

By the Committee on Finance & Taxation and Representatives
Bradley, Feeney, Fasano, Greenstein, Wiles, Henriquez,
Ritchie, Wilson, Rayson and Ryan

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 increasing the exemption from the indexed tax
5 on manufactured asphalt that applies to
6 manufactured asphalt used for any state or
7 local government public works project;
8 specifying that the exemption includes federal
9 public works projects; providing intent;
10 amending s. 212.08, F.S.; providing an
11 exemption for railroad roadway materials used
12 in the construction, repair, or maintenance of
13 railways; providing an effective date.

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

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17 Section 1. Paragraph (c) of subsection (1) of section
18 212.06, Florida Statutes, is amended to read:

19 212.06 Sales, storage, use tax; collectible from
20 dealers; "dealer" defined; dealers to collect from purchasers;
21 legislative intent as to scope of tax.--

22 (1)

23 (c)1. Notwithstanding the provisions of paragraph (b),
24 the use tax on asphalt manufactured for one's own use shall be
25 calculated with respect to paragraph (b) only upon the cost of
26 materials which become a component part or which are an
27 ingredient of the finished asphalt and upon the cost of the
28 transportation of such components and ingredients. In
29 addition, an indexed tax of 38 cents per ton of such
30 manufactured asphalt shall be due at the same time and in the
31 same manner as taxes due pursuant to paragraph (b). Beginning

1 July 1, 1989, the indexed tax shall be adjusted each July 1 to
2 an amount, rounded to the nearest cent, equal to the product
3 of 38 cents multiplied by a fraction, the numerator of which
4 is the annual average of the "materials and components for
5 construction" series of the producer price index, as
6 calculated and published by the United States Department of
7 Labor, Bureau of Statistics, for the previous calendar year,
8 and the denominator of which is the annual average of said
9 series for calendar year 1988.

10 2.a. Beginning July 1, 1999, the indexed tax imposed
11 by this paragraph ~~on shall not apply to~~ manufactured asphalt
12 which is used for any federal, state, or local government
13 public works project ~~shall be reduced by. Beginning July 1,~~
14 ~~1999, 20 percent of such amount is exempt.~~

15 b. Beginning July 1, 2000, the indexed tax imposed by
16 this paragraph on manufactured asphalt which is used for any
17 federal, state, or local government public works project shall
18 be reduced by 40 percent.

19 Section 2. It is the intent of the Legislature that
20 the amendment including federal public works projects in the
21 scope of the partial exemption in s. 212.06(1)(c), Florida
22 Statutes, is remedial in nature and merely clarifies existing
23 law.

24 Section 3. Paragraph (ggg) is added to subsection (7)
25 of section 212.08, Florida Statutes, to read:

26 212.08 Sales, rental, use, consumption, distribution,
27 and storage tax; specified exemptions.--The sale at retail,
28 the rental, the use, the consumption, the distribution, and
29 the storage to be used or consumed in this state of the
30 following are hereby specifically exempt from the tax imposed
31 by this chapter.

1 (7) MISCELLANEOUS EXEMPTIONS.--
2 (ggg) Railroad roadway materials.--Also exempt from
3 the tax imposed by this chapter are railroad roadway materials
4 used in the construction, repair, or maintenance of railways.
5 Railroad roadway materials shall include rails, ties,
6 ballasts, communication equipment, signal equipment, power
7 transmission equipment, and any other track materials.

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9 Exemptions provided to any entity by this subsection shall not
10 inure to any transaction otherwise taxable under this chapter
11 when payment is made by a representative or employee of such
12 entity by any means, including, but not limited to, cash,
13 check, or credit card even when that representative or
14 employee is subsequently reimbursed by such entity.

15 Section 4. This act shall take effect July 1, 2000.

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