A bill to be entitled

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

Section 1. Section 212.059, Florida Statutes, is
created to read:

Section 212.059. Sales and use tax on services.--

It is hereby declared to be the legislative intent to
levy an excise tax on the sale of services in this state as
hereinafter provided. It is further declared to be the
legislative intent to levy a complementary excise tax on the
use of services in this state as hereinafter provided.

(1) A tax is hereby imposed on the sale at retail of
any service in this state at the rate of 5 percent of the
sales price of the service. The tax shall be computed on each
taxable sale of a service for the purpose of remitting the
amount of tax due the state, and to include each and every
retail sale of a service.

(a) The sale of a service is in this state for
purposes of this chapter if the service is performed wholly
within this state or if the service is performed partly within
and partly without this state but the greater proportion of
the service is performed within this state, based on costs of
performance.

(b) "Costs of performance" for purposes of this
chapter means direct costs determined in a manner consistent
with generally accepted accounting principles and in
accordance with accepted conditions or practices in the type
of trade or business in which the taxpayer engages.

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(2) A tax is hereby imposed on the use of any service in this state when the sale of the service is not taxable in this state at the rate of 5 percent of the cost price of the service. The tax is applicable when services are rendered, furnished, or performed in this state, or when the product or result of the service is used or consumed in this state. The tax imposed by this subsection shall not apply to the use of any service the sale of which would not be taxable, if the service had been sold in this state.

(3) The sales and use tax on services imposed by this section shall be collected by the dealer as defined in this chapter and remitted by him to the state at the time and in the manner as provided in this chapter.

(4) The sales and use tax on services imposed by this section is in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes levied.

(5) The sales and use tax on services imposed by this section shall be due and payable according to the brackets set forth in s. 212.12.

(6) The sales and use tax on services imposed by this section shall not be construed to impose an additional tax on transactions that are already taxed under other provisions of this chapter.

(7) If a transaction involves both the sale or use of a service taxable under this chapter and the sale or use of intangible or real property not taxable under this chapter, then the tax imposed by this chapter shall apply to the transaction to the extent that the consideration paid in connection with the transaction is payment for the sale or use of services.
(8) If the entire sales price of the sale of a service or if the entire cost price of the use of a service cannot be included within the measure of the tax imposed by this chapter under the Constitution or laws of the United States, there shall be apportioned to the state and included in the measure of the tax imposed by this chapter on the sale and use of services that proportion of the sales price or cost price so requiring apportionment which the cost of performing the services within the state bears to the total cost of performing the services. This subsection shall be construed as authorizing the apportionment of the measure of the sales or use tax on services only in the event that such apportionment is required by a court of competent jurisdiction.

(9) Notwithstanding other provisions of this section:

(a) The sales price of the sale of interstate transportation services, or the cost price of the use of interstate transportation services, shall be apportioned to the state as provided herein. There shall be included in the measure of the tax imposed by this chapter on the sale or use of interstate transportation services that proportion of the sales price or cost price which is equal to the proportion of mileage within Florida to the total United States mileage for the service transaction in question.

(b) The sales price of the sale of interstate advertising services, or the cost price of the use of interstate advertising services shall be apportioned to the state as provided herein. There shall be included in the measure of the tax imposed by this chapter on the sale or use of interstate advertising services that proportion of the sales price or cost price which is equal to the proportion of

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market coverage within Florida to the total United States market coverage for the most recently completed accounting year of the service provider or such other time period as the Department may prescribe by rule. For purposes of this paragraph, "market coverage" means average daily paid circulation, in the case of print media, and means the average hourly number of viewing or listening households, in the case of broadcast media, measured as prescribed by the department by rule.

Section 2. Section 212.0591, Florida Statutes, is created to read:

Section 212.0591 Exemptions from sales or use tax on services.--

(1) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to the sale or use of services by an employee to an employer. This subsection shall not be construed to limit in any respect the scope of s. 212.06(1)(b).

(2) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to the occasional or isolated sale or use of services by a person who does not hold himself out as engaged in business.

(3) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to the sales price or cost price of intangible property.

(4) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to the services that partners render for their partnerships, unless the partner renders his services to the partnership in the capacity of an independent contractor.

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Section 3. Section 212.02, Florida Statutes, 1986

Supplement, as amended by Chapter 86-166, Laws of Florida, is amended to renumber existing subsections (1) through (23) to alphabetize definitions contained therein; renumbered subsections (2), (4), (17), (18), (25), and (26) are amended, and new subsections (6), (7), and (20) are added to read:

Section 212.02 Definitions.--

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

(1) "admissions" The term "admissions" means and includes the net sum of money after deduction of any federal taxes for admitting a person or vehicle or persons to any place of amusement, sport, or recreation or for the privilege of entering or staying in any place of amusement, sport, or recreation, including, but not limited to, theaters, outdoor theaters, shows, exhibitions, games, races, or any place where charge is made by way of sale of tickets, gate charges, seat charges, box charges, season pass charges, cover charges, greens fees, participation fees, entrance fees, or other fees or receipts of anything of value measured on an admission or entrance or length of stay or seat box accommodations in any place where there is any exhibition, amusement, sport, or recreation, and all dues paid to private clubs providing recreational facilities, including but not limited to golf, tennis, swimming, yachting, and boating facilities. The term "admissions" does not mean or include any charge made for entering or staying upon any boat or vessel for the privilege of fishing.

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"Business" means any activity engaged in by any person, or caused to be engaged in by him, with the object of private or public gain, benefit, or advantage, either direct or indirect. Except for the sales of any aircraft, boat, mobile home, or motor vehicle, the term "business" shall not be construed in this chapter to include occasional or isolated sales or transactions involving tangible personal property or services by a person who does not hold himself out as engaged in business, but includes other charges for the sale or rental of tangible personal property, sales of services taxable under this part, sales of or charges of admission, communication services, all rentals and leases of living quarters, other than low-rent housing operated under chapter 421, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, and all rentals of or licenses in real property, other than low-rent housing operated under chapter 421, all leases or rentals of or licenses in parking lots or garages for motor vehicles, docking or storage spaces for boats in boat docks or marinas as defined in this chapter and made subject to a tax imposed by this chapter. Any tax on such sales, charges, rentals, admissions, or other transactions made subject to the tax imposed by this chapter shall be collected by the state, county, municipality, any political subdivision, agency, bureau, or department, or other state or local governmental instrumentality in the same manner as other dealers, unless specifically exempted by this chapter.

The terms "cigarettes," "tobacco," or "tobacco products" referred to in this chapter include all such products as are defined or may be hereafter defined by the laws of the state.

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"Cost price" means the actual cost of articles of tangible personal property or services without any deductions therefrom-on-account-of-the-cost-of-materials-used; labor-or-service-costs; transportation-charges; or any expenses-whatsoever.

The term "department" means the Department of Revenue.

"Employee" means any person who is not an independent contractor and whose wages or remuneration are subject to tax under the Federal Insurance Contributions Act or under the Federal Unemployment Tax Act, or whose wages or remuneration are subject to withholding for federal income tax purposes.

"Employer" means any person who must pay taxes on wages under the Federal Insurance Contributions Act or under the Federal Unemployment Tax Act, or who must withhold taxes from wages for federal income tax purposes.

"Enterprise zone" means an area of the state authorized to be an enterprise zone pursuant to s. 290.0055 and approved by the secretary of the Department of Community Affairs pursuant to s. 290.0065. This subsection shall expire and be void on December 31, 1994.

"Factory-built building" means a structure manufactured in a manufacturing facility for installation or erection as a finished building; "factory-built building" includes, but is not limited to, residential, commercial, institutional, storage, and industrial structures.

"In this state" or "in the state" means within the exterior limits of Florida and includes all territory within these limits owned by or ceded to the United States.

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The term "intoxicating beverages" or "alcoholic beverages" referred to in this chapter includes all such beverages as are so defined or may be hereafter defined by the laws of the state.

"Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps and real property, the same being defined as follows:

(a) Every building or other structure kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which 10 or more rooms are furnished for the accommodation of such guests, and having one or more dining rooms or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms or cafes being conducted in the same building or buildings in connection therewith, shall, for the purpose of this chapter, be deemed a hotel.

(b) Any building, or part thereof, where separate accommodations for two or more families living independently of each other are supplied to transient or permanent guests or tenants shall for the purpose of this chapter be deemed an apartment house.

(c) Every house, boat, vehicle, motor court, trailer court, or other structure or any place or location kept, used, maintained, or advertised as, or held out to the public to be, a place where living quarters or sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings,
shall for the purpose of this chapter be deemed a
roominghouse.

(d) In all hotels, apartment houses, and roominghouses
within the meaning of this chapter, the parlor, dining room,
sleeping porches, kitchen, office, and sample rooms shall be
construed to mean "rooms."

(e) A "tourist camp" is a place where two or more
tents, tent houses, or camp cottages are located and offered
by a person or municipality for sleeping or eating
accommodations, most generally to the transient public for
either a direct money consideration or an indirect benefit to
the lessor or owner in connection with a related business.

(f) A "trailer camp," "mobile home park," or
"recreational vehicle park" is a place where space is offered,
with or without service facilities, by any persons or
municipality to the public for the parking and accommodation
of two or more automobile trailers, mobile homes, or
recreational vehicles which are used for lodging, for either a
direct money consideration or an indirect benefit to the
lessor or owner in connection with a related business, such
space being hereby defined as living quarters, and the rental
price thereof shall include all service charges paid to the
lessor.

(g) "Lease," "let," or "rental" also means the leasing
or rental of tangible personal property and the possession or
use thereof by the lessee or rentee for a consideration,
without transfer of the title of such property, except as
expressly provided to the contrary herein.

(h) "Real property" means any interest in the surface
of real property unless the property is:

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1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or
   storage spaces under s. 212.03(6).
4. A public or private street or right-of-way occupied
   or used by a utility for utility purposes.
5. A public street or road which is used for
   transportation purposes.
6. Property used at an airport exclusively for the
   purpose of aircraft landing or aircraft taxiing or property
   used by an airline for the purpose of loading or unloading
   passengers or property onto or from aircraft or for fueling
   aircraft.
7. Property used at a port authority as defined in s.
   315.02(2) exclusively for the purpose of ocean going vessels
   or tugs docking, or such vessels mooring on property used by a
   port authority for the purpose of loading or unloading
   passengers or cargo onto or from such a vessel, or property
   used at a port authority for fueling such vessels.
   (i) "License," as used in this chapter with reference
       to the use of real property, means the granting of a privilege
       to use or occupy a building or a parcel of real property for
       any purpose.
   (13) "Motor fuel" means and includes what is
       commonly known and sold as gasoline and fuels containing a
       mixture of gasoline and other products.
   (14) "Nurseryman" or "grower" means any person
       engaged in the production of nursery stock or horticultural
       plants.
   (15) "Person" includes any individual, firm,
       copartnership, joint adventure, association, corporation,

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estate, trust, business trust, receiver, syndicate, or other
group or combination acting as a unit and includes any
political subdivision, municipality, state agency, bureau, or
department and the plural as well as the singular number.

16 "Retailer" means and includes every person
engaged in the business of making sales at retail, or for
distribution, or use, or consumption, or storage to be used or
consumed in this state.

17 (a) "Retail sale" or a "sale at retail" means a
sale to a consumer or to any person for any purpose other than
for resale in the form of tangible personal property or
services, and includes all such transactions that may be made
in lieu of retail sales or sales at retail. A sale of a
service shall be considered a sale for resale only if:
1. the purchaser of the service does not use or
consume the service in the ordinary course of business;
2. the purchaser of the service separately states the
value of the service purchased in his charge for the service
on its subsequent sale; and
3. the service, with its value separately stated, will
be taxed under this chapter in a subsequent sale.

(b) The terms "retail sales," "sales at retail,"
"use," "storage," and "consumption" include the sale, use,
storage, or consumption of all tangible advertising materials
imported or caused to be imported into this state. Tangible
advertising material includes displays, display containers,
brochures, catalogs, pricelists, point-of-sale advertising,
and technical manuals or any tangible personal property which
does not accompany the product to the ultimate consumer.

(c) "Retail sales," "sale at retail," "use,"
"storage," and "consumption" do not include materials,
containers, labels, sacks, or bags intended to be used one
time only for packaging tangible personal property for sale or
in the process of providing a service taxable under this part
and do not include the sale, use, storage, or consumption of
industrial materials, including chemicals and fuels except as
provided herein, for future processing, manufacture, or
conversion into articles of tangible personal property for
resale when such industrial materials, including chemicals and
fuels except as provided herein, become a component or
ingredient of the finished product. However, said terms
include the sale, use, storage, or consumption of tangible
personal property, including machinery and equipment or parts
thereof, purchased electricity, and fuels used to power
machinery, when said items are used and dissipated in
fabricating, converting, or processing tangible personal
property for sale, even though they may become ingredients or
components of the tangible personal property for sale through
accident, wear, tear, erosion, corrosion, or similar means.
(d) "Gross sales" means the sum total of all sales of
tangible personal property or services as defined herein,
without any deduction whatsoever of any kind or character,
except as provided in this chapter.
(18)(e) "Sale" means and includes:
(a) Any transfer of title or possession, or both,
exchange, barter, license, lease, or rental, conditional or
otherwise, in any manner or by any means whatsoever, of
tangible personal property for a consideration.
(b) The rental of living quarters or sleeping or
housekeeping accommodations in hotels, apartment houses or
roominghouses, or tourist or trailer camps, as hereinafter
defined in this chapter.

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(c) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(d) The furnishing, preparing, or serving for a consideration of any tangible personal property for consumption on or off the premises of the person furnishing, preparing, or serving such tangible personal property which includes the sale of meals or prepared food by an employer to his employees.

(e) A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price.

(f) Any transfer, provision, or rendering of services for a consideration.

"Sales price" means the total amount paid for tangible personal property or services, including any services that are a part of the sale and any tangible personal property that is part of the service, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service cost, interest charged, losses, or any other expense whatsoever. "Sales price" also includes the consideration for a transaction which requires labor or material to alter, remodel, maintain, adjust, or repair tangible personal property. Trade-ins or discounts allowed and taken at the time of sale shall not be included within the purview of this subsection.

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(20) "Service" means any activity engaged in for other persons for a consideration.

(21) "Solar energy system" means equipment and requisite hardware which provide and are used for the collection, transfer, storage, and use of incident solar energy for water heating, space heating, cooling, or other application which would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity. This subsection is repealed effective June 30, 1984.

(22) "Special fuel" means any liquid product, gas product, or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as diesel fuel or kerosene. However, the term "special fuel" does not include butane gas, propane gas, or any other form of liquefied petroleum gas or compressed natural gas.


(24) "Storage" means and includes any keeping or retention in this state of tangible personal property for use or consumption in this state or for any purpose other than sale at retail in the regular course of business.

(25) "Tangible personal property" means and includes personal property which may be seen, weighed, measured, or touched or is in any manner perceptible to the

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senses, including electric power or energy, boats, motor
vehicles and mobile homes as defined in s. 320.01(1) and (2),
aircraft as defined in s. 330.27, and all other types of
vehicles. The term "tangible personal property" does not
include stocks, bonds, notes, insurance, or other obligations
or securities; intangibles as defined by the intangible tax
law of the state; or pari-mutuel tickets sold or issued under
the racing laws of the state.

(26) "Use" means and includes the exercise of any
right or power over tangible personal property incident to the
ownership thereof, or interest therein, except that it does
not include the sale at retail of that property in the regular
course of business. "Use" also means the exercise of any right
or power over services, including the consumption or enjoyment
of such services, except that it shall not include the sale at
retail of such services in the regular course of business when
the sale at retail of such services is taxable under this
chapter.

(27) The term "use tax" referred to in this
chapter includes the use, the consumption, the distribution,
and the storage as herein defined of tangible personal
property or services.

Section 4. Section 212.05, Florida Statutes, 1986
Supplement, as amended by Chapter 86-166, Laws of Florida, is
amended to read:

212.05 Sales, storage, use tax.--It is hereby declared
to be the legislative intent that every person is exercising a
taxable privilege who engages in the business of selling
tangible personal property at retail in this state, or who
rents or furnishes any of the things or services taxable under
this section chapter, or who stores for use or consumption in

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this state any item or article of tangible personal property
as defined herein and who leases or rents such property within
the state.

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

(a)1. At the rate of 5 percent of the sales price of
each item or article of tangible personal property when sold
at retail in this state, computed on each taxable sale for the
purpose of remitting the amount of tax due the state, and
including each and every retail sale.

2. Each occasional or isolated sale of an aircraft,
boat, mobile home, or motor vehicle of a class or type which
is required to be registered, licensed, titled, or documented
in this state or by the United States Government shall be
subject to tax at the rate provided in this paragraph. The
department shall, by rule, adopt the NADA Official Used Car
Guide as the reference price list for any used motor vehicle
which is required to be licensed pursuant to s. 320.08(1),
(2), (3)(a), (b), (c), or (f), or (9). If any party to an
occasional or isolated sale of such a vehicle reports to the
tax collector a sales price which is less than 80 percent of
the average loan price for the specified model and year of
such vehicle as listed in the most recent reference price
list, the tax levied under this paragraph shall be computed by
the department on such average loan price unless the parties
to the sale have provided to the tax collector an affidavit
signed by each party, or other substantial proof, stating the
actual sales price. Any party to such sale who reports a
sales price less than the actual sales price is guilty of a
misdemeanor of the second degree, punishable as provided in s.

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775.083. The department shall collect or attempt to collect
from such party any delinquent sales taxes. In addition, such
party shall pay any tax due and any penalty and interest
assessed, plus a penalty equal to twice the amount of the
additional tax owed. Notwithstanding any other provision of
law, the Department of Revenue may waive or compromise any
penalty imposed after July 1, 1985, pursuant to this sub-
paragraph. For purposes of this subparagraph, an
occasional or isolated sale is one in which the seller is not
a motor vehicle dealer as defined in s. 320.27(1)(c).

(b) At the rate of 5 percent of the cost price of each
item or article of tangible personal property when the same is
not sold but is used, consumed, distributed, or stored for use
or consumption in this state.

(c) At the rate of 5 percent of the gross proceeds
derived from the lease or rental of tangible personal
property, as defined herein, except the rental of motion-
picture film when an admission is charged for viewing such
film when the lease or rental of such property is an
established business or part of an established business or the
same is incidental or germane to such business.

(d) At the rate of 5 percent of the lease or rental
price paid by a lessee or rentee, or contracted or agreed to
be paid by a lessee or rentee, to the owner of the tangible
personal property.

(e)1. At the rate of 5 percent on charges for all
telegraph messages and long distance telephone calls beginning
and terminating in this state; on charges for
telecommunication service as defined in s. 203.012 and for
those services described in s. 203.012(2)(a); on recurring
charges to regular subscribers for wired television service;

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on all charges for the installation of telecommunication, wired television, and telegraphic equipment; and on all charges for electrical power or energy. For purposes of this subparagraph, the term "telecommunication service" does not include local service provided through a pay telephone. The provisions of s. 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, shall be equally applicable to any tax paid under the provisions of this section on charges for telecommunication or telegraph services or electric power subsequently found to be uncollectible. The word "charges" in this paragraph does not include any excise or similar tax levied by the Federal Government, any political subdivision of the state, or any municipality upon the purchase or sale of telecommunication, wired television, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

2. Telegraph messages and telecommunication services which originate or terminate in this state, other than interstate private communication services, and are billed to a customer, telephone number, or device located within this state are taxable under this paragraph. Interstate private communication services are taxable under this paragraph as follows:

a. One hundred percent of the charge imposed at each channel termination point within this state;

b. One hundred percent of the charge imposed for the total channel mileage between each channel termination point within this state; and

c. Fifty percent of the charge imposed for the total channel mileage between the first channel termination point

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inside this state and the nearest channel termination point
outside this state.

3. The tax imposed pursuant to this paragraph shall
not exceed $50,000 per calendar year on charges to any person
for interstate telecommunications services defined in s.
203.012(4) and (7)(b), if the majority of such services used
by such person are for communications originating outside of
this state and terminating in this state. This exemption
shall only be granted to holders of a direct pay permit issued
pursuant to this subparagraph. No refunds shall be given for
taxes paid prior to receiving a direct pay permit. Upon
application, the department may issue a direct pay permit to
the purchaser of telecommunications services authorizing such
purchaser to pay tax on such services directly to the
department. Any vendor furnishing telecommunications services
to the holder of a valid direct pay permit shall be relieved
of the obligation to collect and remit the tax on such
service. Tax payments and returns pursuant to a direct pay
permit shall be monthly. For purposes of this subparagraph,
the term "person" shall be limited to a single legal entity
and shall not be construed as meaning a group or combination
of affiliated entities or entities controlled by one person or
group of persons. For purposes of this subparagraph, for
calendar year 1986, the term "calendar year" means the last 6
months of 1986.

(f) At the rate of 5 percent on the sale, rental, use,
consumption, or storage for use in this state of machines and
equipment and parts and accessories therefor used in
manufacturing, processing, compounding, producing, mining, or
quarrying personal property for sale or to be used in

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furnishing communications, transportation, or public utility
services.

(g) At the rate of 5 percent of the price, as
determined pursuant to part II, of each gallon of motor fuel
or special fuel taxable pursuant to that part, except that
motor fuel and special fuel expressly taxable under this part
shall be taxed as provided in paragraphs (a) and (b).

(h) Any person who purchases, installs, rents, or
leases a telephone system or telecommunication system for his
own use to provide himself with telephone service or
telecommunication service which is a substitute for any
telephone company switched service or a substitute for any
dedicated facility by which a telephone company provides a
communication path is exercising a taxable privilege and shall
register with the Department of Revenue and pay into the State
Treasury a yearly amount equal to 5 percent of the actual cost
of operating such system, notwithstanding the provisions of s.
212.081(3)(b). "Actual cost" includes, but is not limited to,
depreciation, interest, maintenance, repair, and other
expenses directly attributable to the operation of such
system. For purposes of this paragraph, the depreciation
expense to be included in actual cost shall be the
depreciation expense claimed for federal income tax purposes.
The total amount of any payment required by a lease or rental
contract or agreement shall be included within the actual
cost. The provisions of this paragraph do not apply to the
use by any local telephone company or any telecommunication
carrier of its own telephone system or telecommunication
system to conduct a telecommunication service for hire. If a
system described in this paragraph is located in more than one
state, the actual cost of such system for purposes of this
paragraph shall be the actual cost of the system's equipment
located in Florida.

(ii)--At-the-rate-of-5-percent-on-charges-for-cleaning;
laundry;--and-garment-services-as-defined-in-group-721-of-the
1972-Standard-Industrial-Classification-Manual-as-published-by
the-Executive-Office-of-the-President,-Office-of-Management
and-Budget.

(iii)--At-the-rate-of-5-percent-of-the-consideration-for
performing-or-providing-any-service.

(2) The tax shall be collected by the dealer, as
defined herein, and remitted by him to the state at the time
and in the manner as hereinafter provided.

(3) The tax so levied is in addition to all other
taxes, whether levied in the form of excise, license, or
privilege taxes, and in addition to all other fees and taxes
levied.

(4) The tax imposed pursuant to this part shall be due
and payable according to the brackets set forth in s. 212.12.
Section 5. Paragraph (a) of subsection (3) of section
212.054, Florida Statutes, 1986 Supplement, is amended to
read:

212.054 Discretionary sales surtax; limitations,
administration, and collection.--

(3) For the purpose of this section, a transaction
shall be deemed to have occurred in a county imposing the
surtax when:

(a) The dealer is located in the county and the sale
includes tangible personal property or services, except as
otherwise provided herein provided-in-paragraph-(c);
Section 6. Paragraphs (g) and (k) of subsection (2) and subsections (3), (4), and (7) of Section 212.06, Florida Statutes, 1986 Supplement, are amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.--

(2)(g) "Dealer" also means and includes every person who solicits business either by direct representatives, indirect representatives, or manufacturers' agents or by distribution of catalogs or other advertising matter or by any other means whatsoever and by reason thereof receives orders for tangible personal property or services from consumers for use, consumption, distribution, and storage for use or consumption in the state; and such dealer shall collect the tax imposed by this chapter from the purchaser, and no action either in law or in equity on a sale or transaction as provided by the terms of this chapter may be had in this state by any such dealer unless it is affirmatively shown that the provisions of this chapter have been fully complied with.

(k) "Dealer" also means any person who sells, provides, or performs a taxable-service-for-consideration service taxable under this chapter. "Dealer" also means any person who purchases, uses, or consumes a service taxable under this chapter who cannot prove that the tax levied by this chapter has been paid to the seller of the taxable service.

(3) Every dealer making sales, whether within or outside the state, of tangible personal property or services for distribution, storage, or use or other consumption, in this state, shall, at the time of making sales, collect the tax imposed by this chapter from the purchaser.

CODING: Words stricken are deletions; words underlined are additions.
(4) On all tangible personal property imported or
caus[ed] to be imported from other states, territories, the
District of Columbia, or any foreign country, and used by him,
and on all services purchased in other states, territories,
the District of Columbia, or any foreign country, and used by
him, the dealer as herein defined, shall pay the tax imposed
by this chapter on all articles of tangible personal property
so imported and used, and on all services so purchased and
used, the same as if such articles or services had been sold
at retail for use or consumption in this state. For the
purposes of this chapter, the use, or consumption, or
distribution, or storage to be used or consumed in this state
of tangible personal property shall each be equivalent to a
sale at retail; and the tax shall thereupon immediately levy
and be collected in the manner provided herein, provided there
shall be no duplication of the tax in any event.

(7) The provisions of this chapter do not apply in
respect to the use or consumption of tangible personal
property or services, or distribution or storage of tangible
personal property or services for use or consumption in this
state, upon which a like tax equal to or greater than the
amount imposed by this chapter has been lawfully imposed and
paid in another state. The proof of payment of such tax shall
be made according to rules and regulations of the department.
If the amount of tax paid in another state is not equal to or
greater than the amount of tax imposed by this chapter, then
the dealer shall pay to the department an amount sufficient to
make the tax paid in the other state and in this state equal
to the amount imposed by this chapter.

CODING: Words struck are deletions; words underlined are additions.
Section 7. Paragraph (a) of subsection (1) and subsections (2), (4) and (9) of section 212.07, Florida Statutes, 1986 Supplement, are amended to read:

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

(1)(a) The privilege tax herein levied measured by retail sales shall be collected by the dealers from the purchaser or consumer. The sales and use tax on services herein levied measured by retail sales shall likewise be collected by the dealers from the purchaser or consumer.

(2) A dealer shall, as far as practicable, add the amount of the tax imposed under this chapter to the sale price, and the amount of the tax shall be separately stated as Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale. Such tax shall constitute a part of such price, charge, or proof of sale which shall be a debt from the purchaser or consumer to the dealer, until paid, and shall be recoverable at law in the same manner as other debts. Where it is impracticable, due to the nature of the business practices within an industry, to separately state Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, the department may establish an effective tax rate for such industry. The department may also amend this effective tax rate as the industry's pricing or practices change. Any dealer who neglects, fails, or refuses to collect the tax herein provided upon any, every, and all retail sales made by him or his agents or employees of tangible personal property or services which are is subject to

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the tax imposed by this chapter shall be liable for and pay
the tax himself.
(4) A dealer engaged in any business or in selling any
services taxable under this chapter may not advertise or hold
out to the public, in any manner, directly or indirectly, that
he will absorb all or any part of the tax, or that he will
relieve the purchaser of the payment of all or any part of the
tax, or that the tax will not be added to the selling price of
the property or services sold or released or, when added, that
it or any part thereof will be refunded either directly or
indirectly by any method whatsoever. A person who violates
this provision with respect to advertising or refund is guilty
of a misdemeanor of the second degree, punishable as provided
in s. 775.082 or s. 775.083. A second or subsequent offense
constitutes a misdemeanor of the first degree, punishable as
provided in s. 775.082 or s. 775.083.
(9) Any person who has purchased at retail, used,
consumed, distributed, or stored for use or consumption in
this state tangible personal property, admissions,
communication or other services taxable under this chapter, or
leased tangible personal property, or who has leased,
occupied, or used or was entitled to use any real property,
space or spaces in parking lots or garages for motor vehicles
or docking or storage space, or spaces for boats in boat docks
or marinas and cannot prove that the tax levied by this
chapter has been paid to his vendor, lessor, or other person
is directly liable to the state for any tax, interest, or
penalty due on any such taxable transactions.
Section 8. Subsections (6) and (7) of Section 212.08,
Florida Statutes, 1986 Supplement, as amended by Chapter 86-
166, Laws of Florida, are amended to read:

CODING: Words stricken are deletions; words underlined are additions.
212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS;

COMMUNICATIONS.--There are also exempt from the tax imposed by this chapter sales made to the United States Government, the state, or any county, municipality, or political subdivision of this state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision thereof, except public works in progress or for which bonds or revenue certificates have been validated on or before August 1, 1959. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state except sales, rental, use, consumption, or storage for which bonds or
revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion. Likewise exempt are film rentals when an admission is charged for viewing such film.

(7) MISCELLANEOUS EXEMPTIONS.--

(a)++ Artificial commemorative flowers.--Also Exempted from the tax imposed by this chapter is the sale of artificial commemorative flowers by bona fide nationally chartered veterans' organizations.

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

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

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

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(e) Film rentals.--Also exempt from the tax imposed by this Chapter are film rentals when an admission is charged for viewing such film.

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

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

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

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

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

(i) Hospital meals and rooms.--Also exempt from payment of the tax imposed by this chapter on rentals and meals are patients and inmates of any hospital or other physical plant or facility designed and operated primarily for

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the care of persons who are ill, aged, infirm, mentally or
physically incapacitated, or otherwise dependent on special
care or attention.

(iii) Household fuels.--Also exempt from payment of
the tax imposed by this chapter are sales of utilities to
residential households or owners of residential models in this
state by utility companies who pay the gross receipts tax
imposed under s. 203.01, and sales of fuel to residential
households or owners of residential models, including oil,
kerosene, liquefied petroleum gas, coal, wood, and other fuel
products used in the household or residential model for the
purposes of heating, cooking, lighting, and refrigeration,
regardless of whether such sales of utilities and fuels are
separately metered and billed direct to the residents or are
metered and billed to the landlord. If any part of the
utility or fuel is used for a nonexempt purpose, the entire
sale is taxable. The landlord shall provide a separate meter
for nonexempt utility or fuel consumption.

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

(l) Military museums.--(v)--Specified-nonprofit
corporationsAlso exempt are sales to nonprofit corporations
which hold current exemptions from federal corporate income
tax pursuant to s. 501(c)(3), U.S. Internal Revenue Code,
1954, as amended, and whose primary purpose is to raise money
for military museums.

CODING: Words stricken are deletions; words underlined are additions.
Nonprofit corporation; home for the aged, nursing home, or hospice.--Nonprofit corporations which hold current exemptions from federal corporate income tax pursuant to s. 501(c)(3), U.S. Internal Revenue Code, 1954, as amended, and which either qualify as homes for the aged pursuant to s. 196.1975(2) or are licensed as a nursing home or hospice under the provisions of chapter 400, are exempt from the tax imposed by this chapter.

Organizations providing special educational, cultural, recreational, and social benefits to minors.--There shall be exempt from the tax imposed by this part nonprofit organizations which are incorporated pursuant to chapter 617 or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the Internal Revenue Code the primary purpose of which is providing activities that contribute to the development of good character or good sportsmanship, or to the educational or cultural development, of minors in this state. This exemption is extended only to that level of the organization located in this state that has a salaried executive officer or an elected nonsalaried executive officer.

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

1. There are exempt from the tax imposed by part I of this chapter transactions involving:
   a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;
   b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit

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scientific, or nonprofit educational activities, including
church cemeteries; and

c. Sales or leases to the state headquarters of
qualified veterans' organizations and the state headquarters
of their auxiliaries when used in carrying on their customary
veterans' organization activities. If a qualified veterans'
organization or its auxiliary does not maintain a permanent
state headquarters, then transactions involving sales or
leases to such organization and used to maintain the office of
the highest ranking state official are exempt from the tax
imposed by this part.

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

a. "Religious institutions" means churches,
synagogues, and established physical places for worship in
this state at which nonprofit religious services and
activities are regularly conducted and carried on. The term
"religious institutions" includes nonprofit corporations the
sole purpose of which is to provide free transportation
services to church members, their families, and other church
attendees. The term "religious institutions" also includes
state, district, or other governing or administrative offices
the function of which is to assist or regulate the customary
activities of religious organizations or members within the
state or district organization.

b. "Charitable institutions" means only nonprofit
corporations qualified as nonprofit pursuant to s. 501(c)(3),
United States Internal Revenue Code, 1954, as amended, and
other nonprofit entities, the sole or primary function of
which is to provide, or to raise funds for organizations which

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provide, one or more of the following services if a reasonable
percentage of such service is provided free of charge, or at a
substantially reduced cost, to persons, animals, or
organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or
disability;

(II) Regular provision of physical necessities such as
food, clothing, or shelter;

(III) Services for the prevention of, or
rehabilitation of persons from, alcoholism or drug abuse; the
prevention of suicide; or the alleviation of mental, physical,
or sensory health problems;

(IV) Social welfare services including adoption
placement, child care, community care for the elderly, and
other social welfare services which clearly and substantially
benefit a client population which is disadvantaged or suffers
a hardship;

(V) Medical research for the relief of disease,
injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or
adoption services, cruelty investigations, or education
programs concerning animals;

and the term includes groups providing volunteer manpower to
organizations designated as charitable institutions hereunder.

c. "Scientific organizations" means scientific
organizations in this state which hold current exemptions from
federal income tax under s. 501(c)(3) of the Internal Revenue
Code and also means organizations the purpose of which is to
protect air and water quality in this state or the purpose of

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which is to protect wildlife in this state and which hold
current exemptions from the federal income tax under s.
501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-
supported or parochial, church and nonprofit private schools,
colleges, or universities which conduct regular classes and
courses of study required for accreditation by, or membership
in, the Southern Association of Colleges and Schools, the
Department of Education, the Florida Council of Independent
Schools, or the Florida Association of Christian Colleges and
Schools, Inc., or which conduct regular classes and courses of
study accepted for continuing education credit by the American
Medical Association or the American Dental Association.
Nonprofit libraries, art galleries, and museums open to the
public are defined as educational institutions and are
eligible for exemption. The term "educational institutions"
includes private nonprofit organizations the purpose of which
is to raise funds for schools teaching grades kindergarten
through high school, colleges, and universities located in
this state. The term "educational institutions" includes any
educational television or radio network or system established
pursuant to s. 229.805 or s. 229.8051 and any nonprofit
television or radio station which is a part of such network or
system and which holds a current exemption from federal income
tax under s. 501(c)(3) of the Internal Revenue Code. The term
"educational institutions" also includes state, district, or
other governing or administrative offices the function of
which is to assist or regulate the customary activities of
educational organizations or members within the state or
district organization.
e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

School books and school lunches.--This exemption applies to school books used in regularly prescribed courses of study, and to school lunches served to students, in public, parochial, or nonprofit schools operated for and attended by pupils of grades 1 through 12. School books and food sold or served at community colleges and other institutions of higher learning are taxable.

Section 9. Paragraph (a) of subsection (3), paragraph (c) of subsection (4) and paragraph (a) of subsection (6) of section 212.095, Florida Statutes, are amended to read:

212.095 Refunds.--

(3)(a) When a sale is made to a person who claims to be entitled to a refund under this section, the seller shall make out a sales invoice, which shall contain the following information:

1. The name and business address of the purchaser.
2. A description of the item or services sold.
3. The date on which the purchase was made.
4. The price and amount of tax paid for the item or services.
5. The name and place of business of the seller at which the sale was made.
6. The refund permit number of the purchaser.

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(c) Refund application forms shall include at a minimum the following information:

1. The name and address of the person claiming the refund.
2. The refund permit number of such person.
3. The location at which the items or services for which a refund is claimed are used.
4. A description of each such item or service and the purpose for which such item was acquired.
5. Copies of the sales invoices of items or services for which a refund is being claimed.

(6)(a) Each registered dealer shall, in accordance with the requirements of the department, keep at his principal place of business in this state or at the location where the sale is made a complete record or duplicate sales tickets of all items or services sold by him for which a refund provided in this section may be claimed, which records shall contain the information required in paragraph (3)(a). No licensed dealer or his agent or employee may acknowledge or assist in the preparation of any claim for tax refund.

Section 10. Paragraph (b) of subsection (5) and subsections (7) and (9) of section 212.12, Florida Statutes, 1986 Supplement, are amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.--

(5)(b) In the event any dealer or other person charged herein fails or refuses to make his records available for inspection so that no audit or examination has been made of the books and records of such dealer or person, fails or

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refuses to register as a dealer, or fails to make a report and
pay the tax as provided by this chapter; or makes a grossly
incorrect report, or makes a report that is false or
fraudulent, then, in such event, it shall be the duty of the
department to make an assessment from an estimate based upon
the best information then available to it for the taxable
period of retail sales of such dealer, the gross proceeds from
rentals, the total admissions received, amounts received from
leases of tangible personal property by such dealer, or of the
cost price of all articles of tangible personal property
imported by the dealer for use or consumption or distribution
or storage to be used or consumed in this state or of the
sales or cost price of all services the sale or use of which
is taxable under this chapter, together with interest, plus
penalty, if such have accrued, as the case may be. Then the
department shall proceed to collect such taxes, interest, and
penalty on the basis of such assessment, which shall be
considered prima facie correct; and the burden to show the
contrary shall rest upon the dealer, seller, owner, or lessor,
as the case may be.

(7) In the event the dealer has imported the tangible
personal property or has acquired services outside the state
for sale or use in this state and he fails to produce an
invoice showing the cost price of the articles, as defined in
this chapter, which are subject to tax, or the invoice does
not reflect the true or actual cost price as defined herein,
then the department shall ascertain, in any manner feasible,
the true cost price, and assess and collect the tax thereon
with interest plus penalties, if such have accrued on the true
cost price as assessed by it. The assessment so made shall be

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considered prima facie correct, and the duty shall be on the
dealer to show to the contrary.

(9) Taxes imposed by this chapter upon the privilege
of the use, consumption, storage for consumption, or sale of
tangible personal property, admissions, license fees, rentals,
and communication services, and upon the sale or use of
services as herein taxed shall be collected upon the basis of
an addition of the tax imposed by this chapter to the total
price of such admissions, license fees, rentals, communication
or other services, or sale price of such article or articles
that are purchased, sold, or leased at any one time by or to a
customer or buyer; and the dealer, or person charged herein,
is required to pay a privilege tax in the amount of the tax
imposed by this chapter on the total of his gross sales of
tangible personal property, admissions, license fees, rentals,
and communication services or to collect a tax upon the sale
or use of services, and such person or dealer shall add the
tax imposed by this chapter to the price, license fee, rental,
or admissions, and communication or other services and collect
the total sum from the purchaser, admittee, licensee, lessee,
or consumer. Notwithstanding the rate of taxes imposed upon
the privilege of sales, admissions, license fees, rentals, and
communication services, or upon the sale or use of services,
the following brackets shall be applicable to all transactions
taxable at the rate of 5 percent:

(a) On single sales of less than 10 cents, no tax
shall be added.

(b) On single sales in amounts from 10 cents to 20
cents, both inclusive, 1 cent shall be added for taxes.

(c) On sales in amounts from 21 cents to 40 cents,
both inclusive, 2 cents shall be added for taxes.

CODING: Words stricken are deletions; words underlined are additions.
(d) On sales in amounts from 41 cents to 60 cents, both inclusive, 3 cents shall be added for taxes.
(e) On sales in amounts from 61 cents to 80 cents, both inclusive, 4 cents shall be added for taxes.
(f) On sales in amounts from 81 cents to $1, both inclusive, 5 cents shall be added for taxes.
(g) On sales in amounts of more than $1, 5 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.

Section 11. Subsections (2), (3), and (4) of section 212.13, Florida Statutes, are amended to read:

212.13 Records required to be kept; power to inspect; audit procedure.--

(2) Each dealer, as defined in this chapter, shall secure, maintain, and keep for a period of 3 years a complete record of tangible personal property or services received, used, sold at retail, distributed or stored, leased or rented by said dealer, together with invoices, bills of lading, gross receipts from such sales, and other pertinent records and papers as may be required by the department for the reasonable administration of this chapter; and all such records which are located or maintained in this state shall be open for inspection by the department at all reasonable hours at such dealer's store, sales office, general office, warehouse, or place of business located in this state. Any dealer who maintains such books and records at a point outside this state must make such books and records available for inspection by the department where the general records are kept. Any dealer subject to the provisions of this chapter who violates these

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provisions is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) For the purpose of enforcement of this chapter, every manufacturer and seller of tangible personal property or services licensed within this state is required to permit the department to examine his books and records at all reasonable hours; and, upon his refusal, the department may require him to permit such examination by resort to the circuit courts of this state, subject however to the right of removal of the cause to the judicial circuit wherein such person's business is located or wherein such person's books and records are kept, provided further that such person's books and records are kept within the state.

(4) For the further purpose of enforcement of this chapter, every wholesaler of tangible personal property or services licensed within this state is required to permit the department to examine his books and records at all reasonable hours. He must also maintain such books and records for a period of not less than 3 years in order to disclose the sales of all goods or services sold, and to whom sold, and also the amount of items sold, in such form and in such manner as the department may reasonably require, and so as to permit the department to determine the volume of goods or services sold by wholesalers to dealers, as defined under this chapter, and the dates and amounts of sales made. The department may require any manufacturer or wholesaler who refuses to keep such records or to permit such inspection through the circuit courts of Florida to submit to such inspection, subject however to the right of removal of the cause as hereinbefore provided in this section.

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Section 12. Subsection (1) of section 212.14(1), Florida Statutes, 1986 Supplement, is amended to read:

212.14 Departmental powers; hearings, subpoena;
distress warrants; time for assessments.--

(1) Any person required to pay a tax imposed under
this chapter, or to make a return, either or both, and who
renders a return or makes a payment of a tax with intent to
deceive or defraud the state, and to prevent the state from
collecting the amount of taxes imposed by this chapter, or
otherwise fails to comply with the provisions of this chapter
for the taxable period for which any return is made, or any
tax is paid, or any report is made to the department, may be
required by the department to show cause at a time and place
to be set by the department, after 10 days' notice in writing
requiring such books, records, or papers as the department may
require relating to the business of such person for such tax
period, and the department may require such person, or
persons, or their employee or employees to give testimony
under oath and answer interrogatories by the department, or an
assistant, respecting the sale, use, consumption,
distribution, or storage rental or license for use of real or
personal property or services within the state, or admissions
collected therein, or the failure to make a true report
thereof, as provided by this chapter, or failure to pay the
true amount of the tax required to be paid under this chapter.
At said hearing, in the event such person fails to produce
such books, records, or papers, or to appear and answer
questions within the scope of investigation relating to
matters concerning taxes to be imposed under this chapter, or
prevents or impedes his or her agents or employees from giving
testimony, then the department is authorized under this

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chapter to estimate any unpaid deficiencies in taxes to be
assessed against such person upon such information as may be
available to it and to issue a distress warrant for the
collection of such taxes, interest, or penalties estimated by
him to be due and payable, and such assessment shall be deemed
prima facie correct. In such cases said warrant shall be
issued to any sheriff in the state where such person owns or
possesses any property and such property as may be required to
satisfy any such taxes, interest, or penalties shall be by
such sheriff seized and sold under said distress warrant in
the same manner as property is permitted to be seized and sold
under distress warrants issued to secure the payments of
delinquent taxes as hereinafter provided, and the department
shall also have the right to writ of garnishment to subject
any indebtedness due to the delinquent dealer by a third
person in any goods, money, chattels, or effects of the
delinquent dealer in the hands, possession, or control of the
third person in the manner provided by law. Respecting the
place for the holding of a hearing by the department or its
agents as provided in this section, the person whose tax
return or report being investigated may by written request to
the department require the hearing be set at a place within
the judicial circuit of Florida wherein the person's business
is located or within the judicial circuit of Florida wherein
such person's books and records are kept.

   Section 13. Subsection (7) of section 212.17, Florida
Statutes, 1986 Supplement, is amended to read:

   212.17 Credits for returned goods, returned payments
for services, rentals, or admissions; additional powers of
department.--

CODING: Words stricken are deletions; words underlined are additions.
(7) The department, where admissions, license fees, or rental payments or payments for services are made and thereafter returned to the payers after the taxes thereon have been paid, shall return or credit the taxpayer for taxes so paid on the moneys returned in the same manner as is provided for returns or credits of taxes where purchases or tangible personal property are returnable to a dealer.

Section 14. Subsection (3) of section 212.18, Florida Statutes, 1986 Supplement, is amended to read:

212.18 Administration of law; rules and regulations.--

(3) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business; and it shall be accompanied by a registration fee of $5. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provisions of this chapter. The certificate shall not be assignable and

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shall be valid only for the person, firm, copartnership, or
corporation to which issued; and such certificate shall be
placed in a conspicuous place in the business or businesses
for which it is issued and shall be so displayed at all times.
No person shall engage in business as a dealer or in leasing,
renting, or letting of or granting licenses in living quarters
or sleeping or housekeeping accommodations in hotels,
apartment houses, roominghouses, tourist or trailer camps, or
real property as hereinbefore defined, nor shall any person
sell or receive anything of value by way of admissions,
without first having obtained such a certificate or after such
certificate has been canceled; and no person shall receive any
license from any authority within the state to engage in any
such business without first having obtained such a certificate
or after such certificate has been canceled. The engaging in
the business of selling or leasing tangible personal property
or services or as a dealer, as defined in this chapter, or the
engaging in leasing, renting, or letting of or granting
licenses in living quarters or sleeping or housekeeping
accommodations in hotels, apartment houses, roominghouses,
tourist or trailer camps, or real property as hereinbefore
defined, or the engaging in the business of selling or
receiving anything of value by way of admissions, without such
certificate first being obtained or after such certificate has
been canceled by the department is prohibited. The failure or
refusal of any person, firm, copartnership, or corporation to
so qualify when required hereunder is a misdemeanor of the
second degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084, or subject to injunctive proceedings
as provided by law.
Section 15. Subsection (3) of section 212.21, Florida Statutes, is amended to read:

212.21 Declaration of legislative intent.--

(3) It is further declared to be the specific legislative intent to exempt from the tax or taxes or from the operation or the imposition thereof only such sales, admissions, uses, storages, consumption or rentals in relation to or in respect of the things set forth by this chapter as exempted from the tax to the extent that such exemptions are in accordance with the provisions of the constitutions of the state and of the United States. It is further declared to be the specific legislative intent to tax each and every taxable privilege made subject to the tax or taxes, and each and every taxable service made subject to the tax or taxes, except such sales, admissions, uses, storages, consumptions or rentals as are specifically exempted therefrom by this chapter to the extent that such exemptions are in accordance with the provisions of the constitutions of the state and of the United States.

Section 16. This act shall take effect July 1, 1987.

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