By Senator Dockery

## 15-1523A-06

1	A bill to be entitled
2	An act relating to gross receipts taxes on
3	manufacturing; amending s. 203.01, F.S.;
4	providing a tax exemption for electricity sold
5	to manufacturers, after a specified amount in
6	tax has been paid in a calendar year, to the
7	extent that the tax savings are invested in
8	energy conservation measures as specified;
9	providing for calculation of the exemption;
10	defining terms; providing that the exemption is
11	available by refund; authorizing the Department
12	of Revenue to adopt rules relating to the
13	refund procedures; requiring that such refunds
14	be paid from general revenue; providing for
15	retroactivity; providing for future repeal;
16	providing an effective date.
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18	Be It Enacted by the Legislature of the State of Florida:
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20	Section 1. Paragraph (e) is added to subsection (3) of
21	section 203.01, Florida Statutes, to read:
22	203.01 Tax on gross receipts for utility and
23	communications services
24	(3) The tax imposed by subsection (1) does not apply
25	to:
26	(e)1. The sale or transportation to, or use of
27	electricity by, a person described in s. 212.08(7)(ff)2., if
28	the electricity is for use at a fixed location for which at
29	<u>least \$50,000 in gross receipts tax has been paid pursuant to</u>
30	subsection (1) on electricity consumed at that location during
31	the calendar year and if the person can demonstrate that the

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person has spent for energy conservation measures at that 2 fixed location the amount of tax savings allowed to that person as an exemption by this paragraph. 3 4 2. If the amount of taxes above \$50,000 which otherwise would be due by a person exceeds the amount of 5 6 qualifying expenditures for energy conservation measures by 7 the person in a calendar year, the exemption shall be capped 8 in that calendar year at the amount of qualifying expenditures for energy conservation measures. However, if the amount of 9 10 qualifying expenditures for energy conservation measures by a person exceeds the amount of taxes above \$50,000 which 11 12 otherwise would be due in a calendar year by the person, the 13 exemption shall be capped for the year at the amount of taxes otherwise due, but excess qualifying expenditures for energy 14 conservation measures may be carried forward and applied as 15 qualifying expenditures for up to 2 subsequent calendar years. 16 3. For purposes of this exemption, the term "fixed 18 location" means one or more contiquous manufacturing sites and 19 functionally related contiquous parcels owned or operated by the person eligible for the exemption. 2.0 21 For purposes of this exemption, the term "energy 2.2 conservation measure" includes any expenditure for a measure 23 that is certified by a licensed Florida professional engineer to reduce electrical demand, measured in kilowatts; reduce 2.4 fossil fuel demand; reduce the required energy measured in 2.5 kilowatt hours which would otherwise be needed absent the 26 2.7 conservation measures; or reduce expenses necessary to provide 2.8 renewable energy generation as defined by law, including

5. This exemption shall be available by refund paid by

operation and maintenance expenses.

refunds earned during the prior calendar year. The Department  of Revenue may develop by rule the forms and procedures for  the refund application. All provisions relating to challenging a denial of a refund apply to refunds authorized under this  paragraph. Notwithstanding the provisions of s. 215.26,  refunds paid pursuant to this paragraph shall be paid from the  General Revenue Fund and not from the Public Education Capital  Outlay and Debt Service Trust Fund.  6. The exemption allowed under this paragraph expires  on December 31, 2015, except to the extent of any remaining  carryforward of qualifying expenditures for energy  conservation measures.
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14 Section 2. This act shall take effect upon becoming a
15 law and shall apply retroactively to January 1, 2006, with
16 regard to taxes paid and expenditures for energy conservation
17 measures made in calendar year 2006, and to calendar years
18 thereafter.
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21 SENATE SUMMARY
22 Provides an exemption from the gross receipts tax on
manufacturing for electricity sold to manufacturers, 23 after at least \$50,000 in taxes has been paid in a
calendar year for electricity consumed at a fixed location, to the extent that the tax savings are invested
in energy conservation measures at the fixed location.  25 Provides for calculation of the exemption. Defines the
terms "energy conservation measure" and "fixed location."  26 Provides that the exemption is available by refund.
Authorizes the Department of Revenue to adopt rules relating to the refund procedures. Requires that such
refunds be paid from general revenue. Provides for retroactivity. Provides for future repeal.
29 recroactivity. Provides for future repeat.
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