

1 A bill to be entitled
 2 An act relating to fees imposed on tire and battery sales;
 3 amending s. 403.718, F.S.; exempting new motor vehicle
 4 tires sold to governmental entities from a fee imposed on
 5 new motor vehicle tires; amending s. 403.7185, F.S.;
 6 exempting new or remanufactured lead-acid batteries sold
 7 to governmental entities from a fee imposed on sales of
 8 such batteries; providing an effective date.

9

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

11

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

14 403.718 Waste tire fees.--

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

HB 0109

2005

29 retail" and "retail sales" do not include the sale of new motor
30 vehicle tires to a person solely for the purpose of resale
31 provided the subsequent retail sale in this state is subject to
32 the fee. This fee does not apply to recapped tires. Such fee
33 shall be subject to all applicable taxes imposed in chapter 212.

34 Section 2. Subsection (1) of section 403.7185, Florida
35 Statutes, is amended to read:

36 403.7185 Lead-acid battery fees.--

37 (1) For the privilege of engaging in business, a fee for
38 each new or remanufactured lead-acid battery sold at retail,
39 except those sold to any governmental entity, is imposed on any
40 person engaging in the business of making retail sales of lead-
41 acid batteries within this state. The fee imposed by this
42 section does not apply to and shall not be collected on any new
43 or remanufactured lead-acid battery sold to any governmental
44 entity. Such fee shall be imposed at the rate of \$1.50 for each
45 new or remanufactured lead-acid battery sold. However, the fee
46 shall not be imposed on any battery which has previously been
47 taxed pursuant to s. 206.9935(2), provided the person claiming
48 exemption from the tax can document payment of such tax. The fee
49 imposed shall be paid to the Department of Revenue on or before
50 the 20th day of the month following the calendar month in which
51 the sale occurs. The department may authorize a quarterly return
52 under the conditions described in s. 212.11(1)(c). A dealer
53 selling motor vehicles, vessels, or aircraft at retail can
54 purchase lead-acid batteries exempt as a sale for resale by
55 presenting a sales tax resale certificate. However, if a dealer
56 thereafter withdraws any such battery from inventory to put into

HB 0109

2005

57 a new or used motor vehicle, vessel, or aircraft for sale, to
58 use on her or his own motor vehicle, vessel, or aircraft, to
59 give away, or any purpose other than for resale, the dealer will
60 owe the fee at the time the battery is withdrawn from inventory.
61 If the dealer sells the battery at retail, that sale will be
62 subject to the fee. If the dealer sells it to a purchaser who
63 presents her or him a sales tax resale certificate, the dealer
64 will owe no fee. The terms "sold at retail" and "retail sales"
65 do not include the sale of lead-acid batteries to a person
66 solely for the purpose of resale; however, a subsequent retail
67 sale of a new or remanufactured battery in this state is subject
68 to the fee one time. Such fee shall be subject to all applicable
69 taxes imposed in chapter 212. The provisions of s. 212.07(4)
70 shall not apply to the provisions of this section. When a sale
71 of a lead-acid battery, upon which the fee has been paid, is
72 canceled or the battery is returned to the seller, and the sale
73 price, taxes, and fees are refunded in full to the purchaser,
74 the seller may take credit for the fee previously paid. If,
75 instead of refunding the purchase price of the battery, the
76 customer is given a new or remanufactured battery in exchange
77 for the returned battery, the dealer cannot take credit for the
78 fee on the returned battery, but no fee is due on the new or
79 remanufactured battery that is given in exchange. However, no
80 credit shall be taken by the dealer for returns resulting in
81 partial refunds or partial credits on purchase of replacement
82 batteries.

83 Section 3. This act shall take effect July 1, 2005.