

By the Committee on Fiscal Resource and Senator Bronson

314-1990-99

1 A bill to be entitled
2 An act relating to tax on sales, use, and other
3 transactions; amending s. 212.06, F.S.;
4 revising the application of provisions which
5 exempt from use tax a person who secures rock,
6 fill dirt, or similar materials from a location
7 he or she owns for use on his or her own
8 property, to include affiliated groups;
9 providing an effective date.

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

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13 Section 1. Paragraph (a) of subsection (15) of section
14 212.06, Florida Statutes, 1998 Supplement, is amended to read:

15 212.06 Sales, storage, use tax; collectible from
16 dealers; "dealer" defined; dealers to collect from purchasers;
17 legislative intent as to scope of tax.--

18 (15)(a) When a contractor secures rock, shell, fill
19 dirt, or similar materials from a location that he or she owns
20 or leases and uses such materials to fulfill a real property
21 contract on the property of another person, the contractor is
22 the ultimate consumer of such materials and is liable for use
23 tax thereon. This paragraph does not apply to a person or an
24 affiliated group as defined by s. 220.03(1)(b) that ~~who~~
25 secures such materials from a location that he, ~~or~~ she, or it
26 owns for use on his, ~~or~~ her, or its own property. The basis
27 upon which the contractor shall remit the tax is the fair
28 retail market value determined by establishing either the
29 price he or she would have to pay for it on the open market or
30 the price he or she would regularly charge if he or she sold
31 it to other contractors or users.

1 Section 2. This act shall take effect January 1, 2000.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 SB 1762

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7 Removes the term "corporation" from the bill because a
8 "corporation" is included in the definition of "person"
9 pursuant to s. 212.02(12), F.S.

10 Changes the effective date from July 1, 1999 to January 1,
11 2000.

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