

CHAPTER 98-294

Committee Substitute for House Bill No. 209

An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of “self-propelled farm equipment,” “power-drawn farm equipment,” “power-driven farm equipment,” and “forest”; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment; providing an effective date.

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

Section 1. Subsections (27), (28), (29), and (30) are added to section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(27) “Self-propelled farm equipment” means equipment that contains within itself the means for its own propulsion, including, but not limited to, tractors.

(28) “Power-drawn farm equipment” means equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers.

(29) “Power-driven farm equipment” means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps.

(30) “Forest” means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

Section 2. Subsection (3) of section 212.08, Florida Statutes, is amended to read:

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

(3) EXEMPTIONS, PARTIAL; CERTAIN FARM EQUIPMENT.—There shall be taxable at the rate of 3 percent the sale, use, consumption, or storage for use in this state of self-propelled, ~~or~~ power-drawn, or power-driven farm equipment used exclusively on a farm or in a forest ~~by a farmer~~

on a farm owned, leased, or sharecropped by the farmer in plowing, planting, cultivating, or harvesting crops or products as produced by those agricultural industries included in s. 570.02(1), or for fire prevention and suppression work with respect to such crops or products. Harvesting may not be construed to include processing activities. This exemption is not forfeited by moving farm equipment between farms or forests. The rental of self-propelled, ~~or~~ power-drawn, or power-driven farm equipment shall be taxed at the rate of 3 6 percent.

Section 3. This act shall take effect October 1, 1998.

Became a law without the Governor's approval May 29, 1998.

Filed in Office Secretary of State May 28, 1998.