

Senate Bill No. 1430

An act relating to the tax on gross receipts for utility and communications services; amending s. 203.01, F.S.; excluding gross receipts from sales of manufactured gas to certain utilities from the term “gross receipts” for certain purposes; amending s. 166.231, F.S.; exempting the purchase of manufactured gas for resale or for use as fuel in the generation of electricity from the public service tax; providing an effective date.

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

Section 1. Subsection (3) of section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility and communications services.—

(3) The term “gross receipts” as used herein does not include gross receipts of any person derived from:

(a) The sale of natural gas or manufactured gas to a public or private utility, including a municipal corporation or rural electric cooperative association, either for resale or for use as fuel in the generation of electricity; or

(b) The sale of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, for resale within the state, or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power;

provided the person deriving gross receipts from such sale demonstrates that a resale in fact occurred and complies with the following requirements: A resale in this state must be in strict compliance with the rules and regulations of the Department of Revenue; and any person making a sale for resale in this state which is not in strict compliance with the rules and regulations of the Department of Revenue shall be liable for and pay the tax. Any person making a sale for resale in this state may, through an informal protest provided for in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. The department shall adopt rules which provide that valid proof and documentation of the resale in this state by a person making the sale for resale in this state will be accepted by the department when submitted during the protest period but will not be accepted when submitted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.

Section 2. Paragraph (a) of subsection (4) of section 166.231, Florida Statutes, is amended to read:

166.231 Municipalities; public service tax.—

(4)(a) The purchase of natural gas, manufactured gas, or fuel oil by a public or private utility, either for resale or for use as fuel in the generation of electricity, or the purchase of fuel oil or kerosene for use as an aircraft engine fuel or propellant or for use in internal combustion engines is exempt from taxation hereunder.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 21, 2003.

Filed in Office Secretary of State May 21, 2003.