Railroad roadway materials shall include rails,
26 | ties, ballasts, communication equipment, signal equipment,
27 | power transmission equipment, and any other track materials.

28 |
29 | Exemptions provided to any entity by this subsection shall not
30 | inure to any transaction otherwise taxable under this chapter
31 | when payment is made by a representative or employee of such

1 entity by any means, including, but not limited to, cash,
2 check, or credit card even when that representative or
3 employee is subsequently reimbursed by such entity.

4 Section 31. A section of this act that implements a
5 specific appropriation or specifically identified proviso
6 language in the 2002-2003 General Appropriations Act is void
7 if the specific appropriation or specifically identified
8 proviso language is vetoed. A section of this act that
9 implements more than one specific appropriation or more than
10 one portion of specifically identified proviso language in the
11 2002-2003 General Appropriations Act is void if all the
12 specific appropriations or portions of specifically identified
13 proviso language are vetoed.

14 Section 32. The agency performance measures and
15 standards in the document entitled "Agency Performance
16 Measures and Standards for Fiscal Year 2002-2003" dated
17 February 22, 2002, and filed with the Secretary of the Senate
18 are incorporated by reference. Such performance measures and
19 standards are directly linked to the appropriations made in
20 the General Appropriations Act for fiscal year 2002-2003, as
21 required by the Government Performance and Accountability Act
22 of 1994. State agencies are directed to revise their
23 Long-Range Program Plans required under section 216.013,
24 Florida Statutes, to be consistent with these performance
25 measures and standards.

26 Section 33. It is the policy of the state that funds
27 provided in the 2002-2003 General Appropriations Act may not
28 be expended for contracts in excess of \$5,000 for
29 noncommercial sustained announcements or for public-service
30 announcements unless specifically approved by the Legislative
31 Budget Commission.

