

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A bill to be entitled
 An act relating to agricultural usage sales and use tax
 exemptions; amending s. 212.0501, F.S.; excluding from
 application of the sales and use tax diesel fuel used in
 certain farming vehicles or for certain farming purposes;
 amending s. 212.08, F.S.; exempting from the sales and use
 tax electricity used for specified agricultural purposes;
 providing application; providing a conclusive presumption
 of taxable use under certain circumstances; providing an
 effective date.

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

Section 1. Subsection (3) of section 212.0501, Florida
 Statutes, is amended to read:

212.0501 Tax on diesel fuel for business purposes;
 purchase, storage, and use.--

(3) For purposes of this section, "consumption, use, or
 storage by a trade or business" does not include those uses of
 diesel fuel specifically exempt on account of residential
 purposes, or in any tractor, vehicle, or other equipment used
 exclusively on a farm or for processing farm products on the
 farm, no part of which diesel fuel is used in any licensed motor
 vehicle on the public highways of this state ~~on account of
 agricultural purposes as defined in s. 212.08(5), or the
 purchase or storage of diesel fuel held for resale.~~

27 Section 2. Paragraph (e) of subsection (5) of section
28 212.08, Florida Statutes, is amended to read:

29 212.08 Sales, rental, use, consumption, distribution, and
30 storage tax; specified exemptions.--The sale at retail, the
31 rental, the use, the consumption, the distribution, and the
32 storage to be used or consumed in this state of the following
33 are hereby specifically exempt from the tax imposed by this
34 chapter.

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

36 (e)1. Gas used for certain agricultural purposes.--Butane
37 gas, propane gas, natural gas, and all other forms of liquefied
38 petroleum gases are exempt from the tax imposed by this chapter
39 if used in any tractor, vehicle, or other farm equipment which
40 is used exclusively on a farm or for processing farm products on
41 the farm and no part of which gas is used in any vehicle or
42 equipment driven or operated on the public highways of this
43 state. This restriction does not apply to the movement of farm
44 vehicles or farm equipment between farms. The transporting of
45 bees by water and the operating of equipment used in the apiary
46 of a beekeeper is also deemed an exempt use.

47 2. Electricity used for certain agricultural
48 purposes.--Electricity used directly and exclusively for
49 production or processing of agricultural products on a farm is
50 exempt from the tax imposed by this chapter. This exemption
51 applies only if the electricity used for the exempt purposes is
52 separately metered. If the electricity is not separately
53 metered, it is conclusively presumed that some portion of the

HB 743, Engrossed 1

2006

54 electricity is used for a nonexempt purpose, and all of the
55 electricity used for such purposes is taxable.

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