

By the Committee on General Government Appropriations; and
Senator Clary

601-2059-05

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

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

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

18 403.718 Waste tire fees.--

19 (1) For the privilege of engaging in business, a fee
20 for each new motor vehicle tire sold at retail, including
21 those sold to any governmental entity, is imposed on any
22 person engaging in the business of making retail sales of new
23 motor vehicle tires within this state. The fee imposed under
24 this section shall be stated separately on the invoice to the
25 purchaser. Such fee shall be imposed at the rate of \$1 for
26 each new tire sold. The fee imposed shall be paid to the
27 Department of Revenue on or before the 20th day of the month
28 following the month in which the sale occurs. For purposes of
29 this section, a motor vehicle tire sold at retail includes
30 such tires when sold as a component part of a motor vehicle.
31 The terms "sold at retail" and "retail sales" do not include

1 | the sale of new motor vehicle tires to a person solely for the
2 | purpose of resale provided the subsequent retail sale in this
3 | state is subject to the fee. This fee does not apply to
4 | recapped tires. Such fee shall be subject to all applicable
5 | taxes imposed in chapter 212.

6 | Section 2. Subsection (1) of section 403.7185, Florida
7 | Statutes, is amended to read:

8 | 403.7185 Lead-acid battery fees.--

9 | (1) For the privilege of engaging in business, a fee
10 | for each new or remanufactured lead-acid battery sold at
11 | retail, including those sold to any governmental entity, is
12 | imposed on any person engaging in the business of making
13 | retail sales of lead-acid batteries within this state. Such
14 | fee shall be imposed at the rate of \$1.50 for each new or
15 | remanufactured lead-acid battery sold. However, the fee shall
16 | not be imposed on any battery which has previously been taxed
17 | pursuant to s. 206.9935(2), provided the person claiming
18 | exemption from the tax can document payment of such tax. The
19 | fee imposed shall be paid to the Department of Revenue on or
20 | before the 20th day of the month following the calendar month
21 | in which the sale occurs. The department may authorize a
22 | quarterly return under the conditions described in s.
23 | 212.11(1)(c). A dealer selling motor vehicles, vessels, or
24 | aircraft at retail can purchase lead-acid batteries exempt as
25 | a sale for resale by presenting a sales tax resale
26 | certificate. However, if a dealer thereafter withdraws any
27 | such battery from inventory to put into a new or used motor
28 | vehicle, vessel, or aircraft for sale, to use on her or his
29 | own motor vehicle, vessel, or aircraft, to give away, or any
30 | purpose other than for resale, the dealer will owe the fee at
31 | the time the battery is withdrawn from inventory. If the

1 dealer sells the battery at retail, that sale will be subject
2 to the fee. If the dealer sells it to a purchaser who presents
3 her or him a sales tax resale certificate, the dealer will owe
4 no fee. The terms "sold at retail" and "retail sales" do not
5 include the sale of lead-acid batteries to a person solely for
6 the purpose of resale; however, a subsequent retail sale of a
7 new or remanufactured battery in this state is subject to the
8 fee one time. Such fee shall be subject to all applicable
9 taxes imposed in chapter 212. The provisions of s. 212.07(4)
10 shall not apply to the provisions of this section. When a sale
11 of a lead-acid battery, upon which the fee has been paid, is
12 canceled or the battery is returned to the seller, and the
13 sale price, taxes, and fees are refunded in full to the
14 purchaser, the seller may take credit for the fee previously
15 paid. If, instead of refunding the purchase price of the
16 battery, the customer is given a new or remanufactured battery
17 in exchange for the returned battery, the dealer cannot take
18 credit for the fee on the returned battery, but no fee is due
19 on the new or remanufactured battery that is given in
20 exchange. However, no credit shall be taken by the dealer for
21 returns resulting in partial refunds or partial credits on
22 purchase of replacement batteries.

23 Section 3. The amendments to sections 1 and 2 of this
24 act are remedial in nature and are intended as clarifying
25 provisions, and any dealer who has remitted waste tire fees or
26 lead-acid battery fees on retail sales to any governmental
27 entity is not eligible for a refund of those fees.

28 Section 4. This act shall take effect July 1, 2005.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 786

The committee substitute clarifies that governmental entities are required to pay the \$1 per tire fee imposed on the retail sale of new motor vehicle tires and the \$1.50 fee imposed on the retail sale of any new or remanufactured lead-acid battery.