

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to fees imposed on tire and battery sales;
7 amending s. 403.718, F.S.; imposing a fee on new motor
8 vehicle tires sold to governmental entities; amending s.
9 403.7185, F.S.; imposing a fee on the sale of new or
10 remanufactured lead-acid batteries sold to governmental
11 entities; specifying that certain amendments are remedial
12 in nature and are intended for clarification; providing
13 that certain dealers are not eligible for a refund;
14 providing an effective date.

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

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18 Section 1. Subsection (1) of section 403.718, Florida
19 Statutes, is amended to read:

20 403.718 Waste tire fees.--

21 (1) For the privilege of engaging in business, a fee for
22 each new motor vehicle tire sold at retail, including those sold
23 to any governmental entity, is imposed on any person engaging in

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24 the business of making retail sales of new motor vehicle tires
25 within this state. The fee imposed under this section shall be
26 stated separately on the invoice to the purchaser. Such fee
27 shall be imposed at the rate of \$1 for each new tire sold. The
28 fee imposed shall be paid to the Department of Revenue on or
29 before the 20th day of the month following the month in which
30 the sale occurs. For purposes of this section, a motor vehicle
31 tire sold at retail includes such tires when sold as a component
32 part of a motor vehicle. The terms "sold at retail" and "retail
33 sales" do not include the sale of new motor vehicle tires to a
34 person solely for the purpose of resale provided the subsequent
35 retail sale in this state is subject to the fee. This fee does
36 not apply to recapped tires. Such fee shall be subject to all
37 applicable taxes imposed in chapter 212.

38 Section 2. Subsection (1) of section 403.7185, Florida
39 Statutes, is amended to read:

40 403.7185 Lead-acid battery fees.--

41 (1) For the privilege of engaging in business, a fee for
42 each new or remanufactured lead-acid battery sold at retail,
43 including those sold to any governmental entity, is imposed on
44 any person engaging in the business of making retail sales of
45 lead-acid batteries within this state. Such fee shall be imposed
46 at the rate of \$1.50 for each new or remanufactured lead-acid
47 battery sold. However, the fee shall not be imposed on any
48 battery which has previously been taxed pursuant to s.
49 206.9935(2), provided the person claiming exemption from the tax
50 can document payment of such tax. The fee imposed shall be paid
51 to the Department of Revenue on or before the 20th day of the

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52 | month following the calendar month in which the sale occurs. The
53 | department may authorize a quarterly return under the conditions
54 | described in s. 212.11(1)(c). A dealer selling motor vehicles,
55 | vessels, or aircraft at retail can purchase lead-acid batteries
56 | exempt as a sale for resale by presenting a sales tax resale
57 | certificate. However, if a dealer thereafter withdraws any such
58 | battery from inventory to put into a new or used motor vehicle,
59 | vessel, or aircraft for sale, to use on her or his own motor
60 | vehicle, vessel, or aircraft, to give away, or any purpose other
61 | than for resale, the dealer will owe the fee at the time the
62 | battery is withdrawn from inventory. If the dealer sells the
63 | battery at retail, that sale will be subject to the fee. If the
64 | dealer sells it to a purchaser who presents her or him a sales
65 | tax resale certificate, the dealer will owe no fee. The terms
66 | "sold at retail" and "retail sales" do not include the sale of
67 | lead-acid batteries to a person solely for the purpose of
68 | resale; however, a subsequent retail sale of a new or
69 | remanufactured battery in this state is subject to the fee one
70 | time. Such fee shall be subject to all applicable taxes imposed
71 | in chapter 212. The provisions of s. 212.07(4) shall not apply
72 | to the provisions of this section. When a sale of a lead-acid
73 | battery, upon which the fee has been paid, is canceled or the
74 | battery is returned to the seller, and the sale price, taxes,
75 | and fees are refunded in full to the purchaser, the seller may
76 | take credit for the fee previously paid. If, instead of
77 | refunding the purchase price of the battery, the customer is
78 | given a new or remanufactured battery in exchange for the
79 | returned battery, the dealer cannot take credit for the fee on

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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80 | the returned battery, but no fee is due on the new or
81 | remanufactured battery that is given in exchange. However, no
82 | credit shall be taken by the dealer for returns resulting in
83 | partial refunds or partial credits on purchase of replacement
84 | batteries.

85 | Section 3. The amendments to ss. 403.718(1) and
86 | 403.7185(1), Florida Statutes, in sections 1 and 2 of this act
87 | are remedial in nature and are intended as clarifying
88 | provisions, and any dealer who has remitted waste tire fees or
89 | lead-acid battery fees on retail sales to any governmental
90 | entity is not eligible for a refund of those fees.

91 | Section 4. This act shall take effect July 1, 2005.