

1 A bill to be entitled

2 An act relating to ; providing an effective date.

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

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6 Section 1. Paragraph (c) of subsection (5) of section  
7 212.08, Florida Statutes, is amended to read:

8 212.08 Sales, rental, use, consumption, distribution, and  
9 storage tax; specified exemptions.—The sale at retail, the  
10 rental, the use, the consumption, the distribution, and the  
11 storage to be used or consumed in this state of the following  
12 are hereby specifically exempt from the tax imposed by this  
13 chapter.

14 (5) EXEMPTIONS; ACCOUNT OF USE.—

15 (c) Machinery and equipment used in production or storage  
16 of electrical or steam energy.—

17 1. The purchase of machinery and equipment for use at a  
18 fixed location which machinery and equipment are necessary in  
19 the production of electrical or steam energy resulting from the  
20 burning of hydrogen or boiler fuels other than residual oil is  
21 exempt from the tax imposed by this chapter. Such electrical or  
22 steam energy must be primarily for use in manufacturing,  
23 processing, compounding, or producing for sale items of tangible  
24 personal property in this state. Use of a de minimis amount of  
25 residual fuel to facilitate the burning of nonresidual fuel  
26 shall not reduce the exemption otherwise available under this

27 paragraph.

28       2. In facilities where machinery and equipment are  
29 necessary to burn hydrogen, or both residual and nonresidual  
30 fuels, the exemption shall be prorated. Such proration shall be  
31 based upon the production of electrical or steam energy from  
32 nonresidual fuels and hydrogen as a percentage of electrical or  
33 steam energy from all fuels. If it is determined that 15 percent  
34 or less of all electrical or steam energy generated was produced  
35 by burning residual fuel, the full exemption shall apply.  
36 Purchasers claiming a partial exemption shall obtain such  
37 exemption by refund of taxes paid, or as otherwise provided in  
38 the department's rules.

39       3. The purchase of equipment for use at a fixed location in  
40 this state which equipment is necessary for the storage of  
41 electrical energy of at least 5 MW is exempt from the tax  
42 imposed by this chapter.

43       3.4. The department may adopt rules that provide for  
44 implementation of ~~this exemption~~ these exemptions. Purchasers of  
45 machinery and equipment qualifying for one of the exemption  
46 exemptions provided in this paragraph shall furnish the vendor  
47 with an affidavit stating that the item or items to be exempted  
48 are for the use designated herein. Any person furnishing a false  
49 affidavit to the vendor for the purpose of evading payment of  
50 any tax imposed under this chapter shall be subject to the  
51 penalty set forth in s. 212.085 and as otherwise provided by  
52 law. Purchasers with self-accrual authority shall maintain all

53 | documentation necessary to prove the exempt status of purchases.

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55 | Section 2. This act shall take effect July 1, 2023