

Council Substitute for House Bill No. 1059

An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption provided to nonprofit cooperative hospital laundries; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative under certain circumstances; providing that provision of certain supplies and services pursuant to a declaration of emergency and a written emergency plan of operation does not invalidate a certificate of exemption or cause such a certificate to be denied; providing an effective date.

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

Section 1. Paragraph (ii) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

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

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

(ii) Nonprofit cooperative hospital laundries.—Also exempt ~~from the tax imposed by this chapter~~ are sales or leases to nonprofit organizations that are incorporated under chapter 617 and which are treated, for federal income tax purposes, as cooperatives under subchapter T of the Internal Revenue Code, whose sole purpose is to offer laundry supplies and services to their members ~~who, which members~~ must all be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code. A member of a nonprofit cooperative hospital laundry whose Internal Revenue Code status changes shall, within 90 days after such change, divest all participation in the cooperative. The provision of laundry supplies and services to a non-member business pursuant to a declaration of emergency under s. 252.36(2)

and a written emergency plan of operation executed by the members of the cooperative does not invalidate or cause the denial of a cooperative's certificate of exemption.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.

CHAPTER 2008-201

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