

HB 775

2016

1 A bill to be entitled

2 An act relating to emergency preparedness and
3 response; providing a sales and use tax exemption for
4 certain tangible personal property related to disaster
5 preparedness during a specified period; providing
6 exceptions; authorizing the Department of Revenue to
7 adopt rules to implement the exemption; providing an
8 expiration date; providing an appropriation; creating
9 s. 252.359, F.S.; directing the Division of Emergency
10 Management to create a statewide system to facilitate
11 the transport and distribution of essentials and the
12 restoration of utility services throughout the state
13 during a declared emergency; defining the term
14 "essentials"; directing the division to create a
15 certification system for persons transporting or
16 distributing essentials or assisting in restoring
17 utility services; providing requirements and
18 conditions for the certification system; permitting
19 certain activities by certified persons during a
20 curfew; authorizing a law enforcement officer to
21 specify a permissible route of ingress or egress for a
22 certified person; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Disaster preparedness tax exemption.—

27 (1) The tax levied under chapter 212, Florida Statutes,
 28 may not be collected during the period from 12:01 a.m. on May
 29 31, 2016, through 11:59 p.m. on June 14, 2016, on the sale of:

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

32 (b) A portable self-powered radio, two-way radio, or
 33 weather band radio selling for \$75 or less.

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

36 (d) An item typically sold or advertised as a ground
 37 anchor system or tie-down kit selling for \$50 or less.

38 (e) A gas or diesel fuel tank selling for \$25 or less.

39 (f) A package of AAA-cell, AA-cell, C-cell, D-cell, 6-
 40 volt, or 9-volt batteries, excluding automobile and boat
 41 batteries, selling for \$30 or less.

42 (g) A cellular telephone battery selling for \$60 or less.

43 (h) A cellular telephone charger selling for \$40 or less.

44 (i) A nonelectric food storage cooler selling for \$30 or
 45 less.

46 (j) A portable generator that is used to provide light,
 47 support communications, or preserve food during a power outage
 48 selling for \$1,000 or less.

49 (k) A storm shutter device selling for \$200 or less. As
 50 used in this paragraph, the term "storm shutter device" means a
 51 material or product manufactured, rated, and marketed
 52 specifically for the purpose of preventing window damage from

53 storms.

54 (1) A carbon monoxide detector selling for \$75 or less.

55 (m) Reusable ice selling for \$10 or less.

56 (n) A single product consisting of two or more of the
57 items listed in paragraphs (a)-(m) and selling for \$75 or less.

58 (o) A personal locator beacon selling for \$600 or less.

59 (p) An emergency position-indicating radio beacon selling
60 for \$1,500 or less.

61 (2) The tax exemptions provided in this section do not
62 apply to sales within a public lodging establishment as defined
63 in s. 509.013(4), Florida Statutes, within a theme park or
64 entertainment complex as defined in s. 509.013(9), Florida
65 Statutes, or within an airport as defined in s. 330.27(2),
66 Florida Statutes.

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

70 (4) This section expires September 30, 2016.

71 Section 2. For the 2016-2017 fiscal year, the sum of
72 \$212,754 in nonrecurring funds is appropriated from the General
73 Revenue Fund to the Department of Revenue to administer the tax
74 exemptions for the purchase of tangible personal property
75 relating to disaster preparedness specified under this act.

76 Section 3. Section 252.359, Florida Statutes, is created
77 to read:

78 252.359 Ensuring availability of emergency supplies.—

79 (1) In order to meet the needs of residents affected
80 during a declared emergency and to ensure the continuing
81 economic resilience of communities impacted by disaster, the
82 division shall establish a statewide system to facilitate the
83 transport and distribution of essentials in commerce and the
84 restoration of utility services in the state.

85 (2) As used in this section, the term "essentials" means
86 goods that are consumed or used as a direct result of a declared
87 emergency, or that are consumed or used to preserve, protect, or
88 sustain life, health, safety, or economic well-being.

89 (3) The division shall develop a system to certify each
90 person who facilitates the transport or distribution of
91 essentials in commerce or who assists in restoring utility
92 services. The division may not certify any person other than a
93 person who routinely transports or distributes essentials or
94 assists in restoring utility services. In developing the system,
95 the division:

96 (a) May provide for a preemergency or postemergency
97 declaration certification.

98 (b) Shall allow the certification of an employer to
99 constitute a certification of the employer's employees, if the
100 employer requests.

101 (c) Shall create an easily recognizable indicium of
102 certification to assist local officials' efforts in determining
103 which persons have been certified under this subsection.

104 (d) Shall limit the duration of each certificate to no

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105 more than 1 year. Each certificate may be renewed so long as the
106 criteria for certification are met.

107 (4) A person or employer certified under subsection (3) is
108 not required to obtain any additional certification or fulfill
109 any additional requirement in order to transport or distribute
110 essentials or assist in restoring utility services.

111 (5) Notwithstanding any curfew, a person or employer
112 certified under subsection (3) may enter or remain in the curfew
113 area for the limited purpose of facilitating the transport or
114 distribution of essentials or assisting in restoring utility
115 services and may provide service that exceeds otherwise
116 applicable hours of service maximums to the extent authorized by
117 a duly executed declaration of a state of emergency.

118 (6) This section does not prohibit a law enforcement
119 officer from specifying the permissible route of ingress or
120 egress for a person certified under subsection (3).

121 Section 4. This act shall take effect upon becoming a law.