The Committee on Finance & Taxation offered the following amendment:

Amendment

On page...1..., line..7..., strike: everything after the enacting clause

and insert:

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

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) 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 shall include each and every retail sale of a service.

(b) The sale of a service is in this state for purposes of this part 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.

(c) "Costs of performance" for purposes of this part 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.

(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 part and remitted by him to the state at the time and in the manner as provided in this part. However, the tax on services rendered by travel agents shall be remitted by the purchaser of the service.

(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 at the time consideration is paid for such services and on the amount of consideration so paid. However, if a transaction involves both the sale or use of services and
the sale or use of tangible personal property, and the
tangible personal property is not an inconsequential element
of the transaction for which no separate charge is made, the
sales and use tax on services shall be due and payable at the
time of the sale or use regardless of the time consideration
is paid for such services.

(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 part and the sale or use of
intangible or real property not taxable under this part, then
the tax imposed by this part 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 a service is sold in this state but is used or
consumed outside of this state, the tax imposed pursuant to
subsection (1) shall be refunded to the purchaser of such
service to the extent that the product or result of the
service is used or consumed outside of this state. An
application for refund shall be submitted to the department by
the purchaser of the service and shall document that portion
of the product or result of the service that is used or
consumed outside of this state for which the tax refund is
requested. The application shall include such other
information as the department shall reasonably require. The
application shall be signed by the applicant and shall include
the following sentence: "Under penalties of perjury, I
declare that I have read the foregoing, and the facts alleged
are true to the best of my knowledge and belief." The burden
of proof in demonstrating that the product or result of the
service or any portion thereof was used or consumed outside of
this state shall rest with the applicant. Notwithstanding the
provisions of s. 212.095, issuance of a refund permit shall
not be a prerequisite to refunds authorized pursuant to this
subsection.

(9) 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 part
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 part 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.

(10) 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 in this paragraph. There shall be
included in the measure of the tax imposed by this part 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 in this paragraph. There shall be included in the measure of the tax imposed by this part 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 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 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:

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 or to the use of services purchased in a transaction that is an isolated sale.
(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 as defined in chapter 199.

(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 to their partnerships, unless the partner renders his services to the partnership in the capacity of an independent contractor.

(5) 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 between members of an affiliated group of corporations, which members are in the current year included in a group electing to file a consolidated tax return for Florida or federal corporate income tax purposes.

(6) 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 agricultural services enumerated in Standard Industrial Classification Major Group 07. However, this exemption shall not apply to animal specialty services (Industry Number 0752) unless the services relate to agricultural products as defined in s. 618.01(1), or to landscape and horticultural services (Group Number 078).

(7) 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 transportation and warehousing services enumerated in Standard Industrial Classification Major Groups 40, 42, 44, 45 and 47 for agricultural products as defined in s. 618.01(1) and phosphate rock as defined in s. 211.30(9).

(8) 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 forestry services enumerated in Standard Industrial
Classification Group Number 085 and timber cutting, harvesting, estimating and transportation services enumerated in Standard Industrial Classification Group Number 241.

(9) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to educational services enumerated in Standard Industrial Classification Major Group 82, except those services enumerated in Industry Number 8299.

(10) 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 health services enumerated in Standard Industrial Classification Major Group 80 or to health services provided by pharmacists licensed pursuant to chapter 465, acupuncturists certified pursuant to chapter 457, respiratory therapists and respiratory therapy technicians registered or certified pursuant to chapter 468, audiologists and speech-language pathologists certified pursuant to chapter 468, physical therapists and physical therapist assistants licensed pursuant to chapter 486, opticians licensed pursuant to chapter 484, hearing aid specialists licensed pursuant to chapter 484, or home health agencies licensed pursuant to chapter 400.

(11) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to consideration paid for insurance, as defined under the Florida Insurance Code, or to services enumerated in Standard Industrial Classification Major Groups 63 and 64 by insurance agents or brokers.

(12) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to interest charges for loans.

(13) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to membership dues or
membership fees paid to membership organizations enumerated in Standard Industrial Classification Group Numbers 863, 864, 865, 866 and 869, provided such organizations are not-for-profit corporations under chapter 617 or a comparable law of another state or are nonprofit organizations under the Internal Revenue Code.

(14) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to motion picture production services enumerated in Standard Industrial Classification Industry Number 7819, except services of motion picture consultants.

(15) 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 local and suburban passenger transportation services enumerated in Standard Industrial Classification Industry Number 4111, to ambulance services and hearse rental services enumerated in Standard Industrial Classification Industry Number 4119, or to intercity and rural highway passenger transportation services enumerated in Standard Industrial Classification Group Number 413.

(16) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to sanitary services enumerated in Standard Industrial Classification Group Number 495, garbage, refuse and debris transportation services enumerated in Standard Industrial Classification Industry Number 4212, or to septic tank cleaning services enumerated in Standard Industrial Classification Industry Number 7699, if such services are sold to residential households or owners of residential models.

(17) The tax on the sale or use of services imposed by s. 212.059(1) or (2) shall not apply to services rendered in
the transfer of securities by security brokers and agents, as
defined in chapter 517. However, this exemption shall not
apply to service charges, custodial fees, and similar charges
to the extent that comparable charges by financial
institutions are subject to the tax on the sale or use of
services.

(18) The tax on the sale or use of services imposed by
s. 212.059(1) or (2) shall not apply to social services
enumerated in Standard Industrial Classification Major Group
83.

(19) No exemption from the sales and use tax on
services imposed by s. 212.059(1) or (2) shall be deemed to
exempt transactions that were subject to taxation pursuant to
other provisions of this part on January 1, 1987.

Section 3. Section 212.02, Florida Statutes, 1986
Supplement, as amended by chapters 86-152 and 86-166, Laws of
Florida, is amended to read:

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) 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.

(2) "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.

(3) 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.

(4) "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.

(5) The term "department" means the Department of
Revenue.

(6) "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.

(7) "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.

(8) "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.

(9) "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.

(10) "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.

(11) 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.

(12) "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:

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, 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 part 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
for packaging 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)(2) "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.

(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.

(19) "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.

(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
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 part.

(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. Paragraph (a) of subsection (1) of section
212.031, Florida Statutes, as amended by chapters 86-152 and
86-166, Laws of Florida, is reenacted to read:
212.031 Lease or rental of or license in real
property.--

(1)(a) It is declared to be the legislative intent
that every person is exercising a taxable privilege who
engages in the business of renting, leasing, letting, or
granting a license for the use of any real property unless
such property is:

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 oceangoing 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.

Section 5. Section 212.05, Florida Statutes, 1986
Supplement, as amended by chapters 86-152, 86-155, and 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
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, or 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. 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 subparagraph sub-subparagraph. For purposes
of this subparagraph sub-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;
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 "chargés" 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
   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 thereafter used in manufacturing, processing, compounding, producing, mining, or quarrying personal property for sale or to be used in 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.

(+)--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-Worksheet-as-published-by

the-Executive-Office-of-the-President,-Office-of-Management

and-Budget.-

(+)--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 6. Paragraph (b) of subsection (1) of section

212.052, Florida Statutes, is amended to read:

212.052 Research or development costs; exemption.--

(1) For the purposes of the exemption provided in this

section:

(b) The term "costs" means cost price as defined in s.

212.02(4)(5).
Section 7. 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 8. Paragraph (b) of subsection (1), 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.--

(1)

(b) Except as otherwise provided, any person who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for his own use shall pay a tax upon the cost of the product manufactured, produced, compounded, processed, or fabricated without any deduction therefrom on account of the cost of material used, labor or service costs, or transportation charges, notwithstanding the provisions of s. 212.02(4)(5) defining "cost price." However, the tax levied under this paragraph shall not be imposed upon any person who manufactures or produces electrical power or energy, steam energy, or other energy, when such power or energy is used directly and exclusively in the operation of
machinery or equipment that is used to manufacture, process,
compound, produce, fabricate, or prepare for shipment tangible
personal property for sale or to operate pollution control
equipment, maintenance equipment, or monitoring or control
equipment used in such operations. The manufacturing or
production of electrical power or energy that is used for
space heating, lighting, office equipment, or air conditioning
or any other nonmanufacturing, nonprocessing, noncompounding,
nonproducing, nonfabricating, or nonshipping activity is
taxable. Electrical power or energy consumed or dissipated in
the transmission or distribution of electrical power or energy
for resale is also not taxable.

(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
taxable under this part. "Dealer" also means any person who
purchases, uses, or consumes a service taxable under this part
(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.

(4) On all tangible personal property imported or caused 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.

Section 9. 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
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 part, 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

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is directly liable to the state for any tax, interest, or
penalty due on any such taxable transactions.

Section 10. Subsections (6) and (7) and paragraph (b)
of subsection (12) of section 212.08, Florida Statutes, 1986
Supplement, are amended, paragraph (a) of subsection (2) of
said section, as amended by chapters 86-152 and 86-166, Laws
of Florida, is reenacted, and subsection (11) of said section
is reenacted and amended, to read:

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

(2) EXEMPTIONS; MEDICAL.--

(a) There shall be exempt from the tax imposed by this
chapter any product, supply, or medicine dispensed in a retail
establishment by a pharmacist licensed by the state, according
to an individual prescription or prescriptions written by a
prescriber authorized by law to prescribe medicinal drugs;
hypodermic needles; hypodermic syringes; chemical compounds
and test kits used for the diagnosis or treatment of human
disease, illness, or injury; and common household remedies
recommended and generally sold for internal or external use in
the cure, mitigation, treatment, or prevention of illness or
disease in human beings, but not including cosmetics or toilet
articles, notwithstanding the presence of medicinal
ingredients therein, according to a list prescribed and
approved by the Department of Health and Rehabilitative
Services, which list shall be certified to the Department of
Revenue from time to time and included in the rules
promulgated by the Department of Revenue. There shall also be exempt from the tax imposed by this chapter artificial eyes and limbs; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances; and funerals. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(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. --provided 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. --further-provided 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
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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.--Exempt 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.
(e) Film rentals.--Also exempt from the tax imposed by this part are film rentals 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.

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

(j)(h) 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.

(1) Military museums Specified-nonprofit
corporations.--Also 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.

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 or services by churches;

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

(p)(b) 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.

(11) PARTIAL EXEMPTION; FLYABLE AIRCRAFT.--

(a) The tax imposed on the sale by a manufacturer of
flyable aircraft, who designs such aircraft, which sale may
include necessary equipment and modifications placed on such
flyable aircraft prior to delivery by the manufacturer, shall
be an amount equal to the sales tax which would be imposed on
such sale under the laws of the state in which the aircraft
will be domiciled.

(b) This partial exemption applies only if the
purchaser is a resident of another state who will not use the
aircraft in this state, or if the purchaser is a resident of
another state and uses the aircraft in interstate or foreign
commerce, or if the purchaser is a resident of a foreign
country.
(c) The maximum tax collectible under this subsection may not exceed 5 percent of the sales price of such aircraft. No Florida tax may be imposed on the sale of such aircraft if the state in which the aircraft will be domiciled does not allow Florida sales or use tax to be credited against its sales or use tax. Furthermore, no tax may be imposed on the sale of such aircraft if the state in which the aircraft will be domiciled has enacted a sales and use tax exemption for flyable aircraft or if the aircraft will be domiciled outside the United States.

(d) The purchaser shall execute a sworn affidavit attesting that he is not a resident of this state and stating where the aircraft will be domiciled. If the aircraft is subsequently used in this state within 6 months of the time of purchase, in violation of the intent of this subsection, the purchaser shall be liable for payment of the full use tax imposed by this chapter and shall be subject to the penalty imposed by s. 212.12(2), which penalty shall be mandatory.

(e) The provisions of s. 212.12(1) notwithstanding, manufacturers of flyable aircraft granted the partial sales tax exemption under this subsection shall be allowed to retain a 10 percent deduction of the amount of sales tax due on sales of flyable aircraft manufactured by them if such manufacturers conform to the provisions of this chapter.

(12) PARTIAL EXEMPTION; MASTER TAPES, RECORDS, FILMS, OR VIDEO TAPES.—

(b) For the purposes of this subsection, the term: 1. "Amounts paid for the tangible elements" does not include any amounts paid for the copyrightable, artistic, or other intangible elements of such master tapes, records, films, or video tapes, whether designated as royalties or
otherwise, including, but not limited to, services rendered in producing, fabricating, processing, or imprinting tangible personal property or any other services or production expenses in connection therewith which may otherwise be construed as constituting a "sale" under s. 212.02(18)(2).

2. "Master films or master video tapes" means films or video tapes utilized by the motion picture and television production industries in making visual images for reproduction.

3. "Master tapes or master records embodying sound" means tapes, records, and other devices utilized by the recording industry in making recordings embodying sound.

4. "Motion picture or television studio" means a facility in which film or video tape productions or parts of productions are made and which contains the necessary equipment and personnel for this purpose and includes a mobile unit or vehicle that is equipped in much the same manner as a stationary studio and used in the making of film or video tape productions.

5. "Recording studio" means a place where, by means of mechanical or electronic devices, voices, music, or other sounds are transmitted to tapes, records, or other devices capable of reproducing sound.

6. "Recording industry" means any person engaged in an occupation or business of making recordings embodying sound for a livelihood or for a profit.

7. "Motion picture or television production industry" means any person engaged in an occupation or business for a livelihood or for profit of making visual motion picture or television visual images for showing on screen or television.
for theatrical, commercial, advertising, or educational purposes.

Section 11. 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.

(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 or service 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 12. Paragraph (a) of subsection (1) of section 212.11, Florida Statutes, 1986 Supplement, is amended to read:

212.11 Tax returns and regulations.--

(1)(a)1. Each dealer registered with the department before the effective date of this act shall calculate his estimated tax liability for any month by one of the following methods:

a. Sixty-six percent of the current month's liability pursuant to this part as shown on the tax return;

b. Sixty-six percent of the tax reported on the tax return pursuant to this part by a dealer for the taxable transactions occurring during the corresponding month of the preceding calendar year; or

c. Sixty-six percent of the average tax liability pursuant to this part for those months during the preceding calendar year in which the dealer reported taxable transactions.

2. Any estimated tax liability greater than or equal to the threshold amount specified in subsection (5) shall be due, payable, and remitted by the 20th day of the month for which the liability applies. The difference between the estimated tax liability paid and the actual amount and taxes
due under this part for such month shall become due and
payable by the first day of the following month and shall be
remitted by the 20th day thereof.

3. For any dealer who has an estimated tax liability
of less than the threshold amount specified in subsection (5)
or who was not registered for sales tax purposes for the
corresponding month of the preceding year or who registers
with the department after the effective date of this act, the
current taxes levied pursuant to this part shall be due and
payable monthly on the first day of the following month and
shall be remitted by the 20th day thereof.

Section 13. Paragraph (b) of subsection (1), 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.--

(1) For the purpose of compensating persons granting
licenses for and the lessors of real and personal property
taxed hereunder, for the purpose of compensating dealers in
tangible personal property, for the purpose of compensating
dealers providing communication services and taxable services,
and for the purpose of compensating owners of places where
admissions are collected, as compensation for the keeping of
prescribed records and the proper accounting and remitting of
taxes by them, such seller, person, lessor, dealer, and owner
shall be allowed 3 percent of the amount of the tax due and
accounted for and remitted to the department, in the form of a
deduction in submitting his report and paying the amount due
by him; and the department shall allow such deduction of 3 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of taxable purchases; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that the amounts of gross sales, taxable sales, taxable purchases, tax collected or due, and lawful refunds, deductions, or credits
claimed shall be reported by major sales tax source:
services; tangible personal property; admissions; transient
rentals; commercial leases or licenses; and agricultural
equipment.

(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
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 part, 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 or services, 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 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.

(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 14. 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
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,
evry 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.

Section 15. Subsection (1) of section 212.14, 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
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 16. 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.--

(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 17. 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
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 18. 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 19. Section 212.61, Florida Statutes, is
amended to read:

212.61 Definitions.--As used in this part, the term:

(1) "Dealer" means any person who holds a valid
license as a dealer of special fuel, issued by the department
pursuant to s. 206.89, and who:

(a) Imports and sells at wholesale, retail, or
otherwise within this state any special fuel;
(b) Imports, or causes to be imported, and withdraws for use within this state by himself or others any special fuel from the tank car, truck, or other original container or package in which it was imported into this state;

(c) Exports special fuel from this state to another state or foreign country;

(d) Manufactures, refines, produces, or compounds any special fuel within this state and sells such fuel at wholesale, retail, or otherwise within this state;

(e) Imports into this state from any other state or foreign country, or receives by any means into this state and keeps in storage in this state for a period of 24 hours or more after the fuel loses interstate character as a shipment in interstate commerce, any special fuel which is intended to be used in this state;

(f) Is primarily liable under the special fuel tax laws of this state for the payment of special fuel taxes;

(g) Purchases or receives in this state special fuel in bulk quantities for resale to service stations, to a user or another dealer, or to the ultimate consumer for nontaxable consumption upon which the tax has not been paid; or

(h) Has both a taxable use and nontaxable consumption of the same special fuel in this state. However, this paragraph does not require that a person be a dealer when his only purchases of special fuel are delivered into reservoirs attached to motor vehicles to fuel internal combustion engines attached to such motor vehicles.

(2) "Refiner," "importer," or "wholesaler" means any person who holds a valid license as a refiner, importer, or wholesaler, as defined in s. 206.01, of motor fuel, issued by the department pursuant to ss. 206.02 and 206.03.
(3) "Retail dealer" means any person who is licensed pursuant to chapter 206 to sell motor fuel or special fuel at retail to the general public at posted retail prices.

The definitions contained in s. 212.02(2), (5), (10), (13), (15), (16), (17), (18), (19), (22), (25), (26), and (27) s.
212.02(37)-(27)-(17)-(24)-(5)-(18)-(11)-(11)-(11)-(11)
(17)-(17)-and-(22) apply to the same terms as used in this part.

Section 20. Section 8 of chapter 86-166, Laws of Florida, is amended to read:

Section 8. Subsections (5), (6), (7), and (8) of section 212.031, Florida Statutes, paragraph (a) of subsection (2) of section 212.04, Florida Statutes, and paragraphs (d), (e), (f), (n), (o), (p), and (q) of subsection (7) and subsections (19) and (20) of section 212.08, Florida Statutes, and section 212.096, Florida Statutes, and paragraphs (g) and (h) of subsection (5) and subsection (15) of section 212.08, Florida Statutes, as amended by chapters 84-356 and 85-342, are repealed July 1, 1987.

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

212.0821 Legislative intent that political subdivisions and public libraries use their sales tax exemption certificates for purchases on behalf of specified groups.--It is the intent of the Legislature that the political subdivisions of the state and the public libraries utilize their sales tax exemption certificates to purchase, with funds provided by the following groups, services, equipment, supplies, and items necessary for the operation of...
such groups, in addition to the normal exempt purchases that
political subdivisions and libraries are empowered to make:

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

Section 22. Paragraph (g) of subsection (1) of section
290.007, Florida Statutes, is amended to read:

290.007 Incentives and programs available in
enterprise zones.--

(1) STATE INCENTIVES AND PROGRAMS.--The following
incentives and programs are provided by the state to encourage
the revitalization of enterprise zones:

(g) The sales tax exemption for electrical energy used
in an enterprise zone provided in s. 212.08(15)(e).

Section 23. Paragraph (b) of subsection (3) of section
564.02, Florida Statutes, 1986 Supplement, is amended to read:

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

(3)

(b) A bona fide religious order, monastery, church, or
religious body that has a tax-exempt status as a religious
organization as provided by s. 212.08(7)(o)(e) may be licensed
as a distributor under this subsection if its sales and
distribution are limited to wines sold solely for religious or
sacramental purposes to holders of valid permits obtained
under s. 564.03; and such religious order, monastery, church,
or religious body shall pay a state license tax of $50 for
each and every such distribution establishment to be operated
by the licensee.
Section 24. Section 403.715, Florida Statutes, is hereby repealed.

Section 25. This act shall take effect July 1, 1987.