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HB 5601, Engrossed 1

2014 Legislature

1
2 An act relating to taxation; amending s. 202.11, F.S.;
3 revising the term "prepaid calling arrangement";
4 amending s. 212.05, F.S.; clarifying and updating
5 which services are included under the definition
6 "prepaid calling arrangement" and subject to a sales
7 tax; conforming provisions to changes made by the act
8 to taxes on electrical power and energy made;
9 providing retroactive application; amending s. 203.01,
10 F.S.; providing for an additional tax on charges for,
11 or the use of, certain electrical power or energy and
12 the rate for such tax; providing an exemption;
13 providing for the redistribution of certain taxes on
14 electrical power and energy; providing applicability;
15 providing that a seller of electrical power or energy
16 may combine the collection of certain taxes if
17 properly reflected in its return to the Department of
18 Revenue; amending s. 205.0535, F.S.; providing that a
19 county or municipality may repeal or reduce a local
20 business tax by majority vote; amending s. 210.20,
21 F.S.; revising the payment and distribution of the
22 Cigarette Tax Collection Trust Fund; amending s.
23 212.08, F.S.; exempting therapeutic veterinary diets
24 obtainable only from a licensed veterinarian from the
25 state tax on sales, use, and other transactions;



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

26 increasing the amount of tax credits that may be
27 granted for certain approved projects that provide
28 homeownership opportunities; extending the expiration
29 date applicable to the granting of community
30 contribution tax credits against the sales and use tax
31 for contributions to eligible sponsors of community
32 projects approved by the Department of Economic
33 Opportunity; revising provisions exempting certain
34 prepaid meal plans and certain machinery and equipment
35 from the sales and use tax exempting sales of child
36 restraint systems and booster seats for use in motor
37 vehicles and youth bicycle helmets from the sales and
38 use tax; amending s. 212.12, F.S.; conforming
39 provisions to changes made by the act; amending s.
40 212.20, F.S.; revising the distribution of taxes,
41 including the taxes collected on charges for
42 electrical power and energy; authorizing the
43 Department of Revenue to adopt emergency rules;
44 amending s. 212.17, F.S.; providing procedures,
45 requirements, and calculation methodologies that allow
46 dealers to obtain tax credits or refunds for taxes
47 paid on worthless or uncollectible private-label
48 credit card accounts or receivables; providing a cap
49 on the amount that may be recovered; providing
50 definitions; amending s. 213.0535, F.S.; providing



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

51 provisions related to the publication of statistics
52 regarding the Registration Information Sharing and
53 Exchange Program; amending s. 220.183, F.S.;;
54 increasing the amount of tax credits that may be
55 granted for certain approved programs; extending the
56 expiration date applicable to the granting of
57 community contribution tax credits against the
58 corporate income tax for contributions to eligible
59 sponsors of community projects approved by the
60 Department of Economic Opportunity; amending s.
61 288.9914, F.S.;; revising limits on tax credits that
62 may be approved by the Department of Economic
63 Opportunity under the New Markets Development Program;
64 amending s. 624.4094, F.S.;; deleting a provision
65 relating to the reporting or payment of specified
66 insurance premium taxes; amending s. 624.509, F.S.;;
67 requiring an insurer to pay to the Department of
68 Revenue a specified amount of the direct written
69 premiums for bail bonds; amending s. 624.5105, F.S.;;
70 increasing the amount of tax credits that may be
71 granted for certain approved programs; extending the
72 expiration date applicable to the granting of
73 community contribution tax credits against the
74 insurance premium tax for contributions to eligible
75 sponsors of community projects approved by the



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

76 Department of Economic Opportunity; amending s.
 77 627.7711, F.S.; conforming provisions to changes made
 78 by the act; providing for a sales tax holiday for
 79 certain Energy Star and WaterSense products; providing
 80 restrictions; specifying a period during which the
 81 sale of clothing, wallets, bags, school supplies,
 82 personal computers, and personal computer-related
 83 accessories are exempt from the sales tax; providing
 84 definitions; providing exceptions; authorizing the
 85 Department of Revenue to adopt emergency rules;
 86 providing an exemption from the sales and use tax for
 87 sales during a specified period of certain tangible
 88 personal property related to hurricane preparedness;
 89 authorizing the Department of Revenue to adopt
 90 emergency rules; providing an exemption from the sales
 91 and use tax for sales during a specified period of
 92 certain tangible personal property related to
 93 hurricane preparedness; authorizing the Department of
 94 Revenue to adopt emergency rules; providing
 95 appropriations; providing effective dates.

96
 97 Be It Enacted by the Legislature of the State of Florida:

98
 99 Section 1. Effective July 1, 2014, subsection (9) of
 100 section 202.11, Florida Statutes, is amended to read:



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

101 | 202.11 Definitions.—As used in this chapter, the term:

102 | (9) "Prepaid calling arrangement" means: the separately

103 | stated retail sale by advance payment of

104 | (a) A right to use communications services, other than

105 | mobile communications services, for which a separately stated

106 | price must be paid in advance, which is sold at retail in

107 | predetermined units that decline in number with use on a

108 | predetermined basis, and which ~~that~~ consist exclusively of

109 | telephone calls originated by using an access number,

110 | authorization code, or other means that may be manually,

111 | electronically, or otherwise entered; or ~~and that are sold in~~

112 | ~~predetermined units or dollars of which the number declines with~~

113 | ~~use in a known amount.~~

114 | (b) A right to use mobile communications services that

115 | must be paid for in advance and is sold at retail in

116 | predetermined units that expire or decline in number on a

117 | predetermined basis if:

118 | 1. The purchaser's right to use mobile communications

119 | services terminates upon all purchased units' expiring or being

120 | exhausted unless the purchaser pays for additional units;

121 | 2. The purchaser is not required to purchase additional

122 | units; and

123 | 3. Any right of the purchaser to use units to obtain

124 | communications services other than mobile communications

125 | services is limited to services that are provided to or through



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

126 | the same handset or other electronic device that is used by the
127 | purchaser to access mobile communications services.

128 |
129 | Predetermined units described in this subsection may be
130 | quantified as amounts of usage, time, money, or a combination of
131 | these or other means of measurement.

132 | Section 2. Effective July 1, 2014, paragraph (e) of
133 | subsection (1) of section 212.05, Florida Statutes, is amended
134 | to read:

135 | 212.05 Sales, storage, use tax.—It is hereby declared to
136 | be the legislative intent that every person is exercising a
137 | taxable privilege who engages in the business of selling
138 | tangible personal property at retail in this state, including
139 | the business of making mail order sales, or who rents or
140 | furnishes any of the things or services taxable under this
141 | chapter, or who stores for use or consumption in this state any
142 | item or article of tangible personal property as defined herein
143 | and who leases or rents such property within the state.

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

147 | (e)1. At the rate of 6 percent on charges for:

148 | a. Prepaid calling arrangements. The tax on charges for
149 | prepaid calling arrangements shall be collected at the time of
150 | sale and remitted by the selling dealer.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

151 (I) "Prepaid calling arrangement" has the same meaning as
152 provided in s. 202.11 ~~means the separately stated retail sale by~~
153 ~~advance payment of communications services that consist~~
154 ~~exclusively of telephone calls originated by using an access~~
155 ~~number, authorization code, or other means that may be manually,~~
156 ~~electronically, or otherwise entered and that are sold in~~
157 ~~predetermined units or dollars whose number declines with use in~~
158 ~~a known amount.~~

159 (II) If the sale or recharge of the prepaid calling
160 arrangement does not take place at the dealer's place of
161 business, it shall be deemed to have taken ~~take~~ place at the
162 customer's shipping address or, if no item is shipped, at the
163 customer's address or the location associated with the
164 customer's mobile telephone number.

165 (III) The sale or recharge of a prepaid calling
166 arrangement shall be treated as a sale of tangible personal
167 property for purposes of this chapter, regardless of whether ~~or~~
168 ~~not~~ a tangible item evidencing such arrangement is furnished to
169 the purchaser, and such sale within this state subjects the
170 selling dealer to the jurisdiction of this state for purposes of
171 this subsection.

172 (IV) No additional tax under this chapter or chapter 202
173 is due or payable if a purchaser of a prepaid calling
174 arrangement who has paid tax under this chapter on the sale or
175 recharge of such arrangement applies one or more units of the



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

176 prepaid calling arrangement to obtain communications services as
177 described in s. 202.11(9)(b)3., other services that are not
178 communications services, or products.

179 b. The installation of telecommunication and telegraphic
180 equipment.

181 c. Electrical power or energy, except that the tax rate
182 for charges for electrical power or energy is 4.35 7 percent.
183 Charges for electrical power and energy do not include taxes
184 imposed under ss. 166.231 and 203.01(1)(a)3.

185 2. Section ~~The provisions of s. 212.17(3),~~ regarding
186 credit for tax paid on charges subsequently found to be
187 worthless, is ~~shall be~~ equally applicable to any tax paid under
188 ~~the provisions of~~ this section on charges for prepaid calling
189 arrangements, telecommunication or telegraph services, or
190 electric power subsequently found to be uncollectible. As used
191 in this paragraph, the term ~~word~~ "charges" ~~in this paragraph~~
192 does not include any excise or similar tax levied by the Federal
193 Government, a ~~any~~ political subdivision of this ~~the~~ state, or a
194 ~~any~~ municipality upon the purchase, sale, or recharge of prepaid
195 calling arrangements or upon the purchase or sale of
196 telecommunication, television system program, or telegraph
197 service or electric power, which tax is collected by the seller
198 from the purchaser.

199 Section 3. The amendments made to ss. 202.11 and
200 212.05(1)(e)1.a., Florida Statutes, by this act are intended to



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

201 be remedial in nature and apply retroactively, but do not
202 provide a basis for an assessment of any tax not paid or create
203 a right to a refund or credit of any tax paid before the
204 effective date of this act.

205 Section 4. Effective July 1, 2014, subsections (1), (3),
206 (4), and (7) of section 203.01, Florida Statutes, are amended to
207 read:

208 203.01 Tax on gross receipts for utility and
209 communications services.—

210 (1)(a)1. A tax is imposed on gross receipts from utility
211 services that are delivered to a retail consumer in this state.
212 The tax shall be levied as provided in paragraphs (b)-(j).

213 2. A tax is levied on communications services as defined
214 in s. 202.11(1). The tax shall be applied to the same services
215 and transactions as are subject to taxation under chapter 202,
216 and to communications services that are subject to the exemption
217 provided in s. 202.125(1). The tax shall be applied to the sales
218 price of communications services when sold at retail, as the
219 terms are defined in s. 202.11, shall be due and payable at the
220 same time as the taxes imposed pursuant to chapter 202, and
221 shall be administered and collected pursuant to ~~the provisions~~
222 ~~of~~ chapter 202.

223 3. An additional tax is levied on charges for, or the use
224 of, electrical power or energy that is subject to the tax levied
225 pursuant to s. 212.05(1)(e)1.c. or s. 212.06(1). The tax shall



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

226 be applied to the same transactions or uses as are subject to
227 taxation under s. 212.05(1)(e)1.c. or s. 212.06(1). If a
228 transaction or use is exempt from the tax imposed under
229 212.05(1)(e)1.c. or s. 212.06(1), the transaction or use is also
230 exempt from the tax imposed under this subparagraph. The tax
231 shall be applied to charges for electrical power or energy and
232 is due and payable at the same time as taxes imposed pursuant to
233 chapter 212. Chapter 212 governs the administration and
234 enforcement of the tax imposed by this subparagraph. The charges
235 upon which the tax imposed by this subparagraph is applied do
236 not include the taxes imposed by subparagraph 1. or s. 166.231.
237 The tax imposed by this subparagraph becomes state funds at the
238 moment of collection and is not considered as revenue of a
239 utility for purposes of a franchise agreement between the
240 utility and a local government.

241 (b)1. The rate applied to utility services shall be 2.5
242 percent.

243 2. The rate applied to communications services shall be
244 2.37 percent.

245 3. ~~There shall be~~ An additional rate of 0.15 percent shall
246 be applied to communication services subject to the tax levied
247 pursuant to s. 202.12(1)(a), (c), and (d). The exemption
248 provided in s. 202.125(1) applies to the tax levied pursuant to
249 this subparagraph.

250 4. The rate applied to electrical power or energy taxed



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

251 | under subparagraph (a)3. shall be 2.6 percent.

252 | (c)1. The tax imposed under subparagraph (a)1. shall be
253 | levied against the total amount of gross receipts received by a
254 | distribution company for its sale of utility services if the
255 | utility service is delivered to the retail consumer by a
256 | distribution company and the retail consumer pays the
257 | distribution company a charge for utility service which includes
258 | a charge for both the electricity and the transportation of
259 | electricity to the retail consumer. The distribution company
260 | shall report and remit to the Department of Revenue by the 20th
261 | day of each month the taxes levied pursuant to this paragraph
262 | during the preceding month.

263 | 2. To the extent practicable, the Department of Revenue
264 | must distribute all receipts of taxes remitted under this
265 | chapter to the Public Education Capital Outlay and Debt Service
266 | Trust Fund in the same month as the department collects such
267 | taxes.

268 | (d)1. Each distribution company that receives payment for
269 | the delivery of electricity to a retail consumer in this state
270 | is subject to tax on the exercise of this privilege as provided
271 | by this paragraph unless the payment is subject to tax under
272 | paragraph (c). For the exercise of this privilege, the tax
273 | levied on the ~~such~~ distribution company's receipts for the
274 | delivery of electricity shall be determined by multiplying the
275 | number of kilowatt hours delivered by the index price and



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

276 applying the rate in subparagraph (b)1. ~~paragraph (b)~~ to the
277 result.

278 2. The index price is the Florida price per kilowatt hour
279 for retail consumers in the previous calendar year, as published
280 in the United States Energy Information Administration Electric
281 Power Monthly and announced by the Department of Revenue on June
282 1 of each year to be effective for the 12-month period beginning
283 July 1 of that year. For each residential, commercial, and
284 industrial customer class, the applicable index posted for
285 residential, commercial, and industrial shall ~~will~~ be applied in
286 calculating the gross receipts to which the tax applies. If
287 publication of the indices is delayed or discontinued, the last
288 posted index shall be used until a current index is posted or
289 the department adopts a comparable index by rule.

290 3. Tax due under this paragraph shall be administered,
291 paid, and reported in the same manner as the tax due under
292 paragraph (c).

293 4. The amount of tax due under this paragraph shall be
294 reduced by the amount of any like tax lawfully imposed on and
295 paid by the person from whom the retail consumer purchased the
296 electricity, whether imposed by and paid to this state, another
297 state, a territory of the United States, or the District of
298 Columbia. This reduction in tax shall be available to the retail
299 consumer as a refund made pursuant to s. 215.26 and does not
300 inure to the benefit of the person who receives payment for the



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

301 delivery of the electricity. The methods of demonstrating proof
302 of payment and the amount of such refund shall be made according
303 to rules of the Department of Revenue.

304 (e)1. A ~~Every~~ distribution company that receives payment
305 for the sale or transportation of natural or manufactured gas to
306 a retail consumer in this state is subject to tax on the
307 exercise of this privilege as provided by this paragraph. For
308 the exercise of this privilege, the tax levied on the ~~such~~
309 distribution company's receipts for the sale or transportation
310 of natural or manufactured gas shall be determined by dividing
311 the number of cubic feet delivered by 1,000, multiplying the
312 resulting number by the index price, and applying the rate in
313 subparagraph (b)1. ~~paragraph (b)~~ to the result.

314 2. The index price is the Florida price per 1,000 cubic
315 feet for retail consumers in the previous calendar year as
316 published in the United States Energy Information Administration
317 Natural Gas Monthly and announced by the Department of Revenue
318 on June 1 of each year to be effective for the 12-month period
319 beginning July 1 of that year. For each residential, commercial,
320 and industrial customer class, the applicable index posted for
321 residential, commercial, and industrial shall ~~will~~ be applied in
322 calculating the gross receipts to which the tax applies. If
323 publication of the indices is delayed or discontinued, the last
324 posted index shall be used until a current index is posted or
325 the department adopts a comparable index by rule.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

326 3. Tax due under this paragraph shall be administered,
 327 paid, and reported in the same manner as the tax due under
 328 paragraph (c).

329 4. The amount of tax due under this paragraph shall be
 330 reduced by the amount of any like tax lawfully imposed on and
 331 paid by the person from whom the retail consumer purchased the
 332 natural gas or manufactured gas, whether imposed by and paid to
 333 this state, another state, a territory of the United States, or
 334 the District of Columbia. This reduction in tax shall be
 335 available to the retail consumer as a refund pursuant to s.
 336 215.26 and does not inure to the benefit of the person providing
 337 the transportation service. The methods of demonstrating proof
 338 of payment and the amount of such refund shall be made according
 339 to rules of the Department of Revenue.

340 (f) Any person who imports into this state electricity,
 341 natural gas, or manufactured gas, or severs natural gas, for
 342 that person's own use or consumption as a substitute for
 343 purchasing utility, transportation, or delivery services taxable
 344 under subparagraph (a)1. this chapter and who cannot demonstrate
 345 payment of the tax imposed by this chapter must register with
 346 the Department of Revenue and pay into the State Treasury each
 347 month an amount equal to the cost price, as defined in s.
 348 212.02, of such electricity, natural gas, or manufactured gas
 349 times the rate set forth in subparagraph (b)1. paragraph (b),
 350 reduced by the amount of any like tax lawfully imposed on and



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

351 | paid by the person from whom the electricity, natural gas, or
352 | manufactured gas was purchased or any person who provided
353 | delivery service or transportation service in connection with
354 | the electricity, natural gas, or manufactured gas. ~~For purposes~~
355 | ~~of this paragraph, the term "cost price" has the meaning~~
356 | ~~ascribed in s. 212.02(4).~~ The methods of demonstrating proof of
357 | payment and the amount of such reductions in tax shall be made
358 | according to rules of the Department of Revenue.

359 | (g) Electricity produced by cogeneration or by small power
360 | producers which is transmitted and distributed by a public
361 | utility between two locations of a customer of the utility
362 | pursuant to s. 366.051 is subject to the tax imposed by
363 | subparagraph (a)1 ~~this section~~. The tax shall be applied to the
364 | cost price, as defined in s. 212.02, of such electricity ~~as~~
365 | ~~provided in s. 212.02(4)~~ and shall be paid each month by the
366 | producer of such electricity.

367 | (h) Electricity produced by cogeneration or by small power
368 | producers during the 12-month period ending June 30 of each year
369 | which is in excess of nontaxable electricity produced during the
370 | 12-month period ending June 30, 1990, is subject to the tax
371 | imposed by subparagraph (a)1 ~~this section~~. The tax shall be
372 | applied to the cost price, as defined in s. 212.02, of such
373 | electricity ~~as provided in s. 212.02(4)~~ and shall be paid each
374 | month, beginning with the month in which total production
375 | exceeds the production of nontaxable electricity for the 12-



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

376 month period ending June 30, 1990. As used in ~~For purposes of~~
377 this paragraph, the term "nontaxable electricity" means
378 electricity produced by cogeneration or by small power producers
379 which is not subject to tax under paragraph (g). Taxes paid
380 pursuant to paragraph (g) may be credited against taxes due
381 under this paragraph. Electricity generated as part of an
382 industrial manufacturing process that ~~which~~ manufactures
383 products from phosphate rock, raw wood fiber, paper, citrus, or
384 any agricultural product is ~~shall~~ not be subject to the tax
385 imposed by this paragraph. The term "industrial manufacturing
386 process" means the entire process conducted at the location
387 where the process takes place.

388 (i) Any person other than a cogenerator or small power
389 producer described in paragraph (h) who produces for his or her
390 own use electrical energy that ~~which~~ is a substitute for
391 electrical energy produced by an electric utility as defined in
392 s. 366.02 is subject to the tax imposed by subparagraph (a)1
393 ~~this section~~. The tax shall be applied to the cost price, as
394 defined in s. 212.02, of such electrical energy ~~as provided in~~
395 ~~s. 212.02(4)~~ and shall be paid each month. ~~The provisions of~~
396 This paragraph does ~~do~~ not apply to ~~any~~ electrical energy
397 produced and used by an electric utility.

398 (j) Notwithstanding any other provision of this chapter,
399 with the exception of a communications services dealer reporting
400 taxes administered under chapter 202, the department may



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

401 require:

402 1. A quarterly return and payment when the tax remitted
403 for the preceding four calendar quarters did not exceed \$1,000;

404 2. A semiannual return and payment when the tax remitted
405 for the preceding four calendar quarters did not exceed \$500; or

406 3. An annual return and payment when the tax remitted for
407 the preceding four calendar quarters did not exceed \$100.

408 (3) The tax imposed by subparagraph (1)(a)1. ~~subsection~~
409 ~~(1)~~ does not apply to:

410 (a)1. The sale or transportation of natural gas or
411 manufactured gas to a public or private utility, including a
412 municipal corporation or rural electric cooperative association,
413 ~~either~~ for resale or for use as fuel in the generation of
414 electricity; or

415 2. The sale or delivery of electricity to a public or
416 private utility, including a municipal corporation or rural
417 electric cooperative association, for resale, or as part of an
418 electrical interchange agreement or contract between such
419 utilities for the purpose of transferring more economically
420 generated power;

421
422 if provided the person deriving gross receipts from such sale
423 demonstrates that a sale, transportation, or delivery for resale
424 in fact occurred and complies with the following requirements: A
425 sale, transportation, or delivery for resale must be in strict



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

426 compliance with the rules ~~and regulations~~ of the Department of
427 Revenue; and any sale subject to the tax imposed by this section
428 which is not in strict compliance with the rules ~~and regulations~~
429 of the Department of Revenue shall be subject to the tax at the
430 appropriate rate imposed on utilities under subparagraph
431 (1)(b)1. ~~by paragraph (b)~~ on the person making the sale. Any
432 person making a sale for resale may, through an informal protest
433 provided ~~for~~ in s. 213.21 and the rules of the Department of
434 Revenue, provide the department with evidence of the exempt
435 status of a sale. The department shall adopt rules that provide
436 that valid proof and documentation of the resale by a person
437 making the sale for resale will be accepted by the department
438 when submitted during the protest period but will not be
439 accepted when submitted in any proceeding under chapter 120 or
440 any circuit court action instituted under chapter 72;

441 (b) Wholesale sales of electric transmission service;

442 (c) The use of natural gas in the production of oil or
443 gas, or the use of natural or manufactured gas by a person
444 transporting natural or manufactured gas, when used and consumed
445 in providing such services; or

446 (d) The sale or transportation to, or use of, natural gas
447 or manufactured gas by a person eligible for an exemption under
448 s. 212.08(7)(ff)2. for use as an energy source or a raw
449 material. Possession by a seller of natural or manufactured gas
450 or by any person providing transportation or delivery of natural



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

451 or manufactured gas of a written certification by the purchaser,
452 certifying the purchaser's entitlement to the exclusion
453 permitted by this paragraph, relieves the seller or person
454 providing transportation or delivery from the responsibility of
455 remitting tax on the nontaxable amounts, and the department
456 shall look solely to the purchaser for recovery of such tax if
457 the department determines that the purchaser was not entitled to
458 the exclusion. The certification must include an acknowledgment
459 by the purchaser that it will be liable for tax pursuant to
460 paragraph (1)(f) if the requirements for exclusion are not met.

461 (4) The tax imposed pursuant to subparagraph (1)(a)1. ~~this~~
462 ~~chapter~~ relating to the provision of ~~any~~ utility services at the
463 option of the person supplying the taxable services may be
464 separately stated as Florida gross receipts tax on the total
465 amount of any bill, invoice, or other tangible evidence of the
466 provision of such taxable services and may be added as a
467 component part of the total charge. If ~~Whenever~~ a provider of
468 taxable services elects to separately state such tax as a
469 component of the charge for the provision of such taxable
470 services, any ~~every~~ person, including all governmental units,
471 shall remit the tax to the person who provides such taxable
472 services as a part of the total bill, and the tax is a component
473 part of the debt of the purchaser to the person who provides
474 such taxable services until paid and, if unpaid, is recoverable
475 at law in the same manner as any other part of the charge for



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

476 such taxable services. For a utility, the decision to separately
477 state any increase in the rate of tax imposed by this chapter
478 which is effective after December 31, 1989, and the ability to
479 recover the increased charge from the customer is ~~shall~~ not be
480 subject to regulatory approval.

481 (7) Gross receipts subject to the tax imposed under
482 subparagraph (1)(a)1. by this section for the provision of
483 electricity must ~~shall~~ include receipts from monthly customer
484 charges or monthly customer facility charges.

485 Section 5. The amendments to s. 212.05(1)(e)1.c. made in
486 section 2 of this act and to s. 203.01 made in section 4 of this
487 act apply to taxable transactions included on bills that are for
488 utility services and that are dated on or after July 1, 2014.

489 Section 6. In complying with the amendments to ss. 203.01
490 and 212.05, Florida Statutes, relating to the additional tax on
491 electrical power or energy, made by this act, a seller of
492 electrical power or energy may collect a combined rate of 6.95
493 percent, which consists of the 4.35 percent and 2.6 percent
494 required under ss. 212.05(1)(e)1.c. and 203.01(1)(b)4., Florida
495 Statutes, respectively, if the provider properly reflects the
496 tax collected with respect to the two provisions as required in
497 the return to the Department of Revenue.

498 Section 7. Subsections (4) and (5) of section 205.0535,
499 Florida Statutes, are amended to read:

500 205.0535 Reclassification and rate structure revisions.—



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

501 (4) After the conditions specified in subsections (2) and
 502 (3) are met, municipalities and counties may, every other year
 503 thereafter, increase or decrease by ordinance the rates of
 504 business taxes by up to 5 percent. However, an increase must,
 505 ~~however, may not~~ be enacted by at least ~~less than~~ a majority
 506 plus one vote of the governing body.

507 (5) ~~Nothing in~~ This chapter does not ~~shall be construed to~~
 508 prohibit a municipality or county from decreasing or repealing
 509 any business tax authorized under this chapter. By majority
 510 vote, the governing body of a county or municipality may adopt
 511 an ordinance repealing a local business tax or establishing new
 512 rates that decrease local business taxes and do not result in an
 513 increase in local business taxes for a taxpayer. Such ordinances
 514 are not subject to subsections (2) and (3).

515 (6)~~(5)~~ A receipt may not be issued unless the federal
 516 employer identification number or social security number is
 517 obtained from the person to be taxed.

518 Section 8. Paragraph (b) of subsection (2) of section
 519 210.20, Florida Statutes, is amended to read:

520 210.20 Employees and assistants; distribution of funds.—

521 (2) As collections are received by the division from such
 522 cigarette taxes, it shall pay the same into a trust fund in the
 523 State Treasury designated "Cigarette Tax Collection Trust Fund"
 524 which shall be paid and distributed as follows:

525 (b) Beginning July 1, 2004, and continuing through June



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

526 | 30, 2013, the division shall from month to month certify to the
527 | Chief Financial Officer the amount derived from the cigarette
528 | tax imposed by s. 210.02, less the service charges provided for
529 | in s. 215.20 and less 0.9 percent of the amount derived from the
530 | cigarette tax imposed by s. 210.02, which shall be deposited
531 | into the Alcoholic Beverage and Tobacco Trust Fund, specifying
532 | an amount equal to 1.47 percent of the net collections, and that
533 | amount shall be paid to the Board of Directors of the H. Lee
534 | Moffitt Cancer Center and Research Institute, established under
535 | s. 1004.43, by warrant drawn by the Chief Financial Officer.
536 | Beginning July 1, 2014 ~~2013~~, and continuing through June 30,
537 | 2033, the division shall from month to month certify to the
538 | Chief Financial Officer the amount derived from the cigarette
539 | tax imposed by s. 210.02, less the service charges provided for
540 | in s. 215.20 and less 0.9 percent of the amount derived from the
541 | cigarette tax imposed by s. 210.02, which shall be deposited
542 | into the Alcoholic Beverage and Tobacco Trust Fund, specifying
543 | an amount equal to 4.04 ~~2.75~~ percent of the net collections, and
544 | that amount shall be paid to the Board of Directors of the H.
545 | Lee Moffitt Cancer Center and Research Institute, established
546 | under s. 1004.43, by warrant drawn by the Chief Financial
547 | Officer. These funds are appropriated monthly out of the
548 | Cigarette Tax Collection Trust Fund, to be used for lawful
549 | purposes, including constructing, furnishing, equipping,
550 | financing, operating, and maintaining cancer research and



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

551 | clinical and related facilities; furnishing, equipping,
552 | operating, and maintaining other properties owned or leased by
553 | the H. Lee Moffitt Cancer Center and Research Institute; and
554 | paying costs incurred in connection with purchasing, financing,
555 | operating, and maintaining such equipment, facilities, and
556 | properties. In fiscal years 2004-2005 and thereafter, the
557 | appropriation to the H. Lee Moffitt Cancer Center and Research
558 | Institute authorized by this subparagraph shall not be less than
559 | the amount that would have been paid to the H. Lee Moffitt
560 | Cancer Center and Research Institute in fiscal year 2001-2002,
561 | had this subparagraph been in effect.

562 | Section 9. Effective July 1, 2014, paragraphs (i) through
563 | (k) of subsection (2) of section 212.08, Florida Statutes, are
564 | redesignated as paragraphs (j) through (l), respectively, and a
565 | new paragraph (i) is added to that subsection, paragraph (p) of
566 | subsection (5) and paragraph (r) of subsection (7) are amended,
567 | paragraph (kkk) of subsection (7), as created by chapter 2013-
568 | 39, Laws of Florida, is amended, and paragraphs (lll) and (mmm)
569 | are added to subsection (7) of that section, to read:

570 | 212.08 Sales, rental, use, consumption, distribution, and
571 | storage tax; specified exemptions.—The sale at retail, the
572 | rental, the use, the consumption, the distribution, and the
573 | storage to be used or consumed in this state of the following
574 | are hereby specifically exempt from the tax imposed by this
575 | chapter.



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HB 5601, Engrossed 1

2014 Legislature

576 (2) EXEMPTIONS; MEDICAL.—

577 (i) Sales of therapeutic veterinary diets specifically
578 formulated to aid in the management of illness and disease of a
579 diagnosed health disorder in an animal and which are only
580 available from a licensed veterinarian are exempt from the tax
581 imposed under this chapter.

582 (5) EXEMPTIONS; ACCOUNT OF USE.—

583 (p) *Community contribution tax credit for donations.*—

584 1. Authorization.—Persons who are registered with the
585 department under s. 212.18 to collect or remit sales or use tax
586 and who make donations to eligible sponsors are eligible for tax
587 credits against their state sales and use tax liabilities as
588 provided in this paragraph:

589 a. The credit shall be computed as 50 percent of the
590 person's approved annual community contribution.

591 b. The credit shall be granted as a refund against state
592 sales and use taxes reported on returns and remitted in the 12
593 months preceding the date of application to the department for
594 the credit as required in sub-subparagraph 3.c. If the annual
595 credit is not fully used through such refund because of
596 insufficient tax payments during the applicable 12-month period,
597 the unused amount may be included in an application for a refund
598 made pursuant to sub-subparagraph 3.c. in subsequent years
599 against the total tax payments made for such year. Carryover
600 credits may be applied for a 3-year period without regard to any



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HB 5601, Engrossed 1

2014 Legislature

601 time limitation that would otherwise apply under s. 215.26.

602 c. A person may not receive more than \$200,000 in annual
603 tax credits for all approved community contributions made in any
604 one year.

605 d. All proposals for the granting of the tax credit
606 require the prior approval of the Department of Economic
607 Opportunity.

608 e. The total amount of tax credits which may be granted
609 for all programs approved under this paragraph, s. 220.183, and
610 s. 624.5105 is \$18.4 ~~\$10.5~~ million annually for projects that
611 provide homeownership opportunities for low-income households or
612 very-low-income households as those terms are defined in s.
613 420.9071~~(19)~~ and ~~(28)~~ and \$3.5 million annually for all other
614 projects.

615 f. A person who is eligible to receive the credit provided
616 ~~for~~ in this paragraph, s. 220.183, or s. 624.5105 may receive
617 the credit only under ~~the~~ one section of the person's choice.

618 2. Eligibility requirements.—

619 a. A community contribution by a person must be in the
620 following form:

621 (I) Cash or other liquid assets;

622 (II) Real property;

623 (III) Goods or inventory; or

624 (IV) Other physical resources ~~as~~ identified by the
625 Department of Economic Opportunity.



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HB 5601, Engrossed 1

2014 Legislature

626 b. All community contributions must be reserved
627 exclusively for use in a project. As used in this sub-
628 subparagraph, the term "project" means ~~any~~ activity undertaken
629 by an eligible sponsor which is designed to construct, improve,
630 or substantially rehabilitate housing that is affordable to low-
631 income households or very-low-income households as those terms
632 are defined in s. 420.9071(19) and (28); designed to provide
633 commercial, industrial, or public resources and facilities; or
634 designed to improve entrepreneurial and job-development
635 opportunities for low-income persons. A project may be the
636 investment necessary to increase access to high-speed broadband
637 capability in rural communities with enterprise zones, including
638 projects that result in improvements to communications assets
639 that are owned by a business. A project may include the
640 provision of museum educational programs and materials that are
641 directly related to a any project approved between January 1,
642 1996, and December 31, 1999, and located in an enterprise zone
643 designated pursuant to s. 290.0065. This paragraph does not
644 preclude projects that propose to construct or rehabilitate
645 housing for low-income households or very-low-income households
646 on scattered sites. With respect to housing, contributions may
647 be used to pay the following eligible low-income and very-low-
648 income housing-related activities:

649 (I) Project development impact and management fees for
650 low-income or very-low-income housing projects;



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HB 5601, Engrossed 1

2014 Legislature

651 (II) Down payment and closing costs for low-income persons
652 and very-low-income eligible persons, as those terms are defined
653 in s. 420.9071~~(19) and (28)~~;

654 (III) Administrative costs, including housing counseling
655 and marketing fees, not to exceed 10 percent of the community
656 contribution, directly related to low-income or very-low-income
657 projects; and

658 (IV) Removal of liens recorded against residential
659 property by municipal, county, or special district local
660 governments if ~~when~~ satisfaction of the lien is a necessary
661 precedent to the transfer of the property to a low-income person
662 or very-low-income an eligible person, as those terms are
663 defined in s. 420.9071~~(19) and (28)~~, for the purpose of
664 promoting home ownership. Contributions for lien removal must be
665 received from a nonrelated third party.

666 c. The project must be undertaken by an "eligible
667 sponsor," which includes:

668 (I) A community action program;

669 (II) A nonprofit community-based development organization
670 whose mission is the provision of housing for low-income
671 households or very-low-income households or increasing
672 entrepreneurial and job-development opportunities for low-income
673 persons;

674 (III) A neighborhood housing services corporation;

675 (IV) A local housing authority created under chapter 421;



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

676 (V) A community redevelopment agency created under s.
 677 163.356;

678 (VI) A historic preservation district agency or
 679 organization;

680 (VII) A regional workforce board;

681 (VIII) A direct-support organization as provided in s.
 682 1009.983;

683 (IX) An enterprise zone development agency created under
 684 s. 290.0056;

685 (X) A community-based organization incorporated under
 686 chapter 617 which is recognized as educational, charitable, or
 687 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 688 and whose bylaws and articles of incorporation include
 689 affordable housing, economic development, or community
 690 development as the primary mission of the corporation;

691 (XI) Units of local government;

692 (XII) Units of state government; or

693 (XIII) Any other agency that the Department of Economic
 694 Opportunity designates by rule.

695

696 ~~In no event may~~ A contributing person may not have a financial
 697 interest in the eligible sponsor.

698 d. The project must be located in an area designated an
 699 enterprise zone or a Front Porch Florida Community, unless the
 700 project increases access to high-speed broadband capability for



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HB 5601, Engrossed 1

2014 Legislature

701 rural communities that have ~~with~~ enterprise zones but is
702 physically located outside the designated rural zone boundaries.
703 Any project designed to construct or rehabilitate housing for
704 low-income households or very-low-income households as those
705 terms are defined in s. 420.9071~~(19)~~ and ~~(28)~~ is exempt from the
706 area requirement of this sub-subparagraph.

707 e.(I) If, during the first 10 business days of the state
708 fiscal year, eligible tax credit applications for projects that
709 provide homeownership opportunities for low-income households or
710 very-low-income households as those terms are defined in s.
711 420.9071~~(19)~~ and ~~(28)~~ are received for less than the annual tax
712 credits available for those projects, the Department of Economic
713 Opportunity shall grant tax credits for those applications and
714 ~~shall~~ grant remaining tax credits on a first-come, first-served
715 basis for ~~any~~ subsequent eligible applications received before
716 the end of the state fiscal year. If, during the first 10
717 business days of the state fiscal year, eligible tax credit
718 applications for projects that provide homeownership
719 opportunities for low-income households or very-low-income
720 households as those terms are defined in s. 420.9071~~(19)~~ and
721 ~~(28)~~ are received for more than the annual tax credits available
722 for those projects, the Department of Economic Opportunity shall
723 grant the tax credits for those applications as follows:

724 (A) If tax credit applications submitted for approved
725 projects of an eligible sponsor do not exceed \$200,000 in total,



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HB 5601, Engrossed 1

2014 Legislature

726 | the credits shall be granted in full if the tax credit
727 | applications are approved.

728 | (B) If tax credit applications submitted for approved
729 | projects of an eligible sponsor exceed \$200,000 in total, the
730 | amount of tax credits granted pursuant to sub-sub-sub-
731 | subparagraph (A) shall be subtracted from the amount of
732 | available tax credits, and the remaining credits shall be
733 | granted to each approved tax credit application on a pro rata
734 | basis.

735 | (II) If, during the first 10 business days of the state
736 | fiscal year, eligible tax credit applications for projects other
737 | than those that provide homeownership opportunities for low-
738 | income households or very-low-income households as those terms
739 | are defined in s. 420.9071(19) and (28) are received for less
740 | than the annual tax credits available for those projects, the
741 | Department of Economic Opportunity shall grant tax credits for
742 | those applications and shall grant remaining tax credits on a
743 | first-come, first-served basis for ~~any~~ subsequent eligible
744 | applications received before the end of the state fiscal year.
745 | If, during the first 10 business days of the state fiscal year,
746 | eligible tax credit applications for projects other than those
747 | that provide homeownership opportunities for low-income
748 | households or very-low-income households as those terms are
749 | defined in s. 420.9071(19) and (28) are received for more than
750 | the annual tax credits available for those projects, the



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

751 Department of Economic Opportunity shall grant the tax credits
752 for those applications on a pro rata basis.

753 3. Application requirements.—

754 a. Any eligible sponsor seeking to participate in this
755 program must submit a proposal to the Department of Economic
756 Opportunity which sets forth the name of the sponsor, a
757 description of the project, and the area in which the project is
758 located, together with such supporting information as is
759 prescribed by rule. The proposal must also contain a resolution
760 from the local governmental unit in which the project is located
761 certifying that the project is consistent with local plans and
762 regulations.

763 b. Any person seeking to participate in this program must
764 submit an application for tax credit to the Department of
765 Economic Opportunity which sets forth the name of the sponsor, a
766 description of the project, and the type, value, and purpose of
767 the contribution. The sponsor shall verify, in writing, the
768 terms of the application and indicate its receipt of the
769 contribution, and such ~~which~~ verification must ~~be in writing and~~
770 accompany the application for tax credit. The person must submit
771 a separate tax credit application to the Department of Economic
772 Opportunity for each individual contribution that it makes to
773 each individual project.

774 c. Any person who has received notification from the
775 Department of Economic Opportunity that a tax credit has been



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HB 5601, Engrossed 1

2014 Legislature

776 approved must apply to the department to receive the refund.
777 Application must be made on the form prescribed for claiming
778 refunds of sales and use taxes and be accompanied by a copy of
779 the notification. A person may submit only one application for
780 refund to the department within a ~~any~~ 12-month period.

781 4. Administration.—

782 a. The Department of Economic Opportunity may adopt rules
783 ~~pursuant to ss. 120.536(1) and 120.54~~ necessary to administer
784 this paragraph, including rules for the approval or disapproval
785 of proposals by a person.

786 b. The decision of the Department of Economic Opportunity
787 must be in writing, and, if approved, the notification shall
788 state the maximum credit allowable to the person. Upon approval,
789 the Department of Economic Opportunity shall transmit a copy of
790 the decision to the department ~~of Revenue~~.

791 c. The Department of Economic Opportunity shall
792 periodically monitor all projects in a manner consistent with
793 available resources to ensure that resources are used in
794 accordance with this paragraph; however, each project must be
795 reviewed at least once every 2 years.

796 d. The Department of Economic Opportunity shall, in
797 consultation with the statewide and regional housing and
798 financial intermediaries, market the availability of the
799 community contribution tax credit program to community-based
800 organizations.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

801 5. Expiration.—This paragraph expires June 30, 2016 ~~2015~~;
802 however, any accrued credit carryover that is unused on that
803 date may be used until the expiration of the 3-year carryover
804 period for such credit.

805 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
806 entity by this chapter do not inure to any transaction that is
807 otherwise taxable under this chapter when payment is made by a
808 representative or employee of the entity by any means,
809 including, but not limited to, cash, check, or credit card, even
810 when that representative or employee is subsequently reimbursed
811 by the entity. In addition, exemptions provided to any entity by
812 this subsection do not inure to any transaction that is
813 otherwise taxable under this chapter unless the entity has
814 obtained a sales tax exemption certificate from the department
815 or the entity obtains or provides other documentation as
816 required by the department. Eligible purchases or leases made
817 with such a certificate must be in strict compliance with this
818 subsection and departmental rules, and any person who makes an
819 exempt purchase with a certificate that is not in strict
820 compliance with this subsection and the rules is liable for and
821 shall pay the tax. The department may adopt rules to administer
822 this subsection.

823 (r) *School books and school lunches.*—This exemption
824 applies to school books used in regularly prescribed courses of
825 study, and to school lunches served in public, parochial, or



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HB 5601, Engrossed 1

2014 Legislature

826 nonprofit schools operated for and attended by pupils of grades
827 K through 12. Yearbooks, magazines, newspapers, directories,
828 bulletins, and similar publications distributed by such
829 educational institutions to their students are also exempt.
830 School books and food sold or served at community colleges and
831 other institutions of higher learning are taxable, except that
832 prepaid meal plans purchased from a college or other institution
833 of higher learning by students currently enrolled at that
834 college or other institution of higher learning are exempt. As
835 used in this paragraph, "prepaid meal plans" means payment in
836 advance to a college or institution of higher learning for the
837 provision of a defined quantity of units that must expire at the
838 end of an academic term, cannot be refunded to the student upon
839 expiration, and which may only be exchanged for food.

840 (kkk) Certain machinery and equipment.—

841 1. Industrial machinery and equipment purchased by
842 eligible manufacturing businesses which is used at a fixed
843 location within this state, or a mixer drum affixed to a mixer
844 truck which is used at any location within this state to mix,
845 agitate, and transport freshly mixed concrete in a plastic
846 state, for the manufacture, processing, compounding, or
847 production of items of tangible personal property for sale shall
848 be exempt from the tax imposed by this chapter. Parts and labor
849 required to affix a mixer drum exempt under this paragraph to a
850 mixer truck are also exempt. If at the time of purchase the



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HB 5601, Engrossed 1

2014 Legislature

851 purchaser furnishes the seller with a signed certificate
852 certifying the purchaser's entitlement to exemption pursuant to
853 this paragraph, the seller is relieved of the responsibility for
854 collecting the tax on the sale of such items, and the department
855 shall look solely to the purchaser for recovery of the tax if it
856 determines that the purchaser was not entitled to the exemption.

857 2. For purposes of this paragraph, the term:

858 a. "Eligible manufacturing business" means any business
859 whose primary business activity at the location where the
860 industrial machinery and equipment is located is within the
861 industries classified under NAICS codes 31, 32, and 33. As used
862 in this subparagraph, "NAICS" means those classifications
863 contained in the North American Industry Classification System,
864 as published in 2007 by the Office of Management and Budget,
865 Executive Office of the President.

866 b. "Primary business activity" means an activity
867 representing more than fifty percent of the activities conducted
868 at the location where the industrial machinery and equipment is
869 located.

870 c. "Industrial machinery and equipment" means tangible
871 personal property or other property that has a depreciable life
872 of 3 years or more and that is used as an integral part in the
873 manufacturing, processing, compounding, or production of
874 tangible personal property for sale. A building and its
875 structural components are not industrial machinery and equipment



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

876 unless the building or structural component is so closely
877 related to the industrial machinery and equipment that it houses
878 or supports that the building or structural component can be
879 expected to be replaced when the machinery and equipment are
880 replaced. Heating and air conditioning systems are not
881 industrial machinery and equipment unless the sole justification
882 for their installation is to meet the requirements of the
883 production process, even though the system may provide
884 incidental comfort to employees or serve, to an insubstantial
885 degree, nonproduction activities. The term includes parts and
886 accessories for industrial machinery and equipment only to the
887 extent that the parts and accessories are purchased prior to the
888 date the machinery and equipment are placed in service.

889 3. This paragraph is repealed April 30, 2017.

890 (lll) Motor vehicle child restraint.—The sale of a child
891 restraint system or booster seat for use in a motor vehicle is
892 exempt from the tax imposed by this chapter.

893 (mmm) Youth bicycle helmets.—The sale of a bicycle helmet
894 marketed for use by youth is exempt from the tax imposed by this
895 chapter.

896 Section 10. Subsection (11) of section 212.12, Florida
897 Statutes, is amended to read:

898 212.12 Dealer's credit for collecting tax; penalties for
899 noncompliance; powers of Department of Revenue in dealing with
900 delinquents; brackets applicable to taxable transactions;



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

901 records required.—

902 (11) The department shall make available in an electronic
 903 format or otherwise the tax amounts and brackets applicable to
 904 all taxable transactions that occur in counties that have a
 905 surtax at a rate other than 1 percent which ~~transactions~~ would
 906 otherwise have been transactions taxable at the rate of 6
 907 percent. Likewise, the department shall make available in an
 908 electronic format or otherwise the tax amounts and brackets
 909 applicable to transactions taxable at 4.35 ~~7~~ percent pursuant to
 910 s. 212.05(1)(e)1.c. ~~s. 212.05(1)(e)~~ and on transactions which
 911 would otherwise have been so taxable in counties which have
 912 adopted a discretionary sales surtax.

913 Section 11. Effective September 1, 2014, paragraphs (c)
 914 and (d) of subsection (6) of section 212.20, Florida Statutes,
 915 are amended to read:

916 212.20 Funds collected, disposition; additional powers of
 917 department; operational expense; refund of taxes adjudicated
 918 unconstitutionally collected.—

919 (6) Distribution of all proceeds under this chapter, ~~and~~
 920 s. 202.18(1)(b) and (2)(b), and s. 203.01(1)(a)3. ~~is shall be~~ as
 921 follows:

922 (c)1. Proceeds from the fees imposed under ss.
 923 212.05(1)(h)3. and 212.18(3) shall remain with the General
 924 Revenue Fund.

925 2. The portion of the proceeds which constitutes gross



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

926 receipts tax imposed pursuant to s. 203.01(1)(a)3. shall be
927 deposited as provided by law and in accordance with s. 9, Art.
928 XII of the State Constitution.

929 (d) The proceeds of all other taxes and fees imposed
930 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
931 and (2)(b) shall be distributed as follows:

932 1. In any fiscal year, the greater of \$500 million, minus
933 an amount equal to 4.6 percent of the proceeds of the taxes
934 collected pursuant to chapter 201, or 5.2 percent of all other
935 taxes and fees imposed pursuant to this chapter or remitted
936 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
937 monthly installments into the General Revenue Fund.

938 2. After the distribution under subparagraph 1., 8.8854
939 ~~8.814~~ percent of the amount remitted by a sales tax dealer
940 located within a participating county pursuant to s. 218.61
941 shall be transferred into the Local Government Half-cent Sales
942 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
943 be transferred shall be reduced by 0.1 percent, and the
944 department shall distribute this amount to the Public Employees
945 Relations Commission Trust Fund less \$5,000 each month, which
946 shall be added to the amount calculated in subparagraph 3. and
947 distributed accordingly.

948 3. After the distribution under subparagraphs 1. and 2.,
949 0.0956 ~~0.095~~ percent shall be transferred to the Local
950 Government Half-cent Sales Tax Clearing Trust Fund and



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

951 distributed pursuant to s. 218.65.

952 4. After the distributions under subparagraphs 1., 2., and
953 3., 2.0603 ~~2.0440~~ percent of the available proceeds shall be
954 transferred monthly to the Revenue Sharing Trust Fund for
955 Counties pursuant to s. 218.215.

956 5. After the distributions under subparagraphs 1., 2., and
957 3., 1.3517 ~~1.3409~~ percent of the available proceeds shall be
958 transferred monthly to the Revenue Sharing Trust Fund for
959 Municipalities pursuant to s. 218.215. If the total revenue to
960 be distributed pursuant to this subparagraph is at least as
961 great as the amount due from the Revenue Sharing Trust Fund for
962 Municipalities and the former Municipal Financial Assistance
963 Trust Fund in state fiscal year 1999-2000, no municipality shall
964 receive less than the amount due from the Revenue Sharing Trust
965 Fund for Municipalities and the former Municipal Financial
966 Assistance Trust Fund in state fiscal year 1999-2000. If the
967 total proceeds to be distributed are less than the amount
968 received in combination from the Revenue Sharing Trust Fund for
969 Municipalities and the former Municipal Financial Assistance
970 Trust Fund in state fiscal year 1999-2000, each municipality
971 shall receive an amount proportionate to the amount it was due
972 in state fiscal year 1999-2000.

973 6. Of the remaining proceeds:

974 a. In each fiscal year, the sum of \$29,915,500 shall be
975 divided into as many equal parts as there are counties in the



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HB 5601, Engrossed 1

2014 Legislature

976 | state, and one part shall be distributed to each county. The
 977 | distribution among the several counties must begin each fiscal
 978 | year on or before January 5th and continue monthly for a total
 979 | of 4 months. If a local or special law required that any moneys
 980 | accruing to a county in fiscal year 1999-2000 under the then-
 981 | existing provisions of s. 550.135 be paid directly to the
 982 | district school board, special district, or a municipal
 983 | government, such payment must continue until the local or
 984 | special law is amended or repealed. The state covenants with
 985 | holders of bonds or other instruments of indebtedness issued by
 986 | local governments, special districts, or district school boards
 987 | before July 1, 2000, that it is not the intent of this
 988 | subparagraph to adversely affect the rights of those holders or
 989 | relieve local governments, special districts, or district school
 990 | boards of the duty to meet their obligations as a result of
 991 | previous pledges or assignments or trusts entered into which
 992 | obligated funds received from the distribution to county
 993 | governments under then-existing s. 550.135. This distribution
 994 | specifically is in lieu of funds distributed under s. 550.135
 995 | before July 1, 2000.

996 | b. The department shall distribute \$166,667 monthly
 997 | ~~pursuant to s. 288.1162~~ to each applicant certified as a
 998 | facility for a new or retained professional sports franchise
 999 | pursuant to s. 288.1162. Up to \$41,667 shall be distributed
 1000 | monthly by the department to each certified applicant as defined



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1001 | in s. 288.11621 for a facility for a spring training franchise.
1002 | However, not more than \$416,670 may be distributed monthly in
1003 | the aggregate to all certified applicants for facilities for
1004 | spring training franchises. Distributions begin 60 days after
1005 | such certification and continue for not more than 30 years,
1006 | except as otherwise provided in s. 288.11621. A certified
1007 | applicant identified in this sub-subparagraph may not receive
1008 | more in distributions than expended by the applicant for the
1009 | public purposes provided ~~for~~ in s. 288.1162(5) or s.
1010 | 288.11621(3).

1011 | c. Beginning 30 days after notice by the Department of
1012 | Economic Opportunity to the Department of Revenue that an
1013 | applicant has been certified as the professional golf hall of
1014 | fame pursuant to s. 288.1168 and is open to the public, \$166,667
1015 | shall be distributed monthly, for up to 300 months, to the
1016 | applicant.

1017 | d. Beginning 30 days after notice by the Department of
1018 | Economic Opportunity to the Department of Revenue that the
1019 | applicant has been certified as the International Game Fish
1020 | Association World Center facility pursuant to s. 288.1169, and
1021 | the facility is open to the public, \$83,333 shall be distributed
1022 | monthly, for up to 168 months, to the applicant. This
1023 | distribution is subject to reduction pursuant to s. 288.1169. A
1024 | lump sum payment of \$999,996 shall be made, after certification
1025 | and before July 1, 2000.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1026 e. The department shall distribute up to \$55,555 monthly
1027 to each certified applicant as defined in s. 288.11631 for a
1028 facility used by a single spring training franchise, or up to
1029 \$111,110 monthly to each certified applicant as defined in s.
1030 288.11631 for a facility used by more than one spring training
1031 franchise. Monthly distributions begin 60 days after such
1032 certification or July 1, 2016, whichever is later, and continue
1033 for not more than 30 years, except as otherwise provided in s.
1034 288.11631. A certified applicant identified in this sub-
1035 subparagraph may not receive more in distributions than expended
1036 by the applicant for the public purposes provided in s.
1037 288.11631(3).

1038 7. All other proceeds must remain in the General Revenue
1039 Fund.

1040 Section 12. The Department of Revenue may, and all
1041 conditions are deemed met to, adopt emergency rules pursuant to
1042 ss. 120.536(1) and 120.54, Florida Statutes, for the purpose of
1043 implementing the amendments to ss. 203.01, 212.05, 212.12, and
1044 212.20, Florida Statutes, relating to changes to the taxation of
1045 electrical power or energy, made by this act. This section
1046 expires July 1, 2017.

1047 Section 13. Effective July 1, 2014, section 212.17,
1048 Florida Statutes, is reordered and amended to read:

1049 212.17 Tax credits or refunds ~~for returned goods, rentals,~~
1050 ~~or admissions; goods acquired for dealer's own use and~~



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HB 5601, Engrossed 1

2014 Legislature

1051 ~~subsequently resold; additional powers of department.-~~

1052 (1) (a) ~~If In the event~~ purchases are returned to a dealer
1053 by the purchaser or consumer after the tax imposed by this
1054 chapter has been collected from or charged to the account of the
1055 consumer or user, the dealer is ~~shall be~~ entitled to
1056 reimbursement of the amount of tax collected or charged by the
1057 dealer, in the manner prescribed by the department.

1058 (b) A registered dealer that purchases property for the
1059 dealer's own use, pays tax on acquisition, and sells the
1060 property subsequent to acquisition without ~~ever~~ having used the
1061 property is entitled to reimbursement, in the manner prescribed
1062 by the department, of the amount of tax paid on the property's
1063 acquisition.

1064 (c) If the tax has not been remitted by a dealer to the
1065 department, the dealer may deduct the same in submitting his or
1066 her return upon receipt of a signed statement by ~~of~~ the dealer
1067 as to the gross amount of such refunds during the period covered
1068 by the ~~said~~ signed statement, which may ~~period shall~~ not be
1069 longer than 90 days. The department shall issue to the dealer an
1070 official credit memorandum equal to the net amount remitted by
1071 the dealer for such tax collected or paid. Such memorandum shall
1072 be accepted by the department at full face value from the dealer
1073 to whom it is issued upon, ~~in~~ the remittance of ~~for~~ subsequent
1074 taxes accrued under ~~the provisions of~~ this chapter. If a dealer
1075 has retired from business and ~~has~~ filed a final return, a refund



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HB 5601, Engrossed 1

2014 Legislature

1076 of tax may be made if it can be established to the satisfaction
 1077 of the department that the tax was not due.

1078 (2) A dealer who has paid the tax imposed by this chapter
 1079 on tangible personal property sold under a retained title,
 1080 conditional sale, or similar contract, or under a contract in
 1081 which ~~wherein~~ the dealer retains a security interest in the
 1082 property pursuant to chapter 679, may take credit or obtain a
 1083 refund for the tax paid by the dealer on the unpaid balance due
 1084 him or her when he or she repossesses the property, ~~(with or~~
 1085 ~~without judicial process,)~~ the property within 12 months after
 1086 ~~following~~ the month in which the property was repossessed. If
 1087 ~~When~~ such repossessed property is resold, the sale is subject in
 1088 all respects to the tax imposed by this chapter.

1089 (3) Except as provided in subsection (4), a dealer who has
 1090 paid the tax imposed by this chapter on tangible personal
 1091 property or services may take a credit or obtain a refund for
 1092 any tax paid by the dealer on the unpaid balance due on
 1093 worthless accounts within 12 months after ~~following~~ the month in
 1094 which the bad debt has been charged off for federal income tax
 1095 purposes. If any accounts so charged off for which a credit or
 1096 refund has been obtained are subsequently, ~~thereafter~~ in whole
 1097 or in part, paid to the dealer, the amount so paid shall be
 1098 included in the first return filed after such collection and the
 1099 tax paid accordingly.

1100 (4) With respect to the payment of taxes on purchases made



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HB 5601, Engrossed 1

2014 Legislature

1101 | through a private-label credit card program:

1102 | (a) If consumer accounts or receivables are found to be
1103 | worthless or uncollectible, the dealer may claim a credit for,
1104 | or obtain a refund of, the tax remitted by the dealer on the
1105 | unpaid balance due if:

1106 | 1. The accounts or receivables have been charged off as
1107 | bad debt on the lender's books and records on or after January
1108 | 1, 2014;

1109 | 2. A credit was not previously claimed and a refund was
1110 | not previously allowed on any portion of the accounts or
1111 | receivables; and

1112 | 3. The credit or refund is claimed within 12 months after
1113 | the month in which the bad debt has been charged off by the
1114 | lender for federal income tax purposes.

1115 | (b) If the dealer or the lender subsequently collects, in
1116 | whole or in part, the accounts or receivables for which a credit
1117 | or refund has been granted under paragraph (a), the dealer shall
1118 | include the taxable percentage of the amount collected in the
1119 | first return filed after the collection and pay the tax on the
1120 | portion of that amount for which a credit or refund was granted.

1121 | (c) The credit or refund allowed includes all credit sale
1122 | transaction amounts that are outstanding in the specific
1123 | private-label credit card account or receivable at the time the
1124 | account or receivable is charged off, regardless of the date on
1125 | which the credit sale transaction actually occurred.



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HB 5601, Engrossed 1

2014 Legislature

1126 (d) A dealer must use one of the following methods to
1127 determine the amount of the credit or refund:

1128 1. An apportionment method to substantiate the amount of
1129 tax imposed under this chapter which is included in the bad debt
1130 to which the credit or refund applies. The method must use the
1131 dealer's Florida and non-Florida sales, the dealer's taxable and
1132 nontaxable sales, and the amount of tax the dealer remitted to
1133 this state; or

1134 2. A specified percentage of the accounts or receivables
1135 giving rise to the credit or refund, which is derived from a
1136 sampling of the dealer's or lender's records in accordance with
1137 a methodology agreed upon by the department and the dealer.

1138 (e) For purposes of computing the credit or refund,
1139 payments on the accounts or receivables shall be allocated based
1140 on the terms and conditions of the contract between the dealer
1141 or lender and the consumer.

1142 (f) The credit or refund for tax on bad debt may be
1143 claimed on any return filed by an entity related by a direct or
1144 indirect common ownership of 50 percent or more.

1145 (g) The amount of the credit or refund that a dealer is
1146 eligible to recover under this subsection is limited to 64.4
1147 percent of the tax paid to the department which is attributable
1148 to bad debt.

1149 (h) As used in this subsection, the term:

1150 1. "Dealer's affiliates" means an entity affiliated with



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HB 5601, Engrossed 1

2014 Legislature

1151 | the dealer under 26 U.S.C. s. 1504 or an entity that would be an
1152 | affiliate under that section if the entity were a corporation.

1153 | 2. "Lender" means a person who owns or has owned a
1154 | private-label credit card account or an interest in a private-
1155 | label credit card receivable that:

1156 | a. The person purchased directly from a dealer who
1157 | remitted the tax imposed under this chapter or from the dealer's
1158 | affiliates, or that was transferred from a third party;

1159 | b. The person originated pursuant to that person's
1160 | contract with a dealer who remitted the tax imposed under this
1161 | chapter or with the dealer's affiliates; or

1162 | c. Is affiliated in the manner described under 26 U.S.C.
1163 | s. 1504, regardless of whether the different entities are
1164 | corporations, with a person described in sub-subparagraph a. or
1165 | sub-subparagraph b. or with an assignee or other transferee of
1166 | such person.

1167 | 3. "Private-label credit card" means a charge card or
1168 | credit card that carries, refers to, or is branded with the name
1169 | or logo of a dealer and can be used for purchases from the
1170 | dealer whose name or logo appears on the card or for purchases
1171 | from the dealer's affiliates or franchises.

1172 | (6)-(4)-(a) The department shall:

1173 | (a) Design, prepare, print and furnish to all dealers,
1174 | except dealers filing through electronic data interchange, or
1175 | make available or prescribe to the dealers, all necessary forms



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HB 5601, Engrossed 1

2014 Legislature

1176 | for filing returns and instructions to ensure a full collection
 1177 | from dealers and an accounting for the taxes due. The, ~~but~~
 1178 | failure of a ~~any~~ dealer to secure such forms does not relieve
 1179 | the dealer from the payment of the tax at the time and in the
 1180 | manner provided.

1181 | (b) ~~The department shall~~ Prescribe the format and
 1182 | instructions necessary for filing returns in a manner that is
 1183 | initiated through an electronic data interchange to ensure a
 1184 | full collection from dealers and an accounting for the taxes
 1185 | due. The failure of a ~~any~~ dealer to use such format does not
 1186 | relieve the dealer from the payment of the tax at the time and
 1187 | in the manner provided.

1188 | (7) ~~(5)~~ The department and its assistants are ~~hereby~~
 1189 | authorized and empowered to administer the oath for the purpose
 1190 | of enforcing and administering ~~the provisions of~~ this chapter.

1191 | (8) ~~(6)~~ The department may ~~has authority to~~ adopt rules
 1192 | pursuant to ~~ss. 120.536(1) and 120.54~~ to administer and enforce
 1193 | ~~the provisions of this section~~ chapter.

1194 | (5) ~~(7)~~ If ~~The department, where~~ admissions, license fees,
 1195 | ~~or~~ rental payments, or payments for services are made and
 1196 | ~~thereafter~~ returned to ~~the~~ payors after the taxes ~~thereon~~ have
 1197 | been paid, the department shall return or credit the taxpayer
 1198 | for taxes ~~so~~ paid on the moneys returned in the same manner as
 1199 | ~~is~~ provided for returns or credits of taxes if ~~where~~ purchases
 1200 | or tangible personal property are returnable to a dealer.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1201 Section 14. Subsection (5) of section 213.0535, Florida
1202 Statutes, is amended to read:

1203 213.0535 Registration Information Sharing and Exchange
1204 Program.—

1205 (5) A ~~Any~~ provision of law imposing confidentiality upon
1206 data shared under this section, including, but not limited to, a
1207 ~~any~~ provision imposing penalties for disclosure, applies to
1208 recipients of this data and their employees. Data exchanged
1209 under this section may not be provided to a ~~any~~ person or entity
1210 other than a person or entity administering the tax or licensing
1211 provisions of those provisions ~~of law~~ enumerated in paragraph
1212 (4) (a), and such data may not be used for any purpose other than
1213 for enforcing those tax or licensing provisions. This subsection
1214 does not prevent a level-two participant from publishing
1215 statistics classified so as to prevent the identification of
1216 particular accounts, reports, declarations, or returns. However,
1217 statistics may not be published if they contain data pertaining
1218 to fewer than three taxpayers or if the statistics are prepared
1219 for geographic areas below the county level and contain data
1220 pertaining to fewer than 10 taxpayers. This subsection does not
1221 authorize the publishing of statistics that could be used to
1222 calculate the gross receipts or income of any individual
1223 taxpayer. Statistics may not be published under this section if
1224 a single taxpayer has remitted more than 33 percent of the tax
1225 that is the subject of the statistics. Statistics published



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HB 5601, Engrossed 1

2014 Legislature

1226 | under this subsection must relate only to tourist development
 1227 | taxes imposed under s. 125.0104, the tourist impact tax imposed
 1228 | under s. 125.0108, convention development taxes imposed under s.
 1229 | 212.0305, or the municipal resort tax authorized under chapter
 1230 | 67-930, Laws of Florida. This subsection does not prevent the
 1231 | Department of Revenue from meeting the requirements of s.
 1232 | 125.0104(3) (h) .

1233 | Section 15. Effective July 1, 2014, paragraph (c) of
 1234 | subsection (1) and subsection (5) of section 220.183, Florida
 1235 | Statutes, are amended to read:

1236 | 220.183 Community contribution tax credit.—

1237 | (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
 1238 | CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
 1239 | SPENDING.—

1240 | (c) The total amount of tax credit which may be granted
 1241 | for all programs approved under this section, s. 212.08(5) (p),
 1242 | and s. 624.5105 is \$18.4 ~~\$10.5~~ million annually for projects
 1243 | that provide homeownership opportunities for low-income or very-
 1244 | low-income households as defined in s. 420.9071(19) and (28) and
 1245 | \$3.5 million annually for all other projects.

1246 | (5) EXPIRATION.—The provisions of this section, except
 1247 | paragraph (1) (e), ~~shall~~ expire and are ~~be~~ void on June 30, 2016
 1248 | ~~2015~~.

1249 | Section 16. Effective July 1, 2014, paragraph (c) of
 1250 | subsection (3) of section 288.9914, Florida Statutes, is amended



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HB 5601, Engrossed 1

2014 Legislature

1251 to read:

1252 288.9914 Certification of qualified investments;
 1253 investment issuance reporting.—

1254 (3) REVIEW.—

1255 (c) The department may not approve a cumulative amount of
 1256 qualified investments that may result in the claim of more than
 1257 \$216.34 ~~\$178.8~~ million in tax credits during the existence of
 1258 the program or more than \$36.6 million in tax credits in a
 1259 single state fiscal year. However, the potential for a taxpayer
 1260 to carry forward an unused tax credit may not be considered in
 1261 calculating the annual limit.

1262 Section 17. Effective January 1, 2015, subsection (5) of
 1263 section 624.4094, Florida Statutes, is amended to read:

1264 624.4094 Bail bond premiums.—

1265 ~~(5) This section does not affect the reporting or payment~~
 1266 ~~of insurance premium taxes under ss. 624.509, 624.5091, and~~
 1267 ~~624.5092, and the insurance premium tax and related excise taxes~~
 1268 ~~shall continue to be calculated using gross bail bond premiums.~~

1269 Section 18. Effective January 1, 2015, subsections (1) and
 1270 (8) of section 624.509, Florida Statutes, are amended to read:

1271 624.509 Premium tax; rate and computation.—

1272 (1) In addition to the license taxes provided for in this
 1273 chapter, each insurer shall also annually, and on or before
 1274 March 1 in each year, except as to wet marine and transportation
 1275 insurance taxed under s. 624.510, pay to the Department of



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HB 5601, Engrossed 1

2014 Legislature

1276 Revenue a tax on insurance premiums, premiums for title
 1277 insurance, or assessments, including membership fees and policy
 1278 fees and gross deposits received from subscribers to reciprocal
 1279 or interinsurance agreements, and on annuity premiums or
 1280 considerations, received during the preceding calendar year, the
 1281 amounts thereof to be determined as set forth in this section,
 1282 to wit:

1283 (a) An amount equal to 1.75 percent of the gross amount of
 1284 such receipts on account of life and health insurance policies
 1285 covering persons resident in this state and on account of all
 1286 other types of policies and contracts, ~~(except annuity policies~~
 1287 ~~or contracts taxable under paragraph (b) and bail bond policies~~
 1288 or contracts taxable under paragraph (c), ~~+~~ covering property,
 1289 subjects, or risks located, resident, or to be performed in this
 1290 state, omitting premiums on reinsurance accepted, and less
 1291 return premiums or assessments, but without deductions:

- 1292 1. For reinsurance ceded to other insurers;
- 1293 2. For moneys paid upon surrender of policies or
 1294 certificates for cash surrender value;
- 1295 3. For discounts or refunds for direct or prompt payment
 1296 of premiums or assessments; and
- 1297 4. On account of dividends of any nature or amount paid
 1298 and credited or allowed to holders of insurance policies;
 1299 certificates; or surety, indemnity, reciprocal, or
 1300 interinsurance contracts or agreements; ~~and~~



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1301 (b) An amount equal to 1 percent of the gross receipts on
 1302 annuity policies or contracts paid by holders thereof in this
 1303 state; and—

1304 (c) An amount equal to 1.75 percent of the direct written
 1305 premiums for bail bonds, excluding any amounts retained by
 1306 licensed bail bond agents or licensed managing general agents.

1307 (8) ~~From and after July 1, 1980,~~ The premium tax
 1308 authorized by this section may ~~shall~~ not be imposed on: ~~upon~~

1309 (a) Any portion of the title insurance premium retained by
 1310 a title insurance agent or agency; or

1311 (b) Receipts of annuity premiums or considerations paid by
 1312 holders in this state if the tax savings derived are credited to
 1313 the annuity holders. Upon request by the Department of Revenue,
 1314 an ~~any~~ insurer availing itself of this provision shall submit to
 1315 the department evidence that ~~which~~ establishes that the tax
 1316 savings derived have been credited to annuity holders. As used
 1317 in this paragraph subsection, the term "holders" includes ~~shall~~
 1318 ~~be deemed to include~~ employers contributing to an employee's
 1319 pension, annuity, or profit-sharing plan.

1320 Section 19. Effective July 1, 2014, paragraph (c) of
 1321 subsection (1) and subsection (6) of section 624.5105, Florida
 1322 Statutes, are amended to read:

1323 624.5105 Community contribution tax credit; authorization;
 1324 limitations; eligibility and application requirements;
 1325 administration; definitions; expiration.—



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HB 5601, Engrossed 1

2014 Legislature

1326 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—
 1327 (c) The total amount of tax credit which may be granted
 1328 for all programs approved under this section and ss.
 1329 212.08(5) (p) and 220.183 is \$18.4 ~~\$10.5~~ million annually for
 1330 projects that provide homeownership opportunities for low-income
 1331 or very-low-income households as defined in s. 420.9071(19) and
 1332 ~~(28)~~ and \$3.5 million annually for all other projects.

1333 (6) EXPIRATION.—The provisions of this section, except
 1334 paragraph (1) (e), ~~shall~~ expire and are ~~be~~ void on June 30, 2016
 1335 ~~2015~~.

1336 Section 20. Effective January 1, 2015, subsection (2) of
 1337 section 627.7711, Florida Statutes, is amended to read

1338 627.7711 Definitions.—As used in this part, the term:

1339 (2) "Premium" means the charge, as specified by rule of
 1340 the commission, which ~~that~~ is made by a title insurer for a
 1341 title insurance policy, including the charge for performance of
 1342 primary title services by a title insurer or title insurance
 1343 agent or agency, and incurring the risks incident to such
 1344 policy, under the several classifications of title insurance
 1345 contracts and forms, ~~and upon which charge a premium tax is paid~~
 1346 ~~under s. 624.509~~. As used in this part or in any other law, with
 1347 respect to title insurance, the word "premium" does not include
 1348 a commission.

1349 Section 21. Sales tax holiday for Energy Star and
 1350 WaterSense products.—



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HB 5601, Engrossed 1

2014 Legislature

1351 (1) The tax levied under chapter 212, Florida Statutes,
1352 may not be collected during the period from 12:01 a.m. on
1353 September 19, 2014, through 11:59 p.m. on September 21, 2014, on
1354 the first \$1,500 of the sales price of a new Energy Star product
1355 or WaterSense product. However, a person is limited to one
1356 purchase of each specific type of Energy Star or WaterSense
1357 product listed in paragraph (2) (a) or paragraph (2) (b) with a
1358 sales price of \$500 or more. A second or subsequent purchase of
1359 a specific type of Energy Star product or WaterSense product
1360 with a sales price of \$500 or more is subject to tax.

1361 (2) As used in this section, the term:

1362 (a) "Energy Star product" means a room air conditioner,
1363 air purifier, ceiling fan, clothes washer, clothes dryer,
1364 dehumidifier, dishwasher, freezer, refrigerator, water heater,
1365 swimming pool pump, or package of light bulbs that is designated
1366 by the United States Environmental Protection Agency and the
1367 United States Department of Energy as meeting or exceeding each
1368 agency's requirements under the Energy Star program and that is
1369 affixed with an Energy Star label.

1370 (b) "WaterSense product" means a bathroom sink faucet,
1371 faucet accessory, high-efficiency toilet or urinal, showerhead,
1372 or weather or sensor-based irrigation controller that is
1373 recognized as water efficient by the WaterSense program
1374 sponsored by the United States Environmental Protection Agency
1375 and that is affixed with a WaterSense label.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1376 (3) The Department of Revenue may, and all conditions are
1377 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
1378 and 120.54, Florida Statutes, to administer this section.

1379 Section 22. (1) The tax levied under chapter 212, Florida
1380 Statutes, may not be collected during the period from 12:01 a.m.
1381 on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the
1382 sale of:

1383 (a) Clothing, wallets, or bags, including handbags,
1384 backpacks, fanny packs, and diaper bags, but excluding
1385 briefcases, suitcases, and other garment bags, having a sales
1386 price of \$100 or less per item. As used in this paragraph, the
1387 term "clothing" means:

1388 1. Any article of wearing apparel intended to be worn on
1389 or about the human body, excluding watches, watchbands, jewelry,
1390 umbrellas, and handkerchiefs; and

1391 2. All footwear, excluding skis, swim fins, roller blades,
1392 and skates.

1393 (b) School supplies having a sales price of \$15 or less
1394 per item. As used in this paragraph, the term "school supplies"
1395 means pens, pencils, erasers, crayons, notebooks, notebook
1396 filler paper, legal pads, binders, lunch boxes, construction
1397 paper, markers, folders, poster board, composition books, poster
1398 paper, scissors, cellophane tape, glue or paste, rulers,
1399 computer disks, protractors, compasses, and calculators.

1400 (2) The tax levied under chapter 212, Florida Statutes,



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1401 may not be collected during the period from 12:01 a.m. on August
1402 1, 2014, through 11:59 p.m. on August 3, 2014, on the first \$750
1403 of the sales price of personal computers or personal computer-
1404 related accessories purchased for noncommercial home or personal
1405 use. As used in this subsection, the term:

1406 (a) "Personal computers" includes electronic book readers,
1407 laptops, desktops, handhelds, tablets, and tower computers. The
1408 term does not include cellular telephones, video game consoles,
1409 digital media receivers, or devices that are not primarily
1410 designed to process data.

1411 (b) "Personal computer-related accessories" includes
1412 keyboards, mice, personal digital assistants, monitors, other
1413 peripheral devices, modems, routers, and nonrecreational
1414 software, regardless of whether the accessories are used in
1415 association with a personal computer base unit. The term does
1416 not include furniture or systems, devices, software, or
1417 peripherals designed or intended primarily for recreational use.

1418 (c) "Monitors" does not include devices that have a
1419 television tuner.

1420 (3) The tax exemptions provided in this section do not
1421 apply to sales within a theme park or entertainment complex as
1422 defined in s. 509.013(9), Florida Statutes, within a public
1423 lodging establishment as defined in s. 509.013(4), Florida
1424 Statutes, or within an airport as defined in s. 330.27(2),
1425 Florida Statutes.



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1426 (4) The Department of Revenue may, and all conditions are
1427 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
1428 and 120.54, Florida Statutes, to administer this section.

1429 Section 23. (1) The tax levied under chapter 212, Florida
1430 Statutes, may not be collected during the period from 12:01 a.m.
1431 on May 31, 2014, through 11:59 p.m. on June 8, 2014, on the sale
1432 of:

1433 (a) A portable self-powered light source selling for \$20
1434 or less.

1435 (b) A portable self-powered radio, two-way radio, or
1436 weatherband radio selling for \$50 or less.

1437 (c) A tarpaulin or other flexible waterproof sheeting
1438 selling for \$50 or less.

1439 (d) A self-contained first-aid kit selling for \$30 or
1440 less.

1441 (e) A ground anchor system or tie-down kit selling for \$50
1442 or less.

1443 (f) A gas or diesel fuel tank selling for \$25 or less.

1444 (g) A package of AA-cell, C-cell, D-cell, 6-volt, or 9-
1445 volt batteries, excluding automobile and boat batteries, selling
1446 for \$30 or less.

1447 (h) A nonelectric food storage cooler selling for \$30 or
1448 less.

1449 (i) A portable generator used to provide light or
1450 communications or preserve food in the event of a power outage



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1451 selling for \$750 or less.

1452 (j) Reusable ice selling for \$10 or less.

1453 (2) The Department of Revenue may, and all conditions are
1454 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
1455 and 120.54, Florida Statutes, to administer this section.

1456 (3) The tax exemptions provided in this section do not
1457 apply to sales within a theme park or entertainment complex as
1458 defined in s. 509.013(9), Florida Statutes, within a public
1459 lodging establishment as defined in s. 509.013(4), Florida
1460 Statutes, or within an airport as defined in s. 330.27(2),
1461 Florida Statutes.

1462 Section 24. For fiscal year 2014-2015, the sum of \$43,941
1463 of nonrecurring funds is appropriated from the General Revenue
1464 Fund to the Department of Revenue for the purpose of
1465 administering the sales tax holiday for Energy Star and
1466 WaterSense products.

1467 Section 25. For the 2013-2014 fiscal year, the sum of
1468 \$223,048 in nonrecurring funds is appropriated from the General
1469 Revenue Fund to the Department of Revenue for the purpose of
1470 administering the provisions of this act relating to the tax
1471 exemption for specified school supplies. Funds from the
1472 appropriation that remain unexpended or unencumbered as of June
1473 30, 2014, shall revert and be reappropriated for the same
1474 purpose in the 2014-2015 fiscal year.

1475 Section 26. For the 2013-2014 fiscal year, the sum of



ENROLLED

HB 5601, Engrossed 1

2014 Legislature

1476 \$280,912 in nonrecurring funds is appropriated from the General
 1477 Revenue Fund to the Department of Revenue for purposes of
 1478 administering the tax exemptions for the purchase of tangible
 1479 personal property relating to hurricane preparedness specified
 1480 under this act.

1481 Section 27. Except as otherwise expressly provided in this
 1482 act, this act shall take effect upon becoming a law.