

CHAMBER ACTION

1 The Agriculture 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 an exemption from the tax on sales,
7 use, and other transactions for farm equipment; amending
8 s. 212.02, F.S.; revising definitions; amending s. 212.08,
9 F.S.; making total a partial exemption for certain farm
10 equipment; amending s. 212.12, F.S.; correcting a cross
11 reference to conform; providing an effective date.
12

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

14
15 Section 1. Subsections (30) through (34) of section
16 212.02, Florida Statutes, are amended to read:

17 212.02 Definitions.--The following terms and phrases when
18 used in this chapter have the meanings ascribed to them in this
19 section, except where the context clearly indicates a different
20 meaning:

21 (30) "Power ~~Self-propelled~~ farm equipment" means moving or
22 stationary equipment that contains within itself the means for

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23 | its own propulsion or power and, ~~including, but not limited to,~~
24 | ~~tractors.~~

25 | ~~(31) "Power drawn farm equipment" means equipment that is~~
26 | ~~pulled, dragged, or otherwise attached to self-propelled~~
27 | ~~equipment, including, but not limited to, disks, harrows, hay~~
28 | ~~balers, and mowers.~~

29 | ~~(32) "Power driven farm equipment" means moving or~~
30 | ~~stationary equipment that is dependent upon an external power~~
31 | ~~source to perform its functions function, including, but not~~
32 | ~~limited to, conveyors, augers, feeding systems, and pumps.~~

33 | ~~(31)~~~~(33)~~ "Forest" means the land stocked by trees of any
34 | size used in the production of forest products, or formerly
35 | having such tree cover, and not currently developed for
36 | nonforest use.

37 | ~~(32)~~~~(34)~~ "Agricultural production" means the production of
38 | plants and animals useful to humans, including the preparation,
39 | planting, cultivating, or harvesting of these products or any
40 | other practices necessary to accomplish production through the
41 | harvest phase, and includes aquaculture, horticulture,
42 | floriculture, viticulture, forestry, dairy, livestock, poultry,
43 | bees, and any and all forms of farm products and farm
44 | production.

45 | Section 2. Subsection (3) of section 212.08, Florida
46 | Statutes, is amended to read:

47 | 212.08 Sales, rental, use, consumption, distribution, and
48 | storage tax; specified exemptions.--The sale at retail, the
49 | rental, the use, the consumption, the distribution, and the
50 | storage to be used or consumed in this state of the following

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51 are hereby specifically exempt from the tax imposed by this
52 chapter.

53 (3) ~~EXEMPTIONS, PARTIAL;~~ CERTAIN FARM EQUIPMENT.--There
54 shall be no tax on taxable ~~at the rate of 2.5 percent~~ the sale,
55 rental, lease, use, consumption, or storage for use in this
56 state of power ~~self-propelled, power-drawn, or power-driven~~ farm
57 equipment used exclusively on a farm or in a forest in the
58 agricultural production of crops or products as produced by
59 those agricultural industries included in s. 570.02(1), or for
60 fire prevention and suppression work with respect to such crops
61 or products. Harvesting may not be construed to include
62 processing activities. This exemption is not forfeited by moving
63 farm equipment between farms or forests. However, this exemption
64 shall not be allowed unless the purchaser, renter, or lessee
65 signs a certificate stating that the farm equipment is to be
66 used exclusively on a farm or in a forest for agricultural
67 production or for fire prevention and suppression, as required
68 by this subsection. Possession by a seller, lessor, or other
69 dealer of a written certification by the purchaser, renter, or
70 lessee certifying the purchaser's, renter's, or lessee's
71 entitlement to an exemption permitted by this subsection
72 relieves the seller from the responsibility of collecting the
73 tax on the nontaxable amounts, and the department shall look
74 solely to the purchaser for recovery of such tax if it
75 determines that the purchaser was not entitled to the exemption.

76 Section 3. Subsection (11) of section 212.12, Florida
77 Statutes, is amended to read:

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78 | 212.12 Dealer's credit for collecting tax; penalties for
79 | noncompliance; powers of Department of Revenue in dealing with
80 | delinquents; brackets applicable to taxable transactions;
81 | records required.--

82 | (11) The department shall make available in an electronic
83 | format or otherwise the tax amounts and brackets applicable to
84 | all taxable transactions that occur in counties that have a
85 | surtax at a rate other than 1 percent which transactions would
86 | otherwise have been transactions taxable at the rate of 6
87 | percent. Likewise, the department shall make available in an
88 | electronic format or otherwise the tax amounts and brackets
89 | applicable to ~~transactions taxable at 2.5 or 3 percent pursuant~~
90 | ~~to s. 212.08(3)~~, transactions taxable at 7 percent pursuant to
91 | s. 212.05(1)(e)7, and on transactions which would otherwise have
92 | been so taxable in counties which have adopted a discretionary
93 | sales surtax.

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