By the Committee on Government Efficiency Appropriations; and Senators Haridopolos, Bullard, Alexander, King, Baker, Constantine, Fasano, Wise, Dockery, Lynn, Jones, Bennett, Posey, Diaz de la Portilla and Atwater

593-2148-06

1 A bill to be entitled 2 An act relating to an exemption from the tax on 3 sales, use, and other transactions; amending s. 4 212.08, F.S.; exempting certain textbooks from the tax; providing requirements; providing 5 6 definitions; providing a sales tax exemption on 7 the rental, lease, or granting of a license for 8 the use of real property by certain bookstore 9 operations at a postsecondary educational institution; providing an effective date. 10 11 Be It Enacted by the Legislature of the State of Florida: 12 13 Section 1. Paragraph (r) of subsection (7) of section 14 15 212.08, Florida Statutes, is amended, and paragraphs (ccc) and 16 (ddd) are added to that subsection, to read: 17 212.08 Sales, rental, use, consumption, distribution, 18 and storage tax; specified exemptions. -- The sale at retail, the rental, the use, the consumption, the distribution, and 19 the storage to be used or consumed in this state of the 20 following are hereby specifically exempt from the tax imposed 2.1 22 by this chapter. 23 (7) MISCELLANEOUS EXEMPTIONS. -- Exemptions provided to 24 any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is 25 made by a representative or employee of the entity by any 26 means, including, but not limited to, cash, check, or credit 27 2.8 card, even when that representative or employee is 29 subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any 30 transaction that is otherwise taxable under this chapter

unless the entity has obtained a sales tax exemption 2 certificate from the department or the entity obtains or provides other documentation as required by the department. 3 Eligible purchases or leases made with such a certificate must 4 be in strict compliance with this subsection and departmental 5 6 rules, and any person who makes an exempt purchase with a 7 certificate that is not in strict compliance with this 8 subsection and the rules is liable for and shall pay the tax. 9 The department may adopt rules to administer this subsection. 10 (r) School books and school lunches. -- This exemption applies to school books used in regularly prescribed courses 11 12 of study, and to school lunches served in public, parochial, 13 or nonprofit schools operated for and attended by pupils of grades K through 12. Yearbooks, magazines, newspapers, 14 directories, bulletins, and similar publications distributed 15 by such educational institutions to their students are also 16 17 exempt. School Books, other than those provided for in 18 paragraph (ccc), and food sold or served at community colleges and other institutions of higher learning are taxable. 19

## (ccc) Textbooks. --

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1. Also exempt from the tax imposed by this chapter are textbooks purchased by full-time and part-time postsecondary students for their courses. This exemption applies only to textbooks that are required or recommended for a course in which such student is enrolled at an eliqible institution of higher education. Upon purchase of such textbooks from a participating bookstore, the student shall present a valid student identification card from an eliqible institution of higher education and documentation that confirms such textbooks are required or recommended for the course in which the student is enrolled.

1	2. As used in this paragraph, the term:
2	a. "Eligible institution of higher education" means:
3	(I) A public university or community college in this
4	<u>state;</u>
5	(II) A baccalaureate-degree granting independent
6	nonprofit college or university that is accredited by the
7	Commission on Colleges of the Southern Association of Colleges
8	and Schools and is located in and chartered as a domestic
9	corporation by the state; or
10	(III) An independent postsecondary education
11	institution in this state that is licensed by the Commission
12	for Independent Education and is authorized to grant degrees.
13	b. "Participating bookstore" means a retail
14	establishment that derives 10 percent or more of its annual
15	gross sales, per location, from the sale of text books.
16	(ddd) Bookstore operations at a postsecondary
17	educational institution Also exempt from payment of the tax
18	imposed by this chapter on renting, leasing, letting, or
19	granting a license for the use of any real property are
20	payments to a postsecondary educational institution by any
21	person pursuant to a grant of the right to conduct bookstore
22	operations on real property owned or leased by the
23	postsecondary educational institution. As used in this
24	paragraph, "bookstore operations" means the sale,
25	distribution, and provision of textbooks, merchandise, and
26	services traditionally offered in college and university
27	bookstores for the benefit of the institution's students,
28	faculty, and staff.
29	Section 2. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR	
2 <u>SB 1554</u>	
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The Committee Substitute makes the following changes to 1554:	o SB
5 1) Removes the definition of textbook;	
6 2) Requires that textbooks must be purchased from a	
7 participating bookstore and provides a definition "participating bookstore" to mean a retail establ	for a
that derives 10 percent or more of its annual grants sales, per location, from the sale of textbooks	
9 3) Clarifies the definition of "eligible institution	of
higher education;"	. 01
4) Requires that in addition to a valid student identification card, a student must present docume that confirms such textbooks are required or recomfor the course in which the student is enrolled; a	ontation
	mmended
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5) Provides a sales tax exemption on the renting, le letting, or granting of a license for the use of property paid by bookstore operators to postsecon	any real
educational institutions. "Bookstore operators" a defined to mean the sale, distribution, and provi	re
textbooks, merchandise, and services traditionall offered in college and university bookstores for	У
benefit of the institution's students, faculty, a staff.	
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