A bill to be entitled
An act relating to natural gas motor fuel; amending s. 206.86, F.S.; deleting definitions for the terms "alternative fuel" and "natural gasoline"; amending s. 206.87, F.S.; conforming a cross-reference; repealing s. 206.877, F.S., relating to the annual decal fee program for alternative fuel powered motor vehicles; repealing s. 206.89, F.S., relating to the requirements for alternative fuel retailer licenses; amending s. 206.91, F.S.; conforming a cross-reference; providing a directive to the Division of Law Revision and Information; creating s. 206.9951, F.S.; providing definitions; creating s. 206.9952, F.S.; establishing requirements for natural gas fuel retailer licenses; creating s. 206.9955, F.S.; providing calculations for a motor fuel equivalent gallon; providing for the levy of the natural gas fuel tax; authorizing the department to adopt rules; creating s. 206.996, F.S.; establishing requirements for monthly reports of natural gas fuel retailers; providing that reports are made under the penalties of perjury; allowing natural gas fuel retailers to seek a deduction of the tax levied under specified conditions; creating s. 206.9965, F.S.; providing exemptions and refunds from the natural gas fuel tax; transferring, renumbering, and amending s.206.879, F.S; revising provisions relating to the State Alternative Fuel User Fee Clearing Trust Fund;
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 206.86, Florida Statutes, is amended to read:

206.86 Definitions.—As used in this part:

(1) "Diesel fuel" means all petroleum distillates commonly known as diesel #2, biodiesel, or any other product blended with diesel or any product placed into the storage supply tank of a diesel-powered motor vehicle.

(2) "Taxable diesel fuel" or "fuel" means any diesel fuel not held in bulk storage at a terminal and which has not been dyed for exempt use in accordance with Internal Revenue Code requirements.

(3) "User" includes any person who uses diesel fuels
within this state for the propulsion of a motor vehicle on the public highways of this state, even though the motor is also used for a purpose other than the propulsion of the vehicle.

(4) "Alternative fuel" means any liquefied petroleum gas product or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas or compressed natural gas.

(5) "Natural gasoline" is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.

(4)(6) "Removal" means any physical transfer of diesel fuel and any use of diesel fuel other than as a material in the production of diesel fuel.

(5)(7) "Blender" means any person who produces blended diesel fuel outside the bulk transfer/terminal system.

(6)(8) "Colorless marker" means material that is not perceptible to the senses until the diesel fuel into which it is introduced is subjected to a scientific test.

(7)(9) "Dyed diesel fuel" means diesel fuel that is dyed in accordance with United States Environmental Protection Agency or Internal Revenue Service requirements for high sulfur diesel fuel or low sulfur diesel fuel.

(8)(10) "Ultimate vendor" means a licensee that sells undyed diesel fuel to the United States or its departments or
agencies in bulk lots of not less than 500 gallons in each
delivery or to the user of the diesel fuel for use on a farm for
farming purposes.

(9)(11) "Local government user of diesel fuel" means any
county, municipality, or school district licensed by the
department to use untaxed diesel fuel in motor vehicles.

(10)(12) "Mass transit system" means any licensed local
transportation company providing local bus service that is open
to the public and that travels regular routes.

(11)(13) "Diesel fuel registrant" means anyone required by
this chapter to be licensed to remit diesel fuel taxes,
including, but not limited to, terminal suppliers, importers,
local government users of diesel fuel, and mass transit systems.

(12)(14) "Biodiesel" means any product made from
nonpetroleum-based oils or fats which is suitable for use in
diesel-powered engines. Biodiesel is also referred to as alkyl
esters.

(13)(15) "Biodiesel manufacturer" means those industrial
plants, regardless of capacity, where organic products are used
in the production of biodiesel. This includes businesses that
process or blend organic products that are marketed as
biodiesel.

Section 2. Paragraph (a) of subsection (1) of section
206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(1)(a) An excise tax of 4 cents per gallon is hereby
imposed upon each net gallon of diesel fuel subject to the tax
under subsection (2), except alternative fuels which are subject.
to the fee imposed by s. 206.877.

Section 3. Section 206.877, Florida Statutes, is repealed.

Section 4. Section 206.89, Florida Statutes, is repealed.

Section 5. Subsection (1) of section 206.91, Florida Statutes, is amended to read:

206.91 Tax reports; computation and payment of tax.—

(1) For the purpose of determining the amount of taxes imposed by s. 206.87, each diesel fuel registrant shall, not later than the 20th day of each calendar month, mail to the department, on forms prescribed by the department, monthly reports that provide which shall show such information on inventories, purchases, nontaxable disposals, and taxable sales in gallons of diesel fuel and alternative fuel, for the preceding calendar month as may be required by the department. However, if the 20th day falls on a Saturday, a Sunday, or a federal or state legal holiday, returns shall be accepted if postmarked on the next succeeding workday. The reports must include, shall contain or be verified by, a written declaration stating that they are such report is made under the penalties of perjury. The diesel fuel registrant shall deduct from the amount of taxes shown by the report to be payable an amount equivalent to .67 percent of the taxes on diesel fuel imposed by s. 206.87(1)(a) and (e), which deduction is hereby allowed to the diesel fuel registrant on account of services and expenses in complying with the provisions of this part. The allowance on taxable gallons of diesel fuel sold to persons licensed under this chapter is not shall not be deductible unless the diesel fuel registrant has allowed 50 percent of the allowance provided
by this section to a purchaser with a valid wholesaler or
terminal supplier license. This allowance shall not be
deductible unless payment of the taxes is made on or before the 
20th day of the month as herein required in this subsection.
Nothing in This subsection does not shall be construed to
authorize a deduction from the constitutional fuel tax or fuel 
sales tax.

Section 6. The Division of Law Revision and Information is
requested to create part V of chapter 206, Florida Statutes,
consisting of ss. 206.9951-206.998, entitled "NATURAL GAS FUEL."

Section 7. Section 206.9951, Florida Statutes, is created
to read:

206.9951 Definitions.—As used in this part, the term:

(1) "Motor fuel equivalent gallon" means the volume of
natural gas fuel it takes to equal the energy content of 1
gallon of motor fuel.

(2) "Natural gas fuel" means any liquefied petroleum gas
product, compressed natural gas product, or combination thereof
used in an internal combustion engine or motor to propel any
form of vehicle, machine, or mechanical contrivance. This term
includes, but is not limited to, all forms of fuel commonly or
commercially known or sold as natural gasoline, butane gas,
propane gas, or any other form of liquefied petroleum gas,
compressed natural gas, or liquefied natural gas.

(3) "Natural gas fuel retailer" means any person who sells
natural gas fuel to be placed into the fuel supply system of a
motor vehicle or used to propel any form of vehicle, machine, or
mechanical contrivance.
(4) "Natural gasoline" is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.

(5) "Person" means a natural person, corporation, copartnership, firm, company, agency, or association; a state agency; or a political subdivision of the state.

Section 8. Section 206.9952, Florida Statutes, is created to read:

206.9952 Application for license as a natural gas fuel retailer.—

(1) It is unlawful for any person to engage in business as a natural gas fuel retailer within this state unless he or she is the holder of a valid license issued by the department to engage in such business.

(2) A person who has facilities for placing natural gas fuel into the supply system of an internal combustion engine fueled by individual portable containers of 10 gallons or less is not required to be licensed as a natural gas fuel retailer, provided that the fuel is only used for exempt purposes.

(3) Any person who acts as a natural gas fuel retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of 25 percent of the tax assessed on the total purchases made during the unlicensed period.

(4) To procure a natural gas fuel retailer license, a person shall file an application and a bond with the department on a form prescribed by the department. The department may not issue a license upon the receipt of any application unless it is accompanied by a bond.
(5) When a natural gas fuel retailer license application is filed by a person whose previous license was canceled for cause by the department or the department believes that such application was not filed in good faith or is filed by another person as a subterfuge for the actual person in interest whose previous license has been canceled, the department may, if evidence warrants, refuse to issue a license for such an application.

(6) Upon the department's issuance of a natural gas fuel retailer license, such license remains in effect so long as the natural gas fuel retailer is in compliance with the requirements of this part.

(7) Such license may not be assigned and is valid only for the natural gas fuel retailer in whose name the license is issued. The license shall be displayed conspicuously by the natural gas fuel retailer in the principal place of business for which the license was issued.

(8) With the exception of a state or federal agency or a political subdivision licensed under this chapter, each person, as defined in this part, who operates as a natural gas fuel retailer shall report monthly to the department and pay a tax on all natural gas fuel purchases.

(9) The license application requires a license fee of $5. Each license shall be renewed annually by submitting a reapplication and the license fee to the department. The license fee shall be paid to the department for deposit into the General Revenue Fund.
to read:

206.9955 Levy of natural gas fuel tax.—

(1) The motor fuel equivalent gallon means the following for:

(a) Compressed natural gas gallon: 5.66 pounds, or per each 126.67 cubic feet.

(b) Liquefied natural gas gallon: 6.22 pounds.

(c) Liquefied petroleum gas gallon: 1.35 gallons.

(2) (a) An excise tax of 4 cents shall be imposed upon each motor fuel equivalent gallon of natural gas fuel.

(b) An additional tax of 1 cent shall be imposed upon each motor fuel equivalent gallon of natural gas fuel, which is designated as the "ninth-cent fuel tax."

(c) An additional tax of 6 cents shall be imposed on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the "local option fuel tax."

(d) An additional tax is imposed on each motor fuel equivalent gallon of natural gas fuel, which is designated as the "State Comprehensive Enhanced Transportation System Tax," at a rate determined pursuant to this paragraph. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 6.9 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.

(e)1. An additional tax is imposed on each motor fuel
equivalent gallon of natural gas fuel for the privilege of selling natural gas fuel and is designated as the "fuel sales tax." Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1. The tax rate is calculated by adjusting the initially established tax rate of 12.9 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.

2. The department is authorized to adopt rules and publish forms to administer this paragraph.

(3) Unless otherwise provided by this chapter, the taxes specified in subsection (2) are imposed on natural gas fuel when it is placed into the fuel supply tank of a motor vehicle or used to propel any form of vehicle, machine, or mechanical contrivance. The person liable for payment of the taxes imposed by this section is the person selling the fuel to the end user, where the fuel is placed into the fuel supply tank of a motor vehicle or used to propel any form of vehicle, machine, or mechanical contrivance.

Section 10. Section 206.996, Florida Statutes, is created to read:

206.996 Monthly reports by natural gas fuel retailers; deductions.—

(1) For the purpose of determining the amount of taxes imposed by s. 206.9955, each natural gas fuel retailer shall file, no later than the 20th day of each month, monthly reports
electronically with the department showing information on
inventory, purchases, nontaxable disposals, and taxable sales in
gallons of natural gas fuel for the preceding month. However, if
the 20th day of the month falls on a Saturday, Sunday, or
federal or state legal holiday, a return must be accepted if it
is electronically filed on the next succeeding business day. The
reports must include, or be verified by, a written declaration
stating that such report is made under the penalties of perjury.
The natural gas fuel retailer shall deduct from the amount of
taxes shown by the report to be payable as an amount equivalent
to .67 percent of the taxes on natural gas fuel imposed by s.
206.9955(2)(a) and (e), which deduction is allowed to the
natural gas fuel retailer to compensate it for services rendered
and expenses incurred in complying with the requirements of this
part. The allowance on taxable gallons of natural gas fuel sold
to persons licensed under this part is not deductible unless the
natural gas fuel retailer has allowed 50 percent of the
allowance provided by this section to a purchaser that has a
valid wholesaler or terminal supplier license. This allowance is
not deductible unless payment of applicable taxes is made on or
before the 20th day of the month. This subsection may not be
construed as authorizing a deduction from the constitutional
fuel tax or the fuel sales tax.

(2) Upon the electronic filing of the monthly report, each
natural gas fuel retailer shall pay the department the full
amount of natural gas fuel taxes for the preceding month at the
rate provided in s. 206.9955, less the amount allowed the
natural gas fuel retailer for services and expenses as provided
309 in subsection (1).
310
(3) The department may authorize a quarterly return and
311 payment of taxes when the taxes remitted by the natural gas fuel
312 retailer for the preceding quarter did not exceed $100, and the
department may authorize a semiannual return and payment of
314 taxes when the taxes remitted by the natural gas fuel retailer
315 for the preceding 6 months did not exceed $200.
316
(4) In addition to the allowance authorized by subsection
317 (1), every natural gas fuel retailer is entitled to a deduction
318 of 1.1 percent of the taxes imposed under s. 206.9955(2)(b) and
319 (c), on account of services and expenses incurred due to
320 compliance with the requirements of this part. This allowance
321 may not be deductible unless payment of the tax is made on or
322 before the 20th day of the month.

Section 11. Section 206.9965, Florida Statutes, is created
to read:

206.9965 Exemptions and refunds; natural gas fuel
retailers.—

(1) Natural gas fuel may be purchased from natural gas
fuel retailers exempt from the tax imposed by this part when
used or purchased for the following:

(a) Exclusive use by the United States or its departments
or agencies. Exclusive use by the United States or its
departments and agencies means the consumption by the United
States or its departments or agencies of the natural gas fuel in
a motor vehicle or used to propel any form of vehicle, machine,
or mechanical contrivance.

(b) Use for an internal combustion engine or motor to
propel any form of vehicle, machine, or mechanical contrivance for agricultural purposes as defined in s. 206.41(4)(c).

(c) Uses as provided in s. 206.874(3), and use by vehicles operated by state and local government agencies.

(d) Individual use resulting from residential refueling devices located at a person's primary residence.

(e) Purchases of natural gas fuel between licensed natural gas fuel retailers. A natural gas fuel retailer that sells tax-paid natural gas fuel to another natural gas fuel retailer may take a credit on its monthly return or may file a claim for refund with the Chief Financial Officer pursuant to s. 215.26. All sales of natural gas fuel between natural gas fuel retailers must be documented on invoices or other evidence of the sale of such fuel and the seller shall retain a copy of the purchaser's natural gas fuel retailer license.

Section 12. Section 206.879, Florida Statutes, is transferred and renumbered as section 206.997, Florida Statutes, and amended to read:

206.997 206.879 State and local alternative fuel user fee clearing trust funds; distribution.—

(1) Notwithstanding the provisions of s. 206.875, the revenues from the state alternative fuel fees imposed by s. 206.9955 shall be deposited into the State Alternative Fuel User Fee Clearing Trust Fund, which is hereby created. After deducting the service charges provided in s. 215.20, the proceeds in this trust fund shall be distributed as follows: one-half of the proceeds in calendar year 2014 and one-fifth of the proceeds in calendar...
year 1991, one-third of the proceeds in calendar year 1992,
three-sevenths of the proceeds in calendar year 1993, and one-
half of the proceeds in each calendar year thereafter shall be
transferred to the State Transportation Trust Fund; the
remainder shall be distributed as follows: 50 percent shall be
transferred to the State Board of Administration for
distribution according to the provisions of s. 16, Art. IX of
the State Constitution of 1885, as amended; 25 percent shall be
transferred to the Revenue Sharing Trust Fund for
Municipalities; and the remaining 25 percent shall be
distributed using the formula contained in s. 206.60(1).

(2) Notwithstanding the provisions of s. 206.875, the
revenues from the local alternative fuel fees imposed in lieu of
s. 206.87(1)(b) or (c) shall be deposited into The Local
Alternative Fuel User Fee Clearing Trust Fund, which is hereby
created. After deducting the service charges provided in s.
215.20, the proceeds in this trust fund shall be returned
monthly to the appropriate county.

Section 13. (1) The Local Alternative Fuel User Fee
Clearing Trust Fund within the Department of Revenue is
terminated.

(2) The Department of Revenue shall pay any outstanding
debts or obligations of the terminated fund as soon as
practicable, and the Chief Financial Officer shall close out and
remove the terminated fund from various state accounting systems
using generally accepted accounting principles concerning
warrants outstanding, assets, and liabilities.

Section 14. Section 206.9975, Florida Statutes, is created
to read:

206.9975 Natural gas fuel vehicle investment program.—In order to reduce transportation costs for businesses and residents of this state and make freight mobility investments that contribute to the economic growth of this state, 2 percent of the proceeds of the tax levied pursuant to ss. 206.41(1)(f), 206.87(1)(d), and 206.9955(2)(d) shall be deposited into the General Inspection Trust Fund under s. 570.20. The funds collected shall be used to provide rebates for the incremental cost or purchase of natural gas fuel vehicles. The Department of Agriculture and Consumer Services shall initiate rulemaking by January 1, 2014, to establish guidelines for the rebate program. This section is effective July 1, 2013 and expires July 1, 2018.

Section 15. Section 206.998, Florida Statutes, is created to read:

206.998 Applicability of specified sections of parts I and II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026, 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07, 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.405, 206.406, 206.41, 206.413, 206.43, 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606, 206.608, and 206.61, Florida Statutes, of part I of this chapter and ss. 206.86, 206.872, 206.874, 206.8745, 206.88, 206.90, and 206.93, Florida Statutes, of part II of this chapter shall, as far as lawful or practicable, be applicable to the tax levied and imposed and to the collection thereof as if fully set out in
this part. However, any provision of any such section does not apply if it conflicts with any provision of this part.

Section 16. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055  Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire land for public recreation, conservation, or protection of natural resources; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government
ordinance authorizing such use is approved by referendum; or to
finance the closure of county-owned or municipally owned solid
waste landfills that have been closed or are required to be
closed by order of the Department of Environmental Protection.
Any use of the proceeds or interest for purposes of landfill
closure before July 1, 1993, is ratified. The proceeds and any
interest may not be used for the operational expenses of
infrastructure, except that a county that has a population of
fewer than 75,000 and that is required to close a landfill may
use the proceeds or interest for long-term maintenance costs
associated with landfill closure. Counties, as defined in s.
125.011, and charter counties may, in addition, use the proceeds
or interest to retire or service indebtedness incurred for bonds
issued before July 1, 1987, for infrastructure purposes, and for
bonds subsequently issued to refund such bonds. Any use of the
proceeds or interest for purposes of retiring or servicing
indebtedness incurred for refunding bonds before July 1, 1999,
is ratified.

1. For the purposes of this paragraph, the term
"infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay
associated with the construction, reconstruction, or improvement
of public facilities that have a life expectancy of 5 or more
years and any related land acquisition, land improvement,
design, and engineering costs.

b. A fire department vehicle, an emergency medical service
vehicle, a sheriff's office vehicle, a police department
vehicle, or any other vehicle, and the equipment necessary to
outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to complying with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such
housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the
authority of this subparagraph.

Section 17. Except as otherwise expressly provided, this act shall take effect January 1, 2014.