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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/17/2009	.	
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The Committee on Commerce (Oelrich) recommended the following:

1   **Senate Amendment (with title amendment)**
2
3   Delete everything after the enacting clause
4   and insert:
5   Section 1. Section 686.701, Florida Statutes, is created to
6   read:
7   686.701 Reimbursement for taxes.—
8   (1)(a) If a fuel supply contract requires one party to
9   reimburse another party for the federal excise tax imposed by 26
10   U.S.C. s. 4081, whether as a separate item or as part of the
11   contract price, the reimbursing party, at its option and
12   notwithstanding contrary terms of the contract, shall not be

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13 required to make the reimbursement more than one business day

14 before the day on which the reimbursed party must remit the

15 taxes to the Internal Revenue Service.

16   (b) Exercise of the option provided by this section shall

17 not relieve the reimbursing party of its obligation to make the

18 reimbursement as required by the contract, but shall affect only

19 the timing of that reimbursement.

20   (2)(a) Written notice of the reimbursing party's intent to

21 exercise the option provided in subsection (1) shall be given to

22 the reimbursed party.

23   (b) The notice shall state the effective date of the

24 exercise of the option, which shall be no earlier than 30 days

25 after the notice of intent is received by the reimbursed party

26 or the beginning of the reimbursed party's next federal tax

27 quarter, whichever is later.

28   (3)(a) If a reimbursing party exercises the option provided

29 in subsection (1), the reimbursed party may demand security for

30 the payment of the taxes in proportion to the amount the taxes

31 represent compared to the security demanded on the contract as a

32 whole.

33   (b) The reimbursed party may also require reimbursement to

34 be made by electronic transfer of funds, but may not change the

35 other payment terms of the contract without a valid business

36 reason.

37   (4)(a) This section applies to all wholesale transactions

38 with terminal suppliers which are:

39   1. Continuing contracts that have no fixed expiration date

40 and that are in effect on July 1, 2009; or

41   2. Contracts that are entered into or renewed after July 1,

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42 2009.
43   (b) All contracts in effect on July 1, 2009, which contain
44 a fixed expiration date shall be governed by the law in
45 existence prior to July 1, 2009.
46   Section 2. This act shall take effect July 1, 2009.
47
48 ================ T I T L E A M E N D M E N T ================
49 And the title is amended as follows:
50   Delete everything before the enacting clause
51 and insert:
52   A bill to be entitled
53   An act relating to reimbursement of federal excise
54   taxes on motor fuel; creating s. 686.701, F.S.;
55   providing requirements and limitations on
56   reimbursement provisions of certain fuel supply
57   contracts; providing notice requirements; providing
58   for payment security requirements; providing for
59   electronic transfer of funds; specifying application
60   to contracts; providing an effective date.

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