

1 A bill to be entitled
 2 An act relating to reimbursement of federal excise taxes
 3 on motor fuel; creating s. 206.431, F.S.; providing
 4 requirements and limitations on reimbursement provisions
 5 of certain fuel supply contracts; providing notice
 6 requirements; providing for payment security requirements;
 7 providing for electronic transfer of funds; specifying
 8 application to contracts; providing an effective date.

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

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 12 Section 1. Section 206.431, Florida Statutes, is created
 13 to read:

14 206.431 Reimbursement for taxes.--

15 (1) (a) If a fuel supply contract requires one party to
 16 reimburse another party for the federal excise tax imposed by 26
 17 U.S.C. s. 4081 or s. 4091, whether as a separate item or as part
 18 of the contract price, the reimbursing party, at its option and
 19 notwithstanding contrary terms of the contract, shall not be
 20 required to make the reimbursement more than one business day
 21 before the day on which the reimbursed party must remit the
 22 taxes to the Internal Revenue Service.

23 (b) Exercise of the option provided by this section shall
 24 not relieve the reimbursing party of its obligation to make the
 25 reimbursement as required by the contract, but shall affect only
 26 the timing of that reimbursement.

27 (2) (a) Written notice of the reimbursing party's intent to
 28 exercise the option provided in subsection (1) shall be given to

29 the reimbursed party.

30 (b) The notice shall state the effective date of the
31 exercise of the option, which shall be no earlier than 30 days
32 after the notice of intent is received by the reimbursed party
33 or the beginning of the reimbursed party's next federal tax
34 quarter, whichever is later.

35 (3) (a) If a reimbursing party exercises the option
36 provided in subsection (1), the reimbursed party may demand
37 security for the payment of the taxes in proportion to the
38 amount the taxes represent compared to the security demanded on
39 the contract as a whole.

40 (b) The reimbursed party may also require reimbursement to
41 be made by electronic transfer of funds, but may not change the
42 other payment terms of the contract without a valid business
43 reason.

44 (4) (a) This section applies to all wholesale transactions
45 with terminal suppliers that are:

46 1. Continuing contracts with no fixed expiration date and
47 are in effect on July 1, 2009; or

48 2. Contracts entered into or renewed after July 1, 2009.

49 (b) All contracts in effect on July 1, 2009, that contain
50 a fixed expiration date shall be governed by the law in
51 existence prior to July 1, 2009.

52 Section 2. This act shall take effect July 1, 2009.