

By Senator Atwater

25-1024A-06

See HB 743

1 A bill to be entitled

2 An act relating to agricultural usage sales and

3 use tax exemptions; amending s. 212.0501, F.S.;

4 excluding from application of the sales and use

5 tax diesel fuel used in certain farming

6 vehicles or for certain farming purposes;

7 amending s. 212.08, F.S.; exempting from the

8 sales and use tax electricity used for

9 specified agricultural purposes; providing

10 application; providing a conclusive presumption

11 of taxable use under certain circumstances;

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 (3) of section 212.0501, Florida

17 Statutes, is amended to read:

18 212.0501 Tax on diesel fuel for business purposes;

19 purchase, storage, and use.--

20 (3) For purposes of this section, "consumption, use,

21 or storage by a trade or business" does not include those uses

22 of diesel fuel specifically exempt on account of residential

23 purposes, or in any tractor, vehicle, or other equipment used

24 exclusively on a farm or for processing farm products on the

25 farm, no part of which diesel fuel is used in any licensed

26 motor vehicle on the public highways of this state ~~on account~~

27 ~~of agricultural purposes as defined in s. 212.08(5), or the~~

28 purchase or storage of diesel fuel held for resale.

29 Section 2. Paragraph (e) of subsection (5) of section

30 212.08, Florida Statutes, is amended to read:

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1 212.08 Sales, rental, use, consumption, distribution,
2 and storage tax; specified exemptions.--The sale at retail,
3 the rental, the use, the consumption, the distribution, and
4 the storage to be used or consumed in this state of the
5 following are hereby specifically exempt from the tax imposed
6 by this chapter.

7 (5) EXEMPTIONS; ACCOUNT OF USE.--

8 (e)1. Gas used for certain agricultural
9 purposes.--Butane gas, propane gas, natural gas, and all other
10 forms of liquefied petroleum gases are exempt from the tax
11 imposed by this chapter if used in any tractor, vehicle, or
12 other farm equipment which is used exclusively on a farm or
13 for processing farm products on the farm and no part of which
14 gas is used in any vehicle or equipment driven or operated on
15 the public highways of this state. This restriction does not
16 apply to the movement of farm vehicles or farm equipment
17 between farms. The transporting of bees by water and the
18 operating of equipment used in the apiary of a beekeeper is
19 also deemed an exempt use.

20 2. Electricity used for certain agricultural
21 purposes.--Electricity used directly and exclusively on a farm
22 or for processing farm products on the farm is exempt from the
23 tax imposed by this chapter. This exemption applies only if
24 the electricity used for the exempt purposes is separately
25 metered. If the electricity is not separately metered, it is
26 conclusively presumed that some portion of the electricity is
27 used for a nonexempt purpose, and all of the electricity used
28 for such purposes is taxable.

29 Section 3. This act shall take effect July 1, 2006.
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