

CS/HB 637

2010

1 A bill to be entitled
2 An act relating to the admissions tax; amending s. 212.04,
3 F.S.; expanding an exemption from the tax for certain
4 sports championship or all-star games, certain other
5 professional sporting events, and certain professional
6 sport sponsored events; providing an effective date.

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

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10 Section 1. Paragraph (a) of subsection (2) of section
11 212.04, Florida Statutes, is amended to read:

12 212.04 Admissions tax; rate, procedure, enforcement.—

13 (2)(a)1. No tax shall be levied on admissions to athletic
14 or other events sponsored by elementary schools, junior high
15 schools, middle schools, high schools, community colleges,
16 public or private colleges and universities, deaf and blind
17 schools, facilities of the youth services programs of the
18 Department of Children and Family Services, and state
19 correctional institutions when only student, faculty, or inmate
20 talent is used. However, this exemption shall not apply to
21 admission to athletic events sponsored by a state university,
22 and the proceeds of the tax collected on such admissions shall
23 be retained and used by each institution to support women's
24 athletics as provided in s. 1006.71(2)(c).

25 2.a. No tax shall be levied on dues, membership fees, and
26 admission charges imposed by not-for-profit sponsoring
27 organizations. To receive this exemption, the sponsoring
28 organization must qualify as a not-for-profit entity under the

29 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,
30 as amended.

31 b. No tax shall be levied on admission charges to an event
32 sponsored by a governmental entity, sports authority, or sports
33 commission when held in a convention hall, exhibition hall,
34 auditorium, stadium, theater, arena, civic center, performing
35 arts center, or publicly owned recreational facility and when
36 100 percent of the risk of success or failure lies with the
37 sponsor of the event and 100 percent of the funds at risk for
38 the event belong to the sponsor, and student or faculty talent
39 is not exclusively used. As used in this sub-subparagraph, the
40 terms "sports authority" and "sports commission" mean a
41 nonprofit organization that is exempt from federal income tax
42 under s. 501(c)(3) of the Internal Revenue Code and that
43 contracts with a county or municipal government for the purpose
44 of promoting and attracting sports-tourism events to the
45 community with which it contracts. This sub-subparagraph is
46 repealed July 1, 2009.

47 3. No tax shall be levied on an admission paid by a
48 student, or on the student's behalf, to any required place of
49 sport or recreation if the student's participation in the sport
50 or recreational activity is required as a part of a program or
51 activity sponsored by, and under the jurisdiction of, the
52 student's educational institution, provided his or her
53 attendance is as a participant and not as a spectator.

54 4. No tax shall be levied on admissions to the National
55 Football League championship game, on admissions to any
56 semifinal game or championship game of a national collegiate

57 | tournament, or on admissions to a Major League Baseball,
58 | National Basketball Association, or National Hockey League all-
59 | star game, to the Home Run Derby held by Major League Baseball
60 | prior to the Major League Baseball All-Star Game, to the
61 | National Football League's Pro Bowl, and the National Basketball
62 | Association's Rookie Challenge, Celebrity Game, 3-Point Shooting
63 | Contest, and Slam Dunk Challenge.

64 | 5. A participation fee or sponsorship fee imposed by a
65 | governmental entity as described in s. 212.08(6) for an athletic
66 | or recreational program is exempt when the governmental entity
67 | by itself, or in conjunction with an organization exempt under
68 | s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,
69 | sponsors, administers, plans, supervises, directs, and controls
70 | the athletic or recreational program.

71 | 6. Also exempt from the tax imposed by this section to the
72 | extent provided in this subparagraph are admissions to live
73 | theater, live opera, or live ballet productions in this state
74 | which are sponsored by an organization that has received a
75 | determination from the Internal Revenue Service that the
76 | organization is exempt from federal income tax under s.
77 | 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
78 | the organization actively participates in planning and
79 | conducting the event, is responsible for the safety and success
80 | of the event, is organized for the purpose of sponsoring live
81 | theater, live opera, or live ballet productions in this state,
82 | has more than 10,000 subscribing members and has among the
83 | stated purposes in its charter the promotion of arts education
84 | in the communities which it serves, and will receive at least 20

85 | percent of the net profits, if any, of the events which the
86 | organization sponsors and will bear the risk of at least 20
87 | percent of the losses, if any, from the events which it sponsors
88 | if the organization employs other persons as agents to provide
89 | services in connection with a sponsored event. Prior to March 1
90 | of each year, such organization may apply to the department for
91 | a certificate of exemption for admissions to such events
92 | sponsored in this state by the organization during the
93 | immediately following state fiscal year. The application shall
94 | state the total dollar amount of admissions receipts collected
95 | by the organization or its agents from such events in this state
96 | sponsored by the organization or its agents in the year
97 | immediately preceding the year in which the organization applies
98 | for the exemption. Such organization shall receive the exemption
99 | only to the extent of \$1.5 million multiplied by the ratio that
100 | such receipts bear to the total of such receipts of all
101 | organizations applying for the exemption in such year; however,
102 | in no event shall such exemption granted to any organization
103 | exceed 6 percent of such admissions receipts collected by the
104 | organization or its agents in the year immediately preceding the
105 | year in which the organization applies for the exemption. Each
106 | organization receiving the exemption shall report each month to
107 | the department the total admissions receipts collected from such
108 | events sponsored by the organization during the preceding month
109 | and shall remit to the department an amount equal to 6 percent
110 | of such receipts reduced by any amount remaining under the
111 | exemption. Tickets for such events sold by such organizations
112 | shall not reflect the tax otherwise imposed under this section.

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113 7. Also exempt from the tax imposed by this section are
114 entry fees for participation in freshwater fishing tournaments.

115 8. Also exempt from the tax imposed by this section are
116 participation or entry fees charged to participants in a game,
117 race, or other sport or recreational event if spectators are
118 charged a taxable admission to such event.

119 9. No tax shall be levied on admissions to any postseason
120 collegiate football game sanctioned by the National Collegiate
121 Athletic Association.

122 Section 2. This act shall take effect July 1, 2010.