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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
3/19/2008	.	
	.	
	.	

1 The Committee on Environmental Preservation and Conservation
 2 (Dockery) recommended the following **amendment to amendment**
 3 **(223658)** :

Senate Amendment (with directory and title amendments)

Delete line(s) 1911-2009

and insert:

Section 29. Section 526.203, Florida Statutes, is created
to read:

526.203 Renewable Fuel Standard.--

(1) DEFINITIONS.--As used in this act, the terms "blender,"
"exporter," "importer," "terminal supplier," and "wholesaler"
shall be defined as provided in s. 206.01.

(a) "Fuel ethanol-blended gasoline" means a mixture of
ninety percent gasoline and ten percent fuel ethanol or similar
alcohol. The ten percent fuel ethanol, or similar alcohol,
portion may be derived from any agricultural source.



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18 (b) "Unblended gasoline" means gasoline that has not been
19 blended with fuel ethanol.

20 (2) FUEL STANDARD.--On and after December 31, 2010, all
21 gasoline sold or offered for sale in Florida at retail shall
22 contain, at a minimum 10 percent of a agriculturally derived,
23 denatured ethanol fuel by volume. No terminal supplier,
24 importer, exporter, blender, or wholesaler in this state shall
25 sell or deliver fuel, as mandated in this act, which does not
26 meet the blending requirements of this act.

27 (3) EXEMPTIONS.--The requirements of this act do not apply
28 to the following:

29 (a) Fuel used in aircraft;

30 (b) Fuel sold at marinas and mooring docks for use in boats
31 and similar watercraft;

32 (c) Fuel sold at public or private racecourses intended to
33 be used exclusively as a fuel for off-highway motor sports racing
34 events;

35 (d) Fuel sold for use in collector vehicles or vehicles
36 eligible to be licensed as collector vehicles, off-road vehicles,
37 motorcycles, or small engines.

38 (e) Fuel unable to comply due to requirements of the United
39 States Environmental Protection Agency;

40 (f) Fuel bulk transferred between terminals;

41 (g) Fuel exported from the state in accordance with 206.052;

42 (h) Fuel qualifying for any exemption in accordance with
43 chapter 206;

44 (i) Fuel at an electric power plant that is regulated by
45 the United States Nuclear Regulatory Commission unless such
46 commission has approved the use of fuel meeting the requirements
47 of subsection (2);



48 (j) Fuel for a railroad locomotive; or

49 (k) Fuel for equipment, including vehicle or vessel, covered
50 by a warranty that would be voided, if explicitly stated in
51 writing by the vehicle or vessel manufacturer, if it were to be
52 operated using fuel meeting the requirements of subsection (2).

53 (4) REPORT.--Pursuant to s. 206.43, each terminal supplier,
54 importer, exporter, blender, and wholesaler shall include in its
55 report to the Department of Revenue, the number of gallons of
56 gasoline fuel meeting and not meeting the requirements of this
57 act, sold and delivered by the terminal supplier, importer,
58 exporter, blender, or wholesaler in the state, and the
59 destination as to the county in the state to which the gasoline
60 was delivered for resale at retail or use.

61 Section 30. Section 526.204, Florida Statutes, is created to
62 read:

63 526.204 Suspension during declared emergencies; waivers.--

64 (1) To account for supply disruptions and ensure reliable
65 supplies of motor fuels for Florida, the requirements of this act
66 shall be suspended when the provisions of s. 252.36(2) in any
67 area of the state are in effect plus an additional thirty days.

68 (2) If a terminal supplier, importer, exporter, blender, or
69 wholesaler is unable to obtain fuel ethanol or fuel ethanol-
70 blended gasoline at the same or lower price than the price of
71 unblended gasoline, then the sale or delivery of unblended
72 gasoline by the terminal supplier, importer, exporter, blender,
73 or wholesaler shall not be deemed a violation of this act. The
74 terminal supplier, importer, exporter, blender, or wholesaler
75 shall, upon request, provide the required documentation regarding
76 the sales transaction and price of fuel ethanol, fuel ethanol-

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77 blended gasoline, and unblended gasoline to the Department of
78 Revenue.

79 Section 31. Section 526.205, Florida Statutes, is created
80 to read:

81 526.205 Enforcement.--

82 (1) It is unlawful to sell or distribute, or offer for sale
83 or distribution, any gasoline which fails to meet the
84 requirements of this act.

85 (2) Upon determining that a terminal supplier, importer,
86 exporter, blender, or wholesaler is not meeting the requirements
87 of s. 526.203(2), the Department of Revenue shall notify the
88 department.

89 (3) Upon notification by the Department of Revenue of a
90 violation of this act, the department shall, subject to
91 subsection (1), grant an extension or enter an order imposing one
92 or more of the following penalties:

93 1. Issuance of a warning letter.

94 2. Imposition of an administrative fine of not more than
95 \$1,000 per violation for a first-time offender. For a second-time
96 or repeat offender, or any person who is shown to have willfully
97 and intentionally violated any provision of this chapter, the
98 administrative fine shall not exceed \$5,000 per violation. When
99 imposing any fine under this section, the department shall
100 consider the amount of money the violator benefited from by
101 noncompliance, whether the violation was committed willfully, and
102 the compliance record of the violator.

103 3. Revocation or suspension of any registration issued by
104 the department.

105 (4) Any terminal supplier, importer, exporter, blender, or
106 wholesaler may apply to the department by September 30, 2010, for

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107 an extension of time to comply with the requirements of this act.

108 The application for an extension must demonstrate that the
109 applicant has made a good faith effort to comply with the
110 requirements but has been unable to do so for reasons beyond the
111 applicant's control, such as delays in receiving governmental
112 permits. The department shall review each application and make a
113 determination as to whether the failure to comply was beyond the
114 control of the applicant. If the department determines that the
115 applicant made a good faith effort to comply, but was unable to
116 do so for reasons beyond the applicant's control, the department
117 shall grant an extension of time determined necessary for the
118 applicant to comply. If no extension is granted, the department
119 shall proceed with enforcement pursuant to subsection (3).

120 Section 32. Section 526.206, Florida Statutes, is created
121 to read:

122 526.206 Rules.--

123 (1) The Department of Revenue is authorized to adopt rules
124 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
125 of this act.

126 (2) The Department of Agriculture and Consumer Services is
127 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
128 to implement the provisions of this act.

129 Section 33. Section 526.207, Florida Statutes, is created
130 to read:

131 526.207 Studies and Reports.--

132 (1) The Florida Energy Commission shall conduct a study to
133 evaluate and recommend the lifecycle greenhouse gas emissions
134 associated with all renewable fuels including, but not limited
135 to, biodiesel, renewable diesel, biobutanol, ethanol derived from
136 corn, ethanol derived from sugar, and cellulosic ethanol. In

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137 addition, the study shall evaluate and recommend a requirement
138 that all renewable fuels introduced into commerce in the state,
139 as a result of the Renewable Fuel Standard, shall reduce the
140 lifecycle greenhouse gas emissions by an average percentage. The
141 study may also evaluate and recommend any benefits associated
142 with the creation, banking, transfer, and sale of credits among
143 fuel refiners, blenders, and importers.

144 (2) The Florida Energy Commission shall submit a report
145 containing specific recommendations to the President of the
146 Senate and the Speaker of the House of Representatives no later
147 than December 31, 2010.

148
149 (renumber subsequent sections)